



Friday, 25 November 2011

## **HARBOUR COMMITTEE**

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

**Monday, 5 December 2011**

commencing at **5.30 pm**

The meeting will be held in Paignton Library, Great Western Road, Paignton,  
TQ3 5AG

### **Members of the Committee**

Councillor Amil	Councillor McPhail
Councillor Ellery	Mayor Oliver
Councillor Faulkner (J)	Councillor Richards
Councillor Hytche	Councillor Stringer
Councillor James	

### **External Advisors**

Mr Butcher, Capt. Curtis, Ms Hayes and Mr Jennings

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**Our vision is for a cleaner, safer, prosperous Bay**

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

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# HARBOUR COMMITTEE AGENDA

1. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 4)  
To confirm as a correct record the Minutes of the meeting of the Committee held on 12 September 2011.
3. **Declarations of interest**
  - (a) To receive declarations of personal interests in respect of items on this agenda  
**For reference:** Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of personal prejudicial interests in respect of items on this agenda  
**For reference:** A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial 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 Democratic Services or Legal Services prior to the meeting.)
4. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
5. **Torquay/Paignton and Brixham Harbour Liaison Forums** (To Follow)  
To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums.
6. **Tor Bay Harbour Authority Budget and Harbour Charges 2012/13** (Pages 5 - 44)  
To consider a report which provides Members with the opportunity to consider the level of harbour charges to be levied by Tor Bay Harbour

Authority.

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|------------|--|---------------------|
| <b>7.</b>  | <b>Oxen Cove Boatyard Proposal - Brixham Harbour</b><br>To consider a report which proposes a part of the harbour estate at Oxen Cove, in Brixham, be leased out for use as a boatyard.  | (Pages 45 -<br>52)  |
| <b>8.</b>  | <b>Brixham Harbour Electricity Re-charging System</b><br>To consider a report on the above.  | (To Follow)         |
| <b>9.</b>  | <b>Port Marine Safety Code - Annual Compliance Audit</b><br>To consider a report which provides Members with details of the annual Port Marine Safety Code compliance audit undertaken for the Council, as the Harbour Authority, by Nicholsons Risk Management Ltd. | (Pages 53 -<br>92)  |
| <b>10.</b> | <b>Tor Bay Harbour Authority Budget Monitoring 2011/12</b><br>To consider a report which provides Members with projections of income and expenditure for the year 2011/12 compared with approved budgets.  | (Pages 93 -<br>102) |
| <b>11.</b> | <b>Appointment of external Harbour Advisors</b><br>To receive a verbal report on the above.  | (Verbal<br>Report)  |
| <b>12.</b> | <b>Performance Report - Marine Services</b><br>To consider a report on the above.  | (To Follow)         |

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## Minutes of the Harbour Committee

12 September 2011

-: Present :-

Councillors Amil, Ellery, Faulkner (J), Hytche, James, Richards and Stringer and Mayor Oliver

External Advisors: Mr Butcher, Capt. Curtis and Ms Hayes

(Also in attendance: Councillor Andrew Baldrey and Councillor Mike Morey)

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### 236. Apologies

Apologies for absence were received from Councillor McPhail and External Advisor Jennings.

### 237. Minutes

The Minutes of the meeting of the Harbour Committee held on 13 June 2011 were confirmed as a correct record and signed by the Chairman.

### 238. Harbour Committee's Appointment of External Advisors

The Committee considered the recommendations of the Harbour Appointments Sub-Committee which had met on the 2 September 2011.

#### Resolved:

- 1) that the four current External Advisors be reappointed for the following staggered periods, to allow for a rolling programme of appointments to be established:
  - a. Elaine Hayes – 4 years
  - b. Bob Curtis – 3 years
  - c. Gordon Jennings – 2 years
  - d. Bill Butcher – 1 year
- 2) that an advertisement be published in order to fill the current vacancy for an External Advisor, with the wording and requirements to be agreed by the Chairman and Sub-Committee;

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- 3) that an update to the Constitution be requested to clarify that External Advisors, going forward, would be limited to two 4-year terms.

(**Note:** Prior to consideration of Minute 238, the press and public were formally excluded from the meeting on the grounds that the items involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).)

### **239. Torquay/Paignton and Brixham Harbour Liaison Forums**

The Committee noted the minutes of the Torquay and Paignton Harbour Liaison Forum meeting on the 30 August 2011 and the Brixham Harbour Liaison Forum meeting on the 31 August 2011.

### **240. Harbour Authority Business Risk Register**

The Committee noted the report providing them with details of the Tor Bay Harbour Business Risk Register for 2011/12. In particular, the Committee noted that the number of risks had been consolidated from 39 to 9 which are then linked to the performance objectives of the Harbour Authority, following advice from the Council's Corporate Risk Management team.

#### **Resolved:**

that the Executive Head of Tor Bay Harbour Authority would brief the Chairman and External Advisor Hayes on the status of all statutory and non-statutory plans relating to the mitigation of risk, and any that are deemed in need of further discussion would be brought to the next Harbour Committee.

### **241. Harbour Asset Review Working Party**

The Committee noted the report from the Harbour Asset Review Working Party, which concluded that they had broadly established how each asset was performing, and that no assets were identified as being surplus to the requirements of the Harbour Authority.

### **242. Budget Monitoring Report**

The Executive Head of Tor Bay Harbour Authority introduced the second budget monitoring report for the Harbour Authority to the Committee, which showed the projections of income and expenditure for the year 2011/12 compared with the approved budgets. The Committee noted the current predicted deficits and

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recognised that it was hoped that, as with previous years, the fish tolls would move the Brixham account into surplus before year end.

### **243. Tor Bay Harbour Authority Performance**

The Committee noted the quarterly report on the performance of the Harbour Authority, and in particular expressed some concerns that the website refresh should be prioritised.

### **244. Annual Harbour Users Survey**

The Executive Head of Tor Bay Harbour Authority introduced the results of the 2011 Tor Bay Harbour User Survey, which had been sent out to approximately 1200 users with 80 replying. The Committee noted the overall positive response to the survey, but felt that it would be important to further encourage responses (particularly from Brixham and Paignton) going forward and discussed how this might be possible.

### **245. Northern Arm Breakwater**

The Committee considered the report on the outcome of the Brixham Harbour Northern Arm Breakwater Concept Design Report, and discussed what the next steps in the potential development might be. The Committee recognised the protracted nature of the discussions around this project, and discussed the economic benefits as well as the environmental issues involved, but also stressed the need to ensure value for money was achieved in the current financial climate.

#### **Resolved:**

- 1) that the Torbay Development Agency be asked to prepare a preliminary business case for the Northern Arm Breakwater; to include an economic analysis of the proposed development to assess the project's viability, its value and importance;
- 2) that the cost of the preliminary business case be funded from the Brixham Harbour Reserve and that the Executive Head of Tor Bay Harbour Authority be authorised to amend the revenue budget accordingly.

### **246. Lease of the Sea Bed for HMS Ark Royal**

The Committee considered the report on the proposal to create an artificial reef off Tor Bay, and received verbal representations from 'Wreck the World' and the Torbay Development Agency. Members discussed the economic benefits,

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environmental issues and concerns around the potential level of risk to the Council in taking this project forward.

The Committee formally recognised the effort put in by 'Wreck the World' and congratulated them on the work that had already been completed.

### **Resolved:**

- 1) that the Mayor be recommended to authorise the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, to accept a 125-year lease for part of the seabed from the Crown Estate on acceptable terms, and that, in determining the acceptable terms, the Mayor be recommended to seek further legal advice as to the level of the Council's risk exposure;
- 2) that the Mayor be recommended to authorise the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, to grant a sub-lease (and if considered appropriate an agreement for that lease) for part of the seabed to a local charitable organisation on acceptable terms;
- 3) that the Mayor be recommended to authorise the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of Torbay Development Agency, to enter into such other legal documentation on acceptable terms as deemed necessary;
- 4) that the exact position of the sinking of any vessel within Tor Bay Harbour limits will be determined by the Executive Head of Tor Bay Harbour Authority in his capacity as Harbour Master, following consultation with harbour users and the Harbour Committee.

**(Note 2:** Prior to consideration of Minute 248, External Advisor Elaine Hayes declared a personal interest as she was Chair of the Inshore Fisheries and Conservation Association.)





Public Agenda Item: **Yes**

Title: **Tor Bay Harbour Authority Budget and Harbour Charges  
2012/13**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee**

On: **5<sup>th</sup> December 2011**

Change to  
Budget: **Yes**

Change to Policy  
Framework: **No**

Contact Officer: **Kevin Mowat**

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## **1. What we are trying to achieve**

- 1.1 This report provides Members with the opportunity to consider the level of harbour charges to be levied by Tor Bay Harbour Authority, on behalf of the Council as the Harbour Authority, in the next financial year and to consider the Tor Bay Harbour Authority budget for 2012/13. This is being considered at this time to enable implementation and payment to be made in advance of the granting of facilities for the coming financial year.

## **2. Recommendations for decision**

- 2.1 **That, having had regard to the opinions expressed by the Harbour Liaison Forums, Members consider the recommendation from the Harbour Committee's Budget Working Party, to increase the harbour charges for 2012/13, by a representative average increase of 4.0% and approve the schedule of harbour charges set out in Appendix 1.**
- 2.2 **That the Tor Bay Harbour Authority budget for 2012/13, based on a 4.0% representative average increase in harbour charges (as set out in Appendix 2, to this report) be approved.**
- 2.3 **That during 2012/13 the Tor Bay Harbour Budget Working Party should continue to review the full range of harbour charges, monitor the revenue budget, and recommend a budget for 2013/14.**
- 2.4 **That, as recommended by the Harbour Committee's Budget Working Party, the Executive Head of Tor Bay Harbour Authority should consider using the harbour reserve funds to make additional repayments against the financing charges of capital projects, provided that the minimum reserve fund level is maintained and such budget adjustments are approved by the Harbour Committee Chairman and reported to the Harbour Committee through the budget monitoring reports.**

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

### **3. Key points and reasons for recommendations**

3.1 The provisional Harbour Estimates for 2012/13, together with the Original Approved Estimate for 2011/12 and Projected Outturn for 2011/12 are attached at Appendix 3 and reflect the likely operating position for the two harbour accounts for next year, without any increase in Harbour Charges.

3.2 It will be noted from Appendix 3 that before any increase in charges is applied, there is the likelihood of a £55,000 deficit on the Torquay/Paignton Harbour account and a deficit on the Brixham Harbour account of £44,000 for the 2012/13 financial year.

3.3 Appendix 4 provides a projection of future year's budgets and forecasts a deficit position with depleted reserves for both harbour accounts before any growth in the income base. It also shows the position of both accounts after applying the cumulative effects of potential increases in user charges but without any growth in marina rental income.

3.4 An increase in Harbour Charges is estimated to produce the following additional annual income:

	<u>2.5%</u>	<u>4%</u>	<u>5%</u>
Torquay and Paignton Harbours	£11,500	£17,900	£23,100
Brixham Harbour	£5,900	£10,200	£11,800

3.5 The Harbour Committee's Budget Working Party held meetings on the 15<sup>th</sup> August 2011, 26<sup>th</sup> September 2011 and 7<sup>th</sup> November 2011 and this report represents the findings and recommendations of that group. The Budget Working Party is recommending that Harbour Charges be increased, on average, by 4.0% as shown at Appendix 1.

3.6 An outcome of the November meeting of the Budget Working Party was a recommendation that harbour reserve funds could be used to make additional repayments against capital financing costs to reduce interest charges over the longer term, provided always that the minimum reserve fund level was maintained.

3.7 At its September meeting the Budget Working Party decided to recommend to the Harbour Committee that each harbour reserve fund should be split into two with one part ring-fenced to meet any deficit in the revenue budget or winter storm damage and the other part set aside for harbour capital projects.

3.8 The Committee are also asked to approve the recommended level of harbour charges for Tor Bay Harbour for 2012/13, having considered the budgetary implications set out in this report.

3.9 The Committee are further asked to approve the 2012/13 budget for Tor Bay Harbour Authority.

**For more detailed information on this proposal please refer to the supporting information.**

**Capt. Kevin Mowat  
Executive Head of Tor Bay Harbour Authority  
Tor Bay Harbour Master**

**Pete Truman  
Principal Accountant**

## Supporting information

### A1. Introduction and history

- A1.1 The Harbour Committee's Budget Working Party, which was formed on 14 September 2009, has continued to scrutinise the approved Tor Bay Harbour Authority budget for 2011/12 and they have made recommendations for a proposed budget for 2012/13. Membership of the Budget Working Party was agreed as Councillors Ellery, Hytche and Stringer with External Advisors Ms Hayes and Mr Jennings, supported by relevant officers.
- A1.2 Torbay Council's general fund budget is facing a shortfall of approximately £11m for 2012/13 and all council business units have been asked to make savings and/or look at income opportunities to help reduce the deficit. The Chairman of the Harbour Committee and the Executive Head of Tor Bay Harbour Authority therefore agreed to recommend the contribution of a cash dividend to the general fund from the harbour accounts from 2012/13. The figure proposed was 2.5% of income and the offer was linked to a clear understanding that "support costs" made by the general fund to the harbour account would not, in normal circumstances, rise above the 2011/12 level. Furthermore, it was indicated that the delivery of a fully commissioned harbour authority service could reduce some of the existing support & fixed costs and that such cost reduction and efficiency gains, if they were achieved, would place the harbour authority in a better position to potentially continue paying a cash dividend in future years. i.e. beyond the current financial crisis. In 2007 Torbay Council decided to accept the main findings of the Municipal Ports Review and the principle of paying a dividend to the "owning authority" is clearly established within this review. However, the contribution for 2012/13 amounts to £52k and this has put considerable pressure on next year's Harbour's budget
- A1.3 Another pressure on the Tor Bay Harbour Authority budget in 2012/13 is the reinstated contribution to the Council's general fund for depreciation charged on assets used by Tor Bay Harbour Authority.
- A1.4 The most recent meeting of the Harbour Committee's Budget Working Party was held on the 7<sup>th</sup> November 2011. In 2009 the Working Party established the following guidelines:
- that the Harbour Committee should establish a set of accounting principles;
  - that the annual Budget Report should include details of planned capital spending;
  - that details should be provided, in pie-chart format, showing the breakdown of internal support service charges;

- that the budget forecast details should show a column with the percentage variation between the previous year's original budget and the proposed budget;
- that the annual Budget Report should clearly indicate which budget lines are under pressure and more likely to be at risk to variation, complete with the reasons why.

A1.5 Before charges are reviewed Provisional Estimates indicate that the balances of the Harbour Reserve Funds as at 31 March 2013 (compared to minimum target levels) could be in the region of:

Torquay and Paignton Harbours	£571,000	(£433,000)
Brixham Harbour	£535,000	(£485,000)

A1.6 There is uncertainty over future levels of income and expenditure as outlined in A2.3 below and this will put significant pressure on the Harbour accounts over the coming years. It is therefore important that as well as keeping pace with rising costs, income levels from user charges, rent and other sources, are sufficient to mitigate these pressures and provide the ability to raise the current Reserve levels.

A1.7 The table below indicates the increase in charges in recent years, compared with the retail price index (RPI) taken at the April point of the previous year. In the last five years increases of 2.5%, 5%, 5%, 7%, and 3% have been applied. The table further illustrates the balance of the combined reserves at 1 April of the previous charges year.

<b>Charges Year</b>	<b>Overall Increase</b>	<b>Actual RPI</b>	<b>Combined Reserve Levels</b>
2011/12	2.5%	5.3%	£958,671
2010/11	5%	-1.2%	£913,342
2009/10	5%	4.2%	£867,793
2008/09	7%	4.5%	£1,194,717
2007/08	3%	2.6%	£1,314,146
2006/07	3%	3.2%	£1,308,031
2005/06	3%	2.5%	£1,146,041

## A1.8 Capital Plan/Budget

The items identified in the table below are currently in the Harbour Committee's Capital Plan/Budget.

Capital Item	Project Year or Reserve List	Total Budget £000	Actual to Date (including prior years) £000	Projected Outturn £000
Torquay Harbour – Haldon Pier (Phase 1)	2009	1,200	1,200	1,200
Brixham Harbour – Various Repairs	2006 to 2008	640	647	649
Brixham Harbour – New Fish Quay & Commercial Units	2008 to 2010	4,750	4,750	4,750
Fish Market Roof – PV Panels	2012	48	0	48
Brixham Harbour - Breakwater Repairs	Reserve List Band 1	150	0	150
Torquay Harbour - Haldon Pier (Phase 2)	Reserve List Band 1	5,000	0	5,000
Torquay Harbour – Princess Pier	Reserve List Band 1	3,500	0	3,500
Torquay Harbour – Inner Harbour Pontooning	Reserve List Band 1	1,000	0	1,000
Torquay/Brixham Harbour – Passenger ferries pontoon facilities	Reserve List Band 1	600	0	600
Torquay Harbour – replacement crane	Reserve List Band 3	45	0	45

## A1.9 Harbour Accounts – Financial Principles

The Harbour Committee are asked to note the following recommended financial principles for the harbour accounts:

- both harbour accounts should be ring-fenced (assured);

- any operating surplus will pass to the relevant harbour reserve fund;
- operating deficits will be met from the relevant harbour reserve fund;
- the approved budget should not have a forecast surplus or deficit that exceeds £50,000;
- harbour reserve levels should aim to be at least the minimum target levels recommended by the Review of Reserves approved by Council each year;
- all budget lines are properly risk assessed prior to recommendation to the Harbour Committee;
- the Harbour Authority should seek to maximise external funding opportunities;
- the cost of borrowing should be monitored so that the harbour accounts are not over extended.

#### **A1.10 Significant variations to harbour charges**

This report recommends that Harbour Charges be increased, on average, by 4.0%. However, certain charges have not increased and others are subject to a more significant variation. The key charging issues are set out below :-

- The harbour dues for small passenger vessels have now completed the previously agreed staged increase to the same level as private vessel harbour dues at Torquay.
- The outer harbour mooring fees and trot mooring fees for fishing vessels at Brixham have now completed the previously agreed staged increase to the same level as private vessel mooring fees in Brixham. The cost of providing the mooring is the same regardless of the end user.
- Some visitor charges have not been increased, due to falling income.
- Some charges have been rounded up or down (around 4.0%) for ease of collection.
- Certain car parking charges have increased in line with those set centrally by Torbay Council.
- Cruise ship passenger landing fees have not been increased.
- Daily and weekly trailer parking charges have not been increased.
- New daily and weekly Jet Ski pod charges have been introduced.
- Fishing vessel alongside/pontoon charges at Torquay and Paignton have commenced a 3 year staged increase to the same level as private vessel charges and this increase will be completed by April 2014. The cost of providing the service is the same regardless of the end user.

- Torquay harbour Town Dock and South Pier pontoon charges have increased by 5.5%. These services enjoy high demand.
- Passenger vessels berthed on the Town Dock in Torquay harbour have commenced a 3 year staged increase to the same level (when combined with passenger vessel harbour dues) as Town Dock private vessel charges and this increase will be completed by April 2014. The cost of providing the facility is the same regardless of the end user.
- New seasonal charges have been introduced for Jet Ski pods on the Town Dock.
- A new kayak/canoe storage rack charge has been introduced at Brixham harbour.
- New charges are included for the use of showers and washing/drying machines by crew from visiting fishing vessels at Brixham harbour.

A1.11 In 2009 the Harbour Committee agreed that private vessel harbour dues at Paignton/Brixham should be increased to the same level as private vessel harbour dues at Torquay and that the increase should be staged between April 2010 and April 2012. Last year the Harbour Committee's Budget Working Party recommended that the staged increase should be halted and that officers should consult further with stakeholders at Brixham and Paignton harbours. This consultation should aim to determine and agree the differences between the three enclosed harbours, in respect of harbour dues, and identify a factor to be applied in future years. The Harbour Committee's Budget Working Party has now asked officers to work and consult with harbour users, during 2012, to provide a clear proposal for Paignton/Brixham private vessel harbour dues, so that it is seen to be fair in comparison to the level set for private vessel harbour dues at Torquay. Any subsequent change could be implemented over a 10 year period.

## **A2. Risk assessment of preferred option**

### **A2.1 Outline of significant key risks**

The major risk associated with this report is not presenting a realistic budget resulting in major operational deficits to be funded from the Harbour Reserves. Depletion of these Reserves would eventually require support from the Council's Revenue Fund to meet the operational deficits. Accordingly the Executive Head of Tor Bay Harbour Authority has recommended a budget that will meet the operational requirements of the Harbours for the forthcoming year in line with prudent expectations for income.

A2.2 There is a potential risk of customer resistance to increasing Harbour Charges resulting in a shortfall in targeted income. The Executive Head of Tor Bay Harbour Authority has evaluated this risk in line with demand levels for services and the need for harbour income to keep pace with costs. The level of risk is further mitigated by the consultation process with the Harbour User Associations and both of the Harbour Liaison Forums.



A2.3 Specific risks and budget line pressures are explained in the table below when read in conjunction with Appendix 2.

<b>Key</b>	<b>Risk and/or pressure to budget line</b>
A	A reduction in outturn costs is possible due to the waiving of superannuation contributions by some employees but any saving cannot be relied upon until year end because employees are entitled to join the scheme at any stage.
B	The Repair and Maintenance budget for Torquay/Paignton shows negligible growth and although the Brixham repairs and maintenance budget has been increased it remains prone to overspend.
C	Town Dock operating costs should now stabilise with the rating liability being captured as part of the main harbour undertaking.
D	Internal support services costs should at least be held at 2011/12 levels, or reduced. This commitment is linked to the new dividend payable to the General Fund (see A1.2).
E	Capital finance charges may increase if further borrowing is required to fund repairs to critical infrastructure i.e. Haldon/Princess Piers. Financing costs are recharged to the Harbour Account on the basis of Torbay Council's low average borrowing rate (currently 4.31%) and flexibility exists for the Harbour Account to make additional repayments without penalty.
F	A new depreciation charge contribution has been introduced.
G	A new dividend is being recommended, payable to General Fund and based on 2.5% of total income (see A1.2).
H	Marina rental income is unpredictable due to the uncertain economic climate. No change has been assumed from the 2010/11 outturn until new operating figures are received.
J	Income from harbour dues and mooring fees is difficult to forecast as occupancy levels could drop due to the uncertain economic climate.
K	Brixham energy costs are currently difficult to predict due to the uncertain level of MFV refit work and an unproven recharging system. Similarly Brixham water costs are difficult to forecast due to the introduction of sewerage charges and an unproven recharging system.
L	Visitor income fell in 2011 and remains unpredictable due to the uncertain economic climate.
M	New rental streams generated by the redeveloped Fish Quay building are reflected in the 2012/13 figure but the figure does not anticipate full occupancy.
N	There is always uncertainty over the future levels of fish toll income because of the Common Fisheries Policy, quota allowances, etc.
P	This assumes that additional income will be generated by recharging electricity and water to fishing vessels/tenants.
Q	Interest rates are forecast to remain low.

### **A3. Other Options**

A3.1 Make no change to the level of harbour charges and accept increased operational deficits for 2012/13 and future years.

A3.2 Do not agree to the recommended cash dividend of 2.5% of income to the Council's general fund and therefore do not contribute to reducing the Council's overall budget deficit.

#### **A4. Summary of resource implications**

A4.1 The implications on resources are evident within the report.

#### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 The recommendations will not have any detrimental effect on equalities, environmental sustainability or crime and disorder.

#### **A6. Consultation and Customer Focus**

A6.1 Consultation with the Brixham Harbour Liaison Forum and the Torquay/Paignton Harbour Liaison Forum commenced in September 2011 and continued in November 2011. The responses from both the Torquay/Paignton Harbour Liaison Forum and the Brixham Harbour Liaison Forum will be circulated prior to the meeting in the form of minutes of the meetings. The Torquay Harbour Users Association meeting accepted the idea of an average 4% increase in harbour charges. At a recent meeting the Paignton harbour users did not reach a firm view on the proposed increase in harbour charges. The majority of people who attended a meeting of the Brixham harbour users felt that a 4.0% increase in charges was not unreasonable. They also supported the consultation process on private vessel harbour dues outlined in A1.11 above.

A6.2 The Executive Head of Tor Bay Harbour Authority has benchmarked with some other Harbour Authorities and the results are displayed in the table below :-

<b>Harbour Authority</b>	<b>% Increase in Charges 2011/12</b>	<b>% Increase in Charges 2012/13</b>
Truro & Penryn	4.6	4.98
Teignmouth	3.0	4.0
Torbay	2.5	4.0
Salcombe	2.0	2.0
Weymouth	2.0	2.5
Cattewater	2.0	3.0
Langstone	3.1	5.2

#### **A7. Are there any implications for other Business Units?**

A7.1 No

#### **Appendices**

- Appendix 1 Schedule of Tor Bay Harbour Charges 2012/13 showing a representative average increase of 4.0%.
- Appendix 2 Provisional Harbour Estimates for 2012/13 & Original Estimates for 2011/12 with an average 4.0% increase in Harbour Charges.
- Appendix 3 Provisional Harbour Estimates for 2012/13 & Original Estimates for 2011/12 with no increase in Harbour Charges.
- Appendix 4 Projected Harbour Estimates for Future Years to 2015/16
- Appendix 5 Torquay & Paignton Harbour Account - Estimated Internal Support Service Charges 2012/13
- Appendix 6 Brixham Harbour Account - Estimated Internal Support Service Charges 2012/13

**Documents available in members' rooms**

None

**Background Papers:**

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

Schedule of Tor Bay Harbour Charges 2011/12  
Tor Bay Harbour Act 1970  
Tor Bay Harbour (Torquay Marina Act &c.) Act 1983  
Minutes of Torquay & Paignton Liaison Forum – November 2011  
Minutes of Brixham Harbour Liaison Forum – November 2011

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# TOR BAY HARBOUR AUTHORITY



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## SCHEDULE OF CHARGES, DUES & FEES 2012 – 2013

VAT Registration No. GB 142 2082 11

For the period commencing 1st April 2012  
until 31<sup>st</sup> March 2013

### REFERENCES

Harbour Docks and Piers Clauses Act 1847  
Harbours Act 1964  
Pilotage Act 1987  
Tor Bay Harbour Act 1970  
Tor Bay Harbour (Torquay Marina &c.) Act 1983

### PUBLICATIONS

**Tor Bay Harbour Act 1970**  
Price - £5.00 By Post - £5.50  
**Tor Bay Harbour Byelaws 1994**  
Price - £3.00 By Post - £3.50

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# Part 1 – Introduction

## 1.1 General

- 1.1.1 All charges, dues and fees are subject to the appropriate rate of Value Added Tax (20%) which is included in the price, except as indicated.
- 1.1.2 Annual charges relate to the period 1st April to 31st March following and any part thereof. Certain charges maybe levied at either 75% or 50% of the annual rate if no latent demand exists for the facility and three or six months of the annual charging period has elapsed.
- 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 promptly and within the time specified. Payment of the charges listed may be required in advance of the service being taken up. Credit and debit card facilities are available for payments made 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 to 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 twenty four months from the time of payment and, in default thereof, the claim shall cease to be enforceable. (Section 31 Torbay Harbour Act 1970). Refunds would normally only apply in exceptional circumstances and will incur an administration charge (see 5.7)
- 1.1.9 All lengths referred to are overall lengths which in the context of these charges includes bowsprit, pushpit, stern davit, and/or bumpkin etc. etc. as determined by the Harbour Master if required.
- 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 States Representative (SOSREP) or by any other person legally entitled to direct vessels into a harbour are required to pay one months harbour dues in advance as a condition of entry. If using a mooring facility, they will also be required to pay one months 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 Council have 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 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.

## **1.2 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, and are as follows;

#### **PART I**

The area below the level of high water enclosed by an imaginary line drawn from the point at which the northern boundary of the borough meets the coast to a point one half of a nautical mile true east, thence to a point one half of one nautical mile true east of Hope's Nose, thence to a point one nautical mile true east of Berry Head and thence direct to Sharkham Point, but excluding the area referred to in Part II of this schedule.

#### **PART II**

The area below the level of high water enclosed by;

- (a) an imaginary line drawn from Shoalstone Point in the parish of Brixham extending in a west-north-westerly direction for a distance of 6,500 feet or thereabouts until it intersects the imaginary line next described;
- (b) an imaginary line drawn from the centre of Old Quarry at O.S. Ref. SX91445723 in a north-easterly direction for a distance of 3,000 feet or thereabouts until it intersects the imaginary line first described; and

(c) the land line of the coast from the centre of Old Quarry aforesaid to the said Shoalstone Point.

The description Enclosed Harbour means:

Torquay - The area of water enclosed by an imaginary line drawn from the western end of Haldon Pier to the south-eastern end of Princess Pier.

Paignton - The area of water enclosed by an imaginary line from the eastern end of North Quay to the northern end of East Quay

Brixham - The area of water enclosed by the Breakwater; an imaginary line from the northern end of the Breakwater to Battery Point and the shore.

#### 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. Any vessel that meets the definition of a Passenger Vessel in 1.2.3 below, shall not be considered a Recreational Vessel.

#### 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 Tolls must total at least £5,000 in the previous year to meet the sole or main income test)

#### 1.2.5 **Commercial Vessels**

Recreational vessels of 50m LOA and over 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, 1.2.3 and 1.2.4 above.

#### 1.2.6 **Power Boat**

A Power Boat is defined as a small vessel propelled by machinery and which is ordinarily capable of a speed exceeding 17 knots.

#### 1.2.7 **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.

#### 1.2.8 **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 under water 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 fire fighting and search and rescue operations.

#### 1.2.9 **Further Definitions**

Definitions contained within the Harbours Act 1964, the Tor Bay Harbour Act 1970, the Tor Bay Harbour (Torquay Marina &c.) Act 1983 and Tor Bay Harbour Byelaws are applicable where appropriate.



# PART 2 – Harbour Dues

## 2.1 General

- 2.1.1 Harbour Dues are normally payable on all vessels entering, within or leaving the harbour. Harbour Dues relate to a particular vessel and are not transferable. No refunds or partial refunds are normally given.
- 2.1.2 Bona-fide tenders of up to 4.3m LOA, or of up to 6.0m LOA, for parent vessels of 10.0m LOA and over are covered by the payment of harbour dues on the parent vessel. Such tenders must be clearly and uniquely identifiable. If the parent vessel has paid the relevant annual harbour charges the associated tender must show the plaque issued at the time of payment and must be clearly marked 'Tender to (the main vessel's name)'. With the exception of commercial vessels of 50m LOA and over 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. Craft which are not tenders to a larger vessel on a Council mooring will attract Harbour dues in addition to the tender rack charge. All tenders should be stored within appropriate tender racks unless other arrangements have been specifically agreed in written form with the Harbour Master, this would include alongside charges as appropriate.
- 2.1.3 Small vessels less than 3m LOA of which the only means of propulsion is either oars or paddles and which are not normally berthed within the harbour, single canoes of less than 4m LOA and sailboards and rowing skiffs are exempt from the payment harbour dues.
- 2.1.4 Safety and or rescue vessels may be exempted from Harbour Dues as agreed with the Harbour Master. Except that all RNLI vessels will be exempt from the payment of Harbour Dues and mooring fees.
- 2.1.5 HM Ships, Customs and Excise vessels and craft in the service of Trinity House may be exempt from the payment of Harbour charges except as may be otherwise agreed with the Harbour Authority (Section 35 Torbay Harbour Act 1970).
- 2.1.6 Harbour Charges may be offered at concessionary rates for vessels taking part in organised events within Harbour limits if permission is sought and granted in advance of the event and the names and lengths of the vessels involved are made available to the Harbour Master.

## 2.2 Commercial Vessels

- 2.2.1 This section applies only to commercial vessels (as defined in 1.2.5) not normally moored within the harbour that are, have been or will be carrying out work within the harbour at any time except laid up vessels that will be charged as per 2.2.5. Prices are exclusive of VAT.
- 2.2.2 Charges in this section include mooring/quayside charges where applicable. (vessels over 50 metres only, otherwise see section 3.1)
- 2.2.3 **Vessels visiting an enclosed harbour for up to 7 days**  
£2.85/m/LOA/day
- 2.2.4 **Vessels remaining in an enclosed harbour more than 7 days**  
For every week or part thereof during which a vessel (not being a vessel to which paragraph 2.2.5 or 2.2.7 of this Part of the Schedule applies) remains in the Harbour after the expiration of seven days from the date of entry when arranged and agreed in advance.  
£ 12.93/m/LOA/week

- 2.2.5 **Vessels laid up - Un-laden (and gas-free if applicable) and not working within the Harbour**  
For every month or part thereof during which a vessel is laid up (in lieu of the rates mentioned in paragraphs 2.2.3 & 2.2.4 above when arranged and agreed in advance).  
To be determined by the Harbour Master
- 2.2.6 **Vessels entering the enclosed harbours of Tor Bay to take on or discharge fuel oil or supplies**  
For vessels which are not normally moored in the harbour (maximum stay 24 hours)  
£1.19/M/LOA/Day
- 2.2.7 **Floating docks**  
For every year or part thereof during which a floating dock remains in the Harbour (in addition to harbour dues applicable to each vessel docked)  
To be determined by the Harbour Master
- 2.2.8 **Vessels at anchor in Tor Bay other than those seeking shelter**  
£105.00 per day
- 2.2.9 **Vessels at anchor in Tor Bay for underwater survey, hull cleaning, repairs or associated activity**  
£210.00 for first 48 hours or part (in addition to the above charge)
- 2.2.10 **Vessels undertaking fish and cargo transhipments**  
For the transhipment of fish, cargo, personnel or other goods whether at anchor or underway within Tor Bay Harbour limits.  
To be determined by the Harbour Master

## **2.3 Non Commercial Vessels**

- 2.3.1 This section applies to Torquay, Paignton and Brixham harbours. Charges are levied per metre per annum or part thereof expiring 31<sup>st</sup> March following. Prices are inclusive of VAT, except where specified. For daily rates see part 3.
- 2.3.2 Payment of Annual Harbour Dues must be signified by the display of the Harbour Authority 'Plaque' which will be issued when payment is made. Failure to display a 'Plaque' may result in daily charges being applied as detailed in part 3. Tenders must be registered with the Harbour Authority to obtain their tender 'plaque'. The display of any 'Plaque' issued in respect of another vessel will be taken as an attempt to evade the payment of harbour dues. Such attempts may be subject to payment of twice the amount of set harbour dues (section 30 Tor Bay Harbour Act 1970) (see section 1.1.5).
- 2.3.3 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.

<b>Torquay Harbour</b> Recreational Vessels, Commercial Vessels under 50m LOA not undertaking work within the harbour and Commercial Vessels normally moored within the harbour regardless of whether they are carrying out work or not (other than passenger vessels).	£51.29/m/LOA/year or part
<b>Paignton &amp; Brixham Harbour</b> Recreational Vessels, Commercial Vessels under 50m LOA not undertaking work within the harbour and Commercial Vessels normally moored within the harbour regardless of whether they are carrying out work or not (other than passenger vessels).	£38.35/m/LOA/year or part
Passenger Vessels under 16.5m LOA or carrying 12 passengers or less	£51.29/m/LOA/year or part
Passenger Vessels over 16.5m LOA and carrying more than 12 passengers	£74.69/m/LOA/year or part
Motor Fishing Vessels based in and working from Tor Bay Harbour (Exclusive of VAT)	£9.55/m/LOA/year or part

## 2.4 Goods, Cargo and Passenger Dues

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

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

<b>Goods (Exclusive of VAT)</b>	
<b>Fish (other than cured fish ) but including shellfish, crabs etc.,</b> Brought into the Harbour or to any place within the limits of the Harbour by sea and sold, on the gross proceeds of fish (includes alongside berthing charge at Brixham and electricity/water consumption where a recharge facility does not exist)	£0.025 per £
<b>Fish overlanded and sold on Brixham Fish Market,</b> On the gross proceeds of the sale	£0.015 per £

<b>Cargo Dues (Exclusive of VAT)</b>	
General Cargo/Other Commodities	To be determined by the Harbour Master
General Ships Stores/Spares etc	£1.60 per tonne
Waste Bins (1,100 litres)	£2.13 per unit
STS Transfer Hoses	£106.60 per transfer
STS Transfer Fenders	£106.60 per transfer

<b>Passenger Dues</b>	
Cruise ship passenger landing fees, per passenger	£3.00 per passenger
For Passenger Vessel charges	See section 4.4

# PART 3 – Visitor Charges

## 3.1 Launching and Recovery Fees and Visitor Charges

- 3.1.1 This section applies to Recreational Vessels, Passenger Vessels, Fishing Vessels and Commercial Vessels under 50m LOA not undertaking work within the harbour. These are applicable at each of the enclosed Harbours. No visitor charge is applicable to Recreational Vessels staying alongside for less than two hours.
- 3.1.2 All charges quoted within this section are inclusive of VAT except where stated. These charges are combined charges that include harbour dues and mooring fees where applicable.
- 3.1.3 Visitor Pontoons are available, normally for Recreational Vessels during the summer months in Brixham and Torquay harbours.
- 3.1.4 Visitors staying more than 3 nights get one night free (This offer is at the discretion of the Harbour Master for undeclared visits). Vessels may be required to double-up with other craft, and in such cases fendering will be the responsibility of the Masters of the craft involved. There is no reduction for doubling up.
- 3.1.5 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 to pay the appropriate passenger vessel charge for the period so employed.
- 3.1.6 To avoid the abuse of visitor moorings by local vessels, all craft using visitor mooring facilities are normally restricted to a maximum stay of three weeks (21 days) with no return within one week 7 days.
- 3.1.7 Use of harbour facilities can and will be denied if boats are not adequately insured (see 1.1.20).

<b>Daily Visitor Charges (per night or over 2 hours)</b>	
Up to 4 metres (13ft)	£9.00 per day
Over 4 metres up to 5.5 metres (14ft-18ft)	£10.00 per day
Over 5.5 metres up to 7 metres (19ft-23ft)	£11.00 per day
Over 7 metres (23ft) up to 15 metres (50ft)	£1.80 m/per day
Over 15 metres (50ft) up to 50 metres (164ft)	£27.50 per day
Motor Fishing Vessels not working regularly from Tor Bay Harbour up to 4 days (Exclusive of VAT)	£1.38 m/per day
Passenger vessels	£1.98 m/per day
Tri-Marans	£2.72 m/per day

<b>Weekly Visitor Charges</b>	
Up to 4 metres (13ft)	£40.00 per week
Over 4 metres up to 5.5 metres (14ft-18ft) (per day)	£46.00 per week
Over 5.5 metres up to 7 metres (19ft-23ft) (per day)	£51.00 per week
Motor Fishing Vessels not working regularly from Tor Bay Harbour over 4 days (Exclusive of VAT)	£5.76 per m/per week or part

<b>Slipway Charges</b>	
Up to 4 metres (13ft)	£9.00 per day
Over 4 metres up to 5.5 metres (14ft-18ft) (per day)	£10.00 per day
Over 5.5 metres up to 7 metres (19ft-23ft) (per day)	£11.00 per day
Over 7 metres (23ft) up to 15 metres (50ft)	£1.80 m/per day

- 3.1.8 Annual launch and recovery passes are issued at the discretion of the Harbour Master and are subject to availability.
- 3.1.9 Annual launch and recovery passes do not include trailer parking charges.
- 3.1.10 Passenger vessels other than MCA Coded and MCA class V, VI, VIA Passenger Vessels and EU Classes to be charged as commercial vessels see section 2.2.

<b>Annual Charges</b>	
Launching and recovery pass for private use of Tor Bay Harbour slipways.	£34.20 per m
Launching and recovery pass for commercial use of Tor Bay Harbour slipways.	£46.80 per m
MCA Coded and MCA class V, VI, VIA Passenger Vessels and EU classes visiting Tor Bay Harbour (combined charge)	£256.01

### **3.2 TRAILER PARKING**

- 3.2.1 Trailer parking is subject to availability.
- 3.2.2 Annual trailer parking is only available when purchasing an annual launching and recovery pass.
- 3.2.3 Customers seeking continuous trailer storage should refer to Boat & Trailer parking in section 4.5; such facilities are subject to availability. The annual trailer parking identified in this section does not entitle constant use of the trailer parking area.

Daily trailer parking	£5.00 per day
Weekly trailer parking	£20.00 per week
Annual trailer parking (only available with private annual launch & recovery pass)	£54.98 per year or part

### **3.3 PERSONAL WATERCRAFT (JET SKIS)**

- 3.3.1 All personal watercraft (jet skis) must be registered with the Harbour Authority and proof of insurance will be required.
- 3.3.2 The granting of launching/recovery facilities is at the discretion of the Harbour Master and subject to availability.
- 3.3.3 These launching/recovery charges do not include trailer parking.
- 3.3.4 “Qualified” means a person holding a recognised RYA Personal Watercraft Certificate – proof will be required on each occasion.

<b>Personal Watercraft (Jet Skis) Launching &amp; Recovering</b>	<b>Qualified</b>	<b>Unqualified</b>
Daily charge	£12.50 per craft/day	£17.50 per craft/day
Weekly charge	£57.00 per craft /week	£78.00 per craft /week
Annual charge	£168.00 per craft /annum	£233.00 per craft /annum
Registration fee	£15.00	£15.00

<b>Town Dock Jet Ski Pods (subject to availability)</b>	
Daily charge	£15.00
Weekly charge	£50.00

# **PART 4 – Tor Bay Harbour Authority Moorings, Berths & Facilities**

## **4.1 General**

- 4.1.1 A waiting list exists for some Tor Bay Harbour moorings & facilities. The registration fee to join each waiting list is £25.00. The deposit is not refundable or transferable but will be credited to the mooring fees when a mooring is obtained.
- 4.1.2 Permanent moorings and berthing facilities are allocated on an annual basis, 1<sup>st</sup> April to the 31<sup>st</sup> of March following.
- 4.1.3 When vessels are moored, outboard engines in the raised position must have the propeller and skeg covered with a plastic bucket or other approved protective cover in order to prevent damage to other boats.
- 4.1.4 Owners must ensure that the vessel is provided with a sufficient number of fenders adequate for the size of vessel, so as to prevent damage to other vessels, quays or other property (Tor Bay Harbour Byelaw 46).

## **4.2 Visiting Commercial Vessels**

- 4.2.1 For vessels under 50m LOA not undertaking work within the harbour see section 3.1 (combined charge applicable.)
- 4.2.2 For all other commercial vessels see section 2.2 (combined charge applicable.)

## **4.3 Visiting Non Commercial Vessels**

- 4.3.1 See section 3.1 (combined charge applicable)

## **4.4 Use of Tor Bay Harbour Authority Landing/Embarkation Facilities**

- 4.4.1 These charges are inclusive of VAT and apply in relation to passengers embarking/landing at Brixham, Paignton and Torquay quays, piers, pontoons or any other fit for purpose harbour facility. Except those passengers embarked as trainees aboard vessels owned and operated by a registered charity for the purpose of training people at sea for recreational purposes.
- 4.4.2 For Cruise Ship Passenger Charges see section 2.4

<b>Visiting Passenger Vessels</b>	
MCA coded vessels and MCA Class V, VI, VIA vessels and EU classes	£2.38p per passenger per visit
MCA coded vessels and MCA Class V, VI, VIA vessels and EU classes – over 15grt (VAT Exempt)	£1.98 per passenger per visit
Other Passenger Vessels	To be determined by the Harbour Master

<b>Passenger Vessels - Annual Compound Charges</b>	
MCA coded vessels up to 24m LOA	£34.82 per annum
MCA class V, VI, VIA vessels, EU classes and coded vessels of 24m and over	£1.45 per passenger

#### **4.5 Quayside Charges**

- 4.5.1 This section applies to Non Commercial vessels and resident Commercial vessels and all charges are inclusive of VAT.
- 4.5.2 Grids are only available at Brixham Harbour.
- 4.5.3 No charge for Tor Bay based MFV's when fitting out or under repair for a period not exceeding 14 days per annum or at the Harbour Authority's discretion.
- 4.5.4 Annual charges for MFV's lying alongside the quay in Brixham are covered by the payment of fish tolls as described under goods and passenger dues in section 2.4.
- 4.5.5 Torquay Inner Harbour South Pier pontoon charges are inclusive of harbour dues.
- 4.5.6 Torquay Outer Harbour Town Dock non commercial pontoon charges are inclusive of harbour dues.
- 4.5.7 Town Dock non commercial facilities are charged as per the allocated berth size and not the LOA.

<b>Quayside Berth Daily Charges</b>	
Vessels carrying out repairs inclusive of harbour dues (where a bookable facility exists)	£2.56 per m LOA/per day
Vessels carrying out repairs exclusive of harbour dues (where a bookable facility exists)	£2.46 per m LOA/per day
Resident vessels with moorings and paying harbour dues lying alongside the quays pontoons or each other (for visitors see section 3.1).	£1.54 per m LOA/per day
Use of Grids inclusive of harbour dues	£3.72 per m LOA/per day
Use of Grids exclusive of harbour dues	£3.65 per m LOA/per day
Use of slipway to dry out/repairs	£3.01 per m LOA/per day
<b>Annual Charges for Vessels Lying Alongside the Quay, Pontoon or Each Other.</b>	
Torquay Harbour (for MFV's please see charge below)	£60.84 per m LOA
Paignton Harbour (for MFV's please see charge below)	£47.12 per m LOA
Brixham Harbour (for MFV's please see charge below)	£47.12 per m LOA
Registered MFV's (see definition 1.2.4) Torquay & Paignton only	£33.81 per m LOA
Torquay Inner Harbour South Pier Pontoons for Commercial Boat Sales	£202.60 per m

<b>Torquay Outer Harbour Town Dock</b>	
Private Vessels - per year	£202.60 per m berth
Jet Ski Pods – per year	£850.00 per pod
Jet Ski Pods – April to September (subject to availability)	£550.00 per pod
Jet Ski Pods – October to March (subject to availability)	£350.00 per pod
Passenger Vessels under 16.5m LOA or carrying 12 passengers or less	£104.40 per m LOA
Passenger Vessels over 16.5m LOA and carrying more than 12 passengers	£96.60 per m LOA

- 4.5.8 Annual charges for boat and trailer parking on quays are inclusive of harbour dues. Local yacht clubs and bona fide local youth organisations are recognised as youth training organisations and invited, on an annual basis, to submit details of eligible young persons under the age of 18 years to be considered for a concession of 50%. Boat park charges will be based on the greater length of either the boat or trailer - if stored on a road trailer and not a launching trolley.

4.5.9 Charges for horizontal racks are inclusive of harbour dues.

4.5.10 Craft, which are not tenders to a larger vessel on a Council Mooring, will attract harbour dues in addition to the rack charge (see section 2.1.2).

4.5.11 Beacon Quay reserved car parking spaces are located under the public car park on Beacon Quay. Allocation of these spaces is on the understanding that they can be given up for up to 14 days per year to assist in accommodating maritime events.

<b>Boat &amp; Trailer Parking, Storage on Quays</b>	
Boat parking – single hull vessels (includes racks at Torquay)	£60.22 per m LOA/per annum
Boat parking – multi hull vessels (occupying more than one space)	£77.72 per m LOA/per annum
Boat parking – Haldon Pier only (Summer season only)	£30.11 per m LOA/per season
Boat trailers only (subject to availability)	As per single hull boat parking
Boat storage on the Quay (on or off a trailer) (subject to availability)	£2.46 per m LOA/per day
Commercial boat parking on Haldon Pier (subject to availability)	£119.20 per m LOA/per annum
Dinghy/tender rack	£32.44 per rack per year
Use of courtesy tenders, subject to availability	£32.44 per year
Paignton horizontal racks, subject to availability (max, length 3.7m)	£149.22 per rack/per year
Kayak/Canoe rack (Brixham only)	£100.00 per year or part
Paignton Harbour West Quay Parking	£125.00 per year or part
Paignton Harbour South Quay Parking	£260.00 per year or part
Reserved car parking space on Beacon Quay	£450.00 per year or part

## **4.6 Annual Mooring Charges**

4.6.1 Trot, Swinging and Outhaul Moorings – all prices inclusive of VAT

4.6.2 It is Torbay Council's policy to support the fishing industry and this is reflected in certain mooring charges at Brixham Harbour

4.6.3 The fore and aft mooring buoys in Torquay Outer Harbour are provided for motor fishing vessels, passenger vessels and commercial craft only.

<b>Mooring Charges</b>	
Brixham Inner Harbour trot mooring (no risers provided)	£44.83 per m loa /per annum
Brixham Registered MFV's trot mooring (no risers provided)	£44.83 per m loa /per annum
Brixham Outer Harbour swinging mooring	£79.80 per m loa /per annum
Brixham Registered MFV's Outer Harbour swinging mooring	£79.80 per m loa /per annum
Brixham outhaul mooring (not exceeding 4.88m) (no tackle provided)	£18.48 per m loa /per annum
Paignton trot mooring (no risers provided)	£44.83 per m loa /per annum
Paignton outhaul mooring (not exceeding 4.88m) (no risers provided)	£36.22 per m loa /per annum
Torquay Inner Harbour trot mooring	£58.00 per m loa /per annum
Torquay outhaul mooring (not exceeding 4.88m)	£36.22 per m loa /per annum

## **4.7 Winter Storage**

4.7.1 Winter storage is only available at Brixham & Paignton Harbours and is charged on length overall as detailed in 1.1.9

4.7.2 Licensed passenger craft stored at Brixham harbour will be entitled to a 50% concession if stored at their home port.

4.7.3 Vessels having annual facilities at Paignton Harbour will be entitled to a 50% concession.



4.7.4 Accommodation is let for the period 1<sup>st</sup> October to 31<sup>st</sup> March only, subject to availability. This charge applies for the whole or any part of the above period and no reduction will be allowed for any lesser period. Any craft that remains in storage after 31<sup>st</sup> March may attract a further charge of £2.46 per metre per day.

<b>Winter Storage Charge</b>	
Uncovered storage at Brixham or Paignton Harbours	£45.42 per m LOA
Lifting Charge (Brixham Harbour only)	£18.52 per m LOA/per lift

## **PART 5 – Tor Bay Harbour Authority**

### **5.1 Utilities**

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 (See 2.4.2 for MFV charges when paying fish tolls)

<b>Electricity Charges</b>	
Level 1 card (available only at Torquay & Paignton)	£1.00 each
10 KW card (available only at Brixham)	£2.00 each
50 KW card (available only at Brixham)	£10.00 each
Brixham Harbour KW charge for MFVs	To be determined by the Harbour Master

5.1.4 For water taken by small vessels in quantities of less than one tonne there is no charge other than where a recharge facility exists.

5.1.5 For water supplied from the Council's standpipes other than in 5.1.4 above the following charges apply.

<b>Water Charges (Zero rated VAT)</b>	
Up to 50 tonnes	£3.00 per tonne
50 tonnes and over	£2.00 per tonne

### **5.2 Crane, Labour and Equipment Hire Charges**

5.2.1 The Brixham Harbour crane has a safe working load of 4 tonnes maximum.

5.2.2 Use of mobile commercial cranes and/or other lifting appliances (including Hiabs) on Harbour Property/Estate is at the discretion of the Harbour Master and prior notification must be provided for each operation. Prior notification in respect of cranes on Beacon Quay must be provided 48 hours in advance.

<b>Crane Charges</b>	
Crane per lift (other than boat lifts) e.g. masts engines etc.	£72.40 per hour or part
Boat lift (minimum charge £72.40)	£9.34 per m
Lift out and re-launch same day before 1600 hours (Monday - Friday)	Charge as 1½ lifts
Hang in slings over 4 hours	£20.20
Block-up charge	£3.62 per m LOA
Block up charge, twin keel	£1.52 per m LOA
Storage on quay, per day or part per metre LOA (See 4.5)	£2.46 per day or part/m LOA
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)	£36.40 per crane
Use of mobile commercial crane and/or Hiab on Harbour Property/Estate over 4 hours. (Inclusive of Launch Fee)	£70.72 per crane/per day

- 5.2.3 Enhanced rates will be charged, out of ordinary working hours, where overtime is required to be worked. If staff have to be called out, a minimum of 2 hours overtime will be charged (per person).
- 5.2.4 Tor Bay Harbour Authority personnel and equipment (subject to availability) are charged out at the following rates all including VAT. Hire of these facilities are at the Harbour Masters discretion.
- 5.2.5 Towing and water taxi services are provided at the discretion of the Harbour Master.
- 5.2.6 Use of forklifts on harbour property/estate is at the discretion of the Harbour Master.
- 5.2.7 Fork lift truck services to Ship's Agents, includes labour up to 30 minutes and minimal storage up to 1 week. Storage charges (subject to capacity) after 1 week are at £1.77 per pallet per day. (Exclusive of VAT).
- 5.2.8 The boat pressure washing service includes the provision of an operative.

<b>Labour and Equipment Hire Charges</b>	
Labour charge (during normal working hours) per staff member	£22.00 per hour or part
Hire of workboat including skipper and crew	£130.00 per hour or part
Hire of workboat including skipper and crew	£650.00 per day, 0900-1700 hours
Water taxi service to or from vessel in enclosed Harbour, including crew	£12.50 per single trip or per round trip if no waiting
Towing within enclosed harbour	£31.20 per hour or part
Towing outside enclosed harbour to nearest enclosed harbour within Tor Bay	£26.00 per ½ hour or part
Pumping out of vessels within the enclosed harbours	£41.60 per hour or part
Hire of fork lift truck without driver (Requires qualified driver)	£70.00 per half day
Hire of fork lift truck with driver	£39.50 per hour or part
Fork lift truck services to Ship's Agents (Exclusive of VAT)	£18.00 per pallet
Boat pressure washing service (minimum charge £41.60)	£9.35 per metre LOA

### **5.3 Storage Space**

- 5.3.1 The storage of fishing equipment is only chargeable after 48 hours at the discretion of the Harbour Master.
- 5.3.2 A charge will be made for moving equipment into storage and the applicable rate will be labour charge identified in 5.2 above.

Unleased quay areas for fish boxes, fishing gear, cargo containers etc.	£0.95 per m <sup>2</sup> /per day
Storage of beams. on unleased quay areas	£3.00 per set/per week
Storage of waste bins (1,100 litres)	£2.00 per bin per day
Storage of loaded pallets on unleased quay areas	£2.83 per pallet/per week
Lock-up storage (ship stores only) (Equipment removal and transportation costs at applicable hourly rate)	To be determined by the Harbour Master
Storage lockers at Paignton Harbour (subject to availability)	£166.39 per annum

#### 5.4 Licences (Exclusive of VAT)

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

Fish salesmen's licence	£240.00 per annum
Fish buyer's licence	£240.00 per annum
Self-drive pleasure boats	£5.00 per boat/per annum
Artists' Licence (street trading option)	As per Council's Street Trading Consent Fee.
Fishing permit	To be determined by the Harbour Master

#### 5.5 Bunkering Charges (Exclusive of VAT)

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

For fuel oil delivered to ships from tankers on shore or afloat (minimum charge £13.50)	£0.94p per 500 Litres
For fuel oil delivered to ships from tankers afloat in Tor Bay	To be determined by the Harbour Master

#### 5.6 Waste Charges

- 5.6.1 Waste/rubbish that litters the Harbour Estate as a result of refit or repair work maybe removed by the Harbour Authority. This activity will incur the costs detailed below.

Transportation to the Council refuse tip, Including attendants and use of Council transport etc.	£88.00 per truck load or part load
Council tipping charge.	As per weighbridge load

- 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. However, 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%.

## 5.7 Miscellaneous Charges

- 5.7.1 The parking of exhibition vehicles on Harbour Estate is at the discretion of the Harbour Master.
- 5.7.2 Pleasure Boat Advertising Boards are licensed sites and are subject to a tendering process .
- 5.7.3 Vessels of exceptional construction or methods of propulsion, or not otherwise covered which include; sea planes, hovercraft, hydroplanes, hydrofoils and similar craft, rafts used for recreational purposes, etc.
- 5.7.4 The Harbour Authority may from time to time levy a charge on persons promenading on Quays and Piers of the Harbour Estate
- 5.7.5 Annual Contractors passes are valid from 1<sup>st</sup> April each year and are subject to Terms and Conditions of Use. To be determined by the Harbour Master using Powers Delegated by Torbay Council.

Administration Charge (This charge is at the discretion of the Harbour Master)	£30.00 Minimum
Officer Charge (this charge applies when time has been spent by officers in preparing reports or supervising work that is not the responsibility of the Harbour Authority)	To be determined by the Harbour Master
Parking of Exhibition Vehicle on Harbour Estate	£62.40 per day or part
Replacement Swipe Card or Fob for controlled access areas	£7.00 per card
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) Exclusive of VAT	£240.00 per year or part
Daily Contractors Pass Exclusive of VAT	£7.50 per day or part
Advertising Charges	To be determined by the Harbour Master
Facilities for visiting Fishing Vessels at Brixham Harbour	
Use of showers	£2.00 per shower
Use of washing/drying machine	£2.00 per wash/dry

# PART 6 – Pilotage

## 6.1 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 proceeding to or departing from a designated anchorage provided such vessel has been forced by stress of weather to seek shelter.

From sea to Brixham or Torquay Harbours	£55.00 per metre draught
From Brixham or Torquay Harbours to sea	£50.00 per metre draught
Shift berth within Torquay or Brixham Harbours	£29.00 per metre draught
From sea to Tor Bay Harbour anchorage	£24.00 per metre draught
From Tor Bay Harbour anchorage to sea	£17.50 per metre draught
Sea to Tor Bay Harbour & Tor Bay Harbour to sea – surcharge for vessels over 150m LOA	£1.00 per metre for each metre over 150m
Minimum charge (with or without a Pilot on board)	£90.00
Detention, after 1 hour	£53.00 per hour or part
Pilot Boat Charges (Shipping or Landing a Local Pilot)	Levied by Torbay & Brixham Shipping Agents Ltd.

## 6.2 Charges for Pilotage Exemption Certificates

6.2.1 Pilotage Exemption Certificate, per issue £100.00

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## Appendix 2

### HARBOUR REVENUE ACCOUNTS 2012/13 (including a proposed increase on Harbour Charges of 4.0%)

#### TORQUAY and PAIGNTON HARBOURS

Expenditure	A	B	C	D	Change 2011/12 to 2012/13 (Col B to Col D)
	2010/11 Outturn £ ,000	2011/12 Original Budget £ ,000	2011/12 Projected Outturn £ ,000	2012/13 Provisional Budget £ ,000	
Operations and Maintenance :-					
Harbour Attendants Salaries and Wages	128	138	138	136	(1.4%)
Repairs and Maintenance	117	152	157	153	0.7%
Rent Concessions	1	2	2	2	0.0%
Other Operating Costs	108	108	89	117	8.3%
Town Dock Costs	1	23	23	10	(56.5%)
Management and Administration :-					
Salaries	165	181	181	178	(1.7%)
Internal Support Services	109	117	117	119	1.7%
Other Administration Costs	40	45	49	46	2.2%
Capital Charges	168	169	184	184	8.9%
Contribution to Reserve re: Uncompleted Works	5	0	0	0	0.0%
Contribution to Bad Debt Provision	(3)	5	0	0	0.0%
Contribution to Patrol Boat Operation	3	2	2	3	50.0%
Dividend to General Fund (based on 2.5% of total income)	0	0	0	23	0.0%
	<u>842</u>	<u>942</u>	<u>942</u>	<u>971</u>	<u>3.1%</u>
<b>Income</b>					
Rents and Rights :-					
Property and Other Rents/Rights	249	246	246	246	0.0%
Marina Rental	222	228	222	222	2.6%
Operating Income :-					
Harbour Dues	68	60	60	61	(1.7%)
Visitor and Slipway	56	50	45	41	18.0%
Mooring fees	71	59	63	68	(15.3%)
Town Dock	233	240	233	241	(0.4%)
Boat and Trailer parking	39	31	39	34	(9.7%)
Other Income	27	28	28	23	17.9%
Contribution from General Fund	17	0	5	0	0.0%
	<u>982</u>	<u>942</u>	<u>941</u>	<u>936</u>	<u>0.6%</u>
<b>Operating Surplus /(Deficit)</b>	<u>140</u>	<u>0</u>	<u>(1)</u>	<u>(35)</u>	

<b>RESERVE FUND</b>			
Opening Balance as at 1st April	478	617	619
Interest Receivable	7	8	8
Net Surplus / (Deficit) from Revenue Account	140	(1)	(35)
Withdrawals/Contributions	(8)	(5)	
Closing Balance as at 31st March	<u>617</u>	<u>619</u>	<u>592</u>

Note: The recommended minimum level for the Torquay and Paignton Harbours Reserve Fund at year-end 2012/13 is expected to be **£437,000** based on 20% of turnover together with a cash figure of £250k.

**HARBOUR REVENUE ACCOUNTS 2012/13**  
(including a proposed increase on Harbour Charges of 4.0%)

**BRIXHAM HARBOUR**

	A	B	C	D	Change
	2010/11	2011/12	2011/12	2012/13	2011/12 to 2012/13
Expenditure	Outturn	Original Budget	Projected Outturn	Provisional Budget	(Col B to Col D)
	£ ,000	£ ,000	£ ,000	£ ,000	
Operations and Maintenance :-					
Harbour Attendants Salaries and Wages	218	250	211	209	(16.4%)
Repairs and Maintenance	138	111	152	120	8.1%
Rent Concessions	4	4	4	4	0.0%
Other Operating Costs	317	224	249	260	16.1%
Management and Administration :-					
Salaries	134	156	156	144	(7.7%)
Internal Support Services	122	92	109	107	16.3%
Other Administration Costs	42	40	50	44	10.0%
Capital Charges	175	268	300	300	11.9%
Contribution to Reserve re: Uncompleted Works	17	0	0	0	0.0%
Contribution to Patrol Boat Operation	3	2	2	3	50.0%
Dividend to General Fund (based on 2.5% of total income)	0	0	0	29	0.0%
	<b>1,170</b>	<b>1,147</b>	<b>1,233</b>	<b>1,220</b>	<b>6.4%</b>
<b>Income</b>					
Rents and Rights :-					
Rents and Rights	147	189	189	213	(12.7%)
Marina Income	168	169	167	167	1.2%
Operating Income :-					
Harbour Dues	79	76	82	84	10.5%
Visitor and Slipway	16	15	12	13	13.3%
Mooring fees	126	125	136	134	(7.2%)
Fish Tolls income	557	474	600	525	(10.8%)
Other Income	92	49	60	50	(2.0%)
Contribution from General Fund	33	0	0	0	0.0%
Contribution from Reserve	0	0	17	0	0.0%
	<b>1,218</b>	<b>1,097</b>	<b>1,263</b>	<b>1,186</b>	<b>8.1%</b>
<b>Operating Surplus /(Deficit)</b>	<b>48</b>	<b>(50)</b>	<b>30</b>	<b>(34)</b>	

<b>RESERVE FUND</b>			
Opening Balance as at 1st April	481	553	572
Interest Receivable	7	6	7
Net Surplus / (Deficit) from Revenue Account	48	30	(34)
Withdrawals/Contributions	17	(17)	
Closing Balance as at 31st March	<b>553</b>	<b>572</b>	<b>545</b>

Note: The recommended minimum level for the Brixham Harbour Reserve fund at year end 2012/13 is expected to be **£487,000** based on 20% of turnover together with a cash figure of £250k.



## Appendix 3

### HARBOUR REVENUE ACCOUNTS 2012/13 (before any increase on Harbour Charges)

#### TORQUAY and PAIGNTON HARBOURS

Expenditure	A	B	C	D	Change 2011/12 to 2012/13 (Col B to Col D)
	2010/11 Outturn £ ,000	2011/12 Original Budget £ ,000	2011/12 Projected Outturn £ ,000	2012/13 Provisional Budget £ ,000	
Operations and Maintenance :-					
Harbour Attendants Salaries and Wages	128	138	138	136	(1.4%)
Repairs and Maintenance	117	152	157	153	0.7%
Rent Concessions	1	2	2	2	0.0%
Other Operating Costs	108	108	89	117	8.3%
Town Dock Costs	1	23	23	10	(56.5%)
Management and Administration :-					
Salaries	165	181	181	178	(1.7%)
Internal Support Services	109	117	117	119	1.7%
Other Administration Costs	40	45	49	46	2.2%
Capital Charges	168	169	184	184	8.9%
Contribution to Reserve re: Uncompleted Works	5	0	0	0	
Contribution to Bad Debt Provision	(3)	5	0	0	
Contribution to Patrol Boat Operation	3	2	2	3	50.0%
Dividend to General Fund (based on 2.5% of total income)	0	0	0	23	
	<b>842</b>	<b>942</b>	<b>942</b>	<b>971</b>	<b>3.1%</b>
<b>Income</b>					
Rents and Rights :-					
Property and Other Rents/Rights	249	246	246	246	0.0%
Marina Rental	222	228	222	222	2.6%
Operating Income :-					
Harbour Dues	68	60	60	59	1.7%
Visitor and Slipway	56	50	45	39	22.0%
Mooring fees	71	59	63	65	(10.2%)
Town Dock	233	240	233	230	4.2%
Boat and Trailer parking	39	31	39	33	(6.5%)
Other Income	27	28	28	22	21.4%
Contribution from General Fund	17	0	5	0	
	<b>982</b>	<b>942</b>	<b>941</b>	<b>916</b>	<b>2.8%</b>
<b>Operating Surplus /(Deficit)</b>	<b>140</b>	<b>0</b>	<b>(1)</b>	<b>(55)</b>	

RESERVE FUND	A	B	C
Opening Balance as at 1st April	478		617
Interest Receivable	7		8
Net Surplus / (Deficit) from Revenue Account	140		(1)
Withdrawals/Contributions	(8)		(5)
Closing Balance as at 31st March	<b>617</b>		<b>619</b>

Note: The recommended minimum level for the Torquay and Paignton Harbours Reserve Fund at year-end 2012/13 is expected to be **£433,000** based on 20% of turnover together with a cash figure of £250k.

**HARBOUR REVENUE ACCOUNTS 2012/13**  
(before any increase on Harbour Charges)

**BRIXHAM HARBOUR**

Expenditure	A	B	C	D	Change 2011/12 to 2012/13 (Col B to Col D)
	2010/11 Outturn £ ,000	2011/12 Original Budget £ ,000	2011/12 Projected Outturn £ ,000	2012/13 Provisional Budget £ ,000	
Operations and Maintenance :-					
Harbour Attendants Salaries and Wages	218	250	211	209	(16.4%)
Repairs and Maintenance	138	111	152	120	8.1%
Rent Concessions	4	4	4	4	0.0%
Other Operating Costs	317	224	249	260	16.1%
Management and Administration :-					
Salaries	134	156	156	144	(7.7%)
Internal Support Services	122	92	109	107	16.3%
Other Administration Costs	42	40	50	44	10.0%
Capital Charges	175	268	300	300	11.9%
Contribution to Reserve re: Uncompleted Works	17	0	0	0	
Contribution to Patrol Boat Operation	3	2	2	3	50.0%
Dividend to General Fund (based on 2.5% of total income)	0	0	0	29	
	<b>1,170</b>	<b>1,147</b>	<b>1,233</b>	<b>1,220</b>	<b>6.4%</b>
<b>Income</b>					
Rents and Rights :-					
Rents and Rights	147	189	189	213	(12.7%)
Marina Income	168	169	167	167	1.2%
Operating Income :-					
Harbour Dues	79	76	82	81	6.6%
Visitor and Slipway	16	15	12	12	20.0%
Mooring fees	126	125	136	129	(3.2%)
Fish Tolls income	557	474	600	525	(10.8%)
Other Income	92	49	60	49	0.0%
Contribution from General Fund	33	0	0	0	0.0%
Contribution from Reserve	0	0	17	0	0.0%
	<b>1,218</b>	<b>1,097</b>	<b>1,263</b>	<b>1,176</b>	<b>7.2%</b>
<b>Operating Surplus /(Deficit)</b>	<b>48</b>	<b>(50)</b>	<b>30</b>	<b>(44)</b>	

<b>RESERVE FUND</b>			
Opening Balance as at 1st April	481	553	572
Interest Receivable	7	6	7
Net Surplus / (Deficit) from Revenue Account	48	30	(44)
Withdrawals/Contributions	17	(17)	
Closing Balance as at 31st March	<b>553</b>	<b>572</b>	<b>535</b>

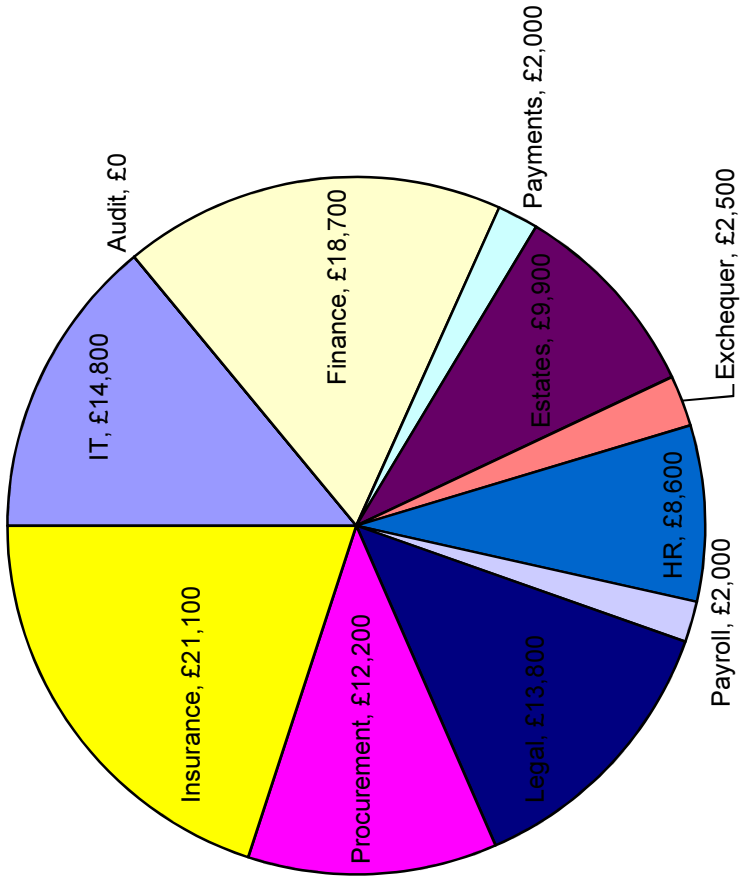
Note: The recommended minimum level for the Brixham Harbour Reserve fund at year end 2012/13 is expected to be **£485,000** based on 20% of turnover together with a cash figure of £250k.

## HARBOUR ESTIMATES 2012/13 AND FUTURE YEARS

	TORQUAY AND PAIGNTON						BRIXHAM					
	APPROVED ESTIMATE	PROJECTED OUTTURN	APPROVED ESTIMATE	PROVISIONAL ESTIMATE	PROVISIONAL ESTIMATE	PROVISIONAL ESTIMATE	APPROVED ESTIMATE	PROJECTED OUTTURN	APPROVED ESTIMATE	PROVISIONAL ESTIMATE	PROVISIONAL ESTIMATE	PROVISIONAL ESTIMATE
	2011/12 £000	2011/12 £000	2012/13 £000	2013/14 £000	2014/15 £000	2015/16 £000	2012/13 £000	2011/12 £000	2013/14 £000	2014/15 £000	2015/16 £000	2015/16 £000
<b>1. EXPENDITURE</b>												
Employees	293	319	314	323	333	341	352	406	364	374	381	381
Maintenance	117	152	153	157	161	165	138	111	120	123	129	129
Rent Concessions	1	2	2	2	2	2	4	4	4	4	4	4
Other Costs	153	158	163	167	171	175	376	263	304	312	320	328
Town Dock excl Cap Financing	1	23	10	10	10	10	0	0	0	0	0	0
Capital Financing	168	169	184	184	184	184	175	268	300	300	300	300
Patrol Boat Deficit	3	2	3	3	3	3	3	2	3	3	3	3
Support Services	109	117	119	119	119	119	122	92	107	107	107	107
	845	942	948	965	983	999	1,170	1,146	1,191	1,213	1,234	1,252
<b>2. INCOME</b>												
Marina Rent	222	228	222	222	222	222	168	169	167	167	167	167
Rent and Other	249	246	246	246	246	246	147	188	213	228	238	253
Fish Tolls	0	0	0	0	0	0	557	474	525	485	485	485
User Charges	281	228	218	218	218	218	346	265	271	271	271	271
User Charges - Town Dock	233	240	233	230	230	230	0	0	0	0	0	0
	985	942	916	916	916	916	1,218	1,096	1,176	1,151	1,161	1,176
Dividend to General Fund (based on 2.5% of total income)			23	23	23	23			29	29	29	29
<b>Projected Net Surplus/(Deficit) before charges increases</b>	<b>140</b>	<b>0</b>	<b>(1)</b>	<b>(55)</b>	<b>(72)</b>	<b>(106)</b>	<b>48</b>	<b>(50)</b>	<b>(44)</b>	<b>(62)</b>	<b>(73)</b>	<b>(76)</b>
<b>Cumulative effects of increasing charges/growth</b>												
User charges 4.0% 2012/13 then 2.5% year on year			9	15	21	27			10	17	24	31
Town Dock charges 5.5% in 2012/13 then 2.5% year on year			11	17	23	29			0	0	0	0
Marina rentals 0% year on year			0	0	0	0			0	0	0	0
<b>Potential Net Surplus/(Deficit)</b>	<b>140</b>	<b>0</b>	<b>(1)</b>	<b>(40)</b>	<b>(46)</b>	<b>(50)</b>	<b>48</b>	<b>(50)</b>	<b>(34)</b>	<b>(45)</b>	<b>(49)</b>	<b>(51)</b>
Reserve level at Year End (before charges increases)	617	619	571	508	427	330	552	572	535	482	417	350
Reserve level at Year End (including charges increases)	617	619	592	561	526	487	552	572	546	509	470	435
Probable Min Reserve Target levels (before charges increases)		436	433	433	433	433		503	485	480	482	485
Probable Min Reserve Target levels (including charges increases)		436	437	440	442	444		503	487	484	487	491

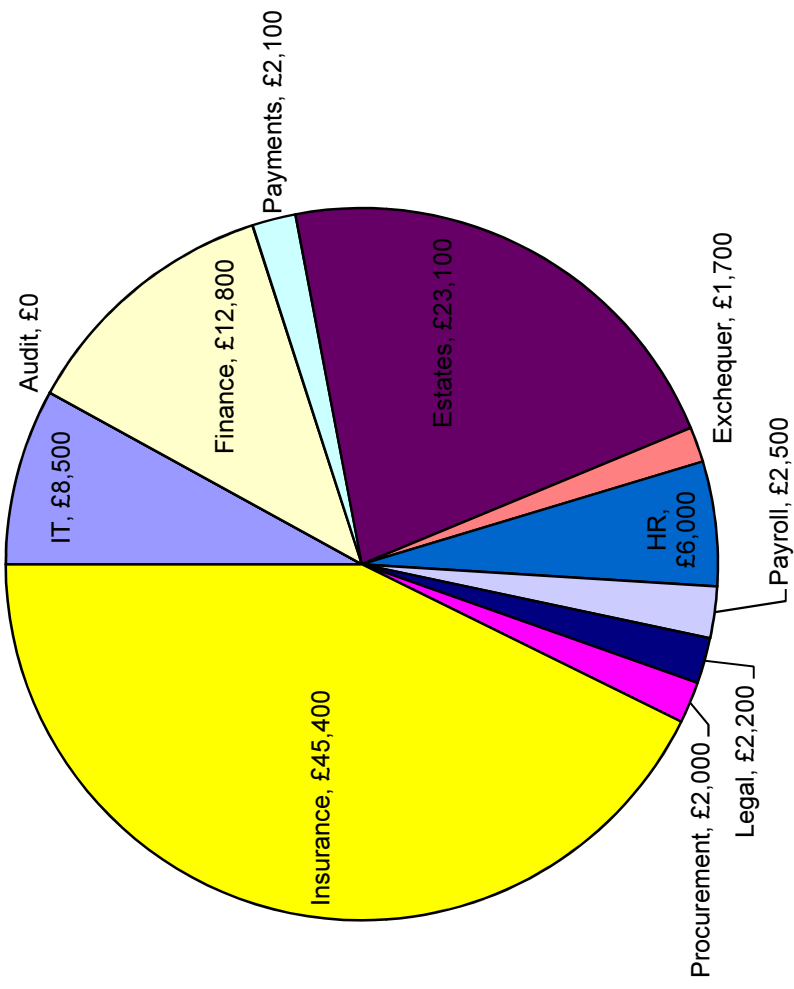
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**Appendix 5**  
**Torquay and Paignton Harbour Account**  
**Estimated Internal Support Service Charges 2012/13**



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Appendix 6  
Brixham Harbour Account  
Estimated Internal Support Service Charges 2012/13



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Title: **Oxen Cove Boatyard Proposal – Brixham Harbour**

Public Agenda Item: **Yes**

Wards Affected: **Berry Head with Furzeham and other wards in Torbay**

To: **Harbour Committee** On: **5 December 2011**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Paul Labistour**

☎ Telephone: **01803 853321**

✉ E.mail: **Paul.Labistour@torbay.gov.uk**

## **1. What we are trying to achieve and the impact on our customers**

1.1 The purpose of this report is to propose that a part of the harbour estate at Oxen Cove, in Brixham, be leased out for use as a boatyard (see drawing in Appendix 1). This marine related use of the space would provide a boat storage area and working space for harbour users across Torbay and throughout the year. A boatyard space in this area of Brixham would help support local and regional marine businesses. It would provide a secure and convenient area for engineers, mechanics and shipwrights, etc, to carry out repairs to various types of vessel up to a certain size.

## **2. Recommendation(s) for decision**

2.1 **That the Harbour Committee supports the proposal to lease part of the harbour estate at Oxen Cove, Brixham harbour, for use as a boatyard.**

2.2 **That, notwithstanding the recommendation in 2.1 above the Harbour Committee supports the continued use of part of Oxen Cove as an area for the winter storage of boats and the storage of fishing gear and equipment relating to the safe and efficient operation of the harbour.**

2.3 **That, subject to approval from the Homes and Community Agency, the Executive Head of Tor Bay Harbour Authority, in consultation with the Chairman of the Harbour Committee, be asked to use his delegated authority to grant a lease, for a maximum of 7 years, for part of the harbour estate at Oxen Cove, for use as a boatyard.**

### **3. Key points and reasons for recommendations**

- 3.1 There are currently only a few small areas of the harbour estate in Torbay that can be used routinely for the storage of boats for repair and maintenance. As a consequence of this shortfall in provision a significant number of local boats go to the river Dart in pursuit of this service. Oxen Cove has been used for the winter storage of boats for over twenty years and by taking advantage of the adjacent slipway there is an ideal opportunity to create a year round boatyard facility.
- 3.2 The ability to launch and recover larger boats via the slipway will also greatly improve the process of winter storage. Among the benefits are :-
- Reduced harbour authority costs with no need to hire a crane
  - More flexibility over haul out dates and times, similarly with the spring relaunch, as more tidal windows will be available
  - Less disruption to those using the South West Coastal Footpath
  - Easier management of health and safety risks
- 3.3 A local a shipwright has recently shown an interest to operate an all year around boatyard in Oxen Cove and he understands that any new lease opportunity would need to be subject to a public tendering process.
- 3.4 The proposal would provide a much needed facility for yachts and small fishing boats to be taken out of the water throughout the year for the purposes of boat repair and maintenance.
- 3.5 The proposal was given support by the Brixham Harbour Liaison Forum at its meetings on 31<sup>st</sup> August 2011 and 23<sup>rd</sup> November 2011 it sits well with the Council's Harbour & Maritime Strategy (2007). Support for this idea was also provided at a recent meeting of Brixham harbour users.

**For more detailed information on this proposal please refer to the supporting information attached.**

**Kevin Mowat  
Executive Head of Tor Bay Harbour Authority  
Tor Bay Harbour Master**

**Paul Labistour  
Tor Bay Harbour Master**

## Supporting Information

### A1. Introduction and history

- A1.1 Oxen Cove was created in 1988/89 when a section of Brixham's outer harbour was reclaimed from the sea. Statutory consent to carry out the reclamation works was obtained through a Harbour Revision Order, namely the Tor Bay Harbour (Oxen Cove and Coastal Footpath, Brixham) Act 1988.
- A1.2 The 1988 Act indicates that the area be reclaimed from the sea will facilitate the transition of the South West Coast Path along that section of the harbour. It also goes on to indicate that the reclaimed area is for the beneficial use of Brixham harbour users to provide further landside areas which would support both the commercial and leisure activities, at, and within the vicinity of Brixham harbour.
- A1.3 The area in question was duly recovered from the sea and subsequently became a car park facility with the car park income originally passing to the Brixham harbour ring-fenced account. At a later date the income from the car park was transferred to the Council's general fund as indeed was all the income generated by car parks located on the harbour estate.
- A1.4 In 2000 a separate fenced off area was created within the Oxen Cove car park, for the use of the harbour authority. The purpose of the area was and still is for use as a storage area for fishing equipment and to facilitate the removal of discarded fishing gear and equipment left elsewhere on the harbour estate. In 2008 a further section of the car park was also fenced off. The purpose of this second area was to accommodate site huts to facilitate the building of the new fish market development and to provide for the temporary housing of displaced harbour tenants during the building phase. Although the development project was effectively completed in January 2011, an area still remains fenced off and this is currently being used by the harbour authority to store boats fishing gear and harbour equipment.
- A1.5 The proposal outlined in this report will not require any further space as it seeks only to use the space that has remained fenced off from the car park for at least the last four years. Existing car park income will not therefore be impacted by this proposal.
- A1.6 The Oxen Cove car park area is used every winter for the purposes of boat storage. Many ports and harbours offer a service to store boats ashore during the winter period. In Brixham the service is discretionary and could be withdrawn to accommodate a short term need for additional car parking capacity, although this would lead to a loss in harbour income. During the winter and throughout the year the area is shared with the parking of coaches and cars, including many cars owned by harbour users.
- A1.7 More recently the harbour authority received a proposal from a local shipwright to introduce a service whereby yachts and small fishing boats could be taken out of the water and stored in a yard in Oxen Cove. This facility would in effect be a boatyard, something that is in short supply in the Tor Bay Harbour area.

- A1.8 The advantage of such a facility would be to provide an all year around boat storage service which would enable vessels to be stored, maintained and refitted. A marine straddle carrier or trailer based hoist could be employed to bring vessels out of the water using the Oxen Cove slipway. Torbay Council engineers have provisionally confirmed that the slipway structure would most likely be suitable for such use and that the proposal is therefore feasible.
- A1.9 As part of the funding agreement for the new fish market the South West Regional Development Agency (SWRDA) envisaged a much wider regeneration scheme. Consequently any disposal of land covered by the funding agreement will need to be discussed with the Homes and Community Agency who are the successor body to the SWRDA to ensure that such disposal is acceptable. The area covered by the funding agreement includes all of Oxen Cove and Freshwater Quarry car parks. It is assumed that in the current economic climate a short-term disposal of part of Oxen Cove would not be seen as a breach of the earlier funding agreement. It is for this reason that only a 7 year lease can be considered without any right to a renewal of the lease.

## **A2. Risk assessment of preferred option**

### **A2.1 Outline of significant key risks**

- A2.1.1 That the introduction of a boatyard facility would lead to the loss of car parking facilities for the town and car park income. The area in question has not been used for car parking in the last four years and further mitigation can be achieved by keeping the area to a sensible size. Also, this risk should be offset against the ongoing loss of opportunity as boats are stored and repaired outside of the Bay area.
- A2.1.2 That the introduction of a boatyard facility would lead to the loss of valuable storage capacity for the harbour authority. This risk would be mitigated by insisting that sufficient harbour storage was maintained in addition to the newly leased area.
- A2.1.3 That the harbour authority fails to achieve best value in appointing a suitable boatyard operator. This risk would be mitigated by using the Council's approved procurement procedures, which would include an open public tendering exercise.
- A2.1.4 That the introduction of a boatyard facility would lead to the loss of valuable development land and bring the Council into breach of the funding agreement entered into with the SWRDA. This risk would be mitigated by liaising with the successor body to the SWRDA (facilitated by the Torbay Development Agency) and only offering a contracted out lease (with no security of tenure) on a fairly short term.

### **A2.2 Remaining risks**

- A2.2.1 That the subsequent boatyard facility is a failure and does not lead to improved facilities for local boat owners and the fishing industry. This risk would be mitigated by ensuring that a suitable and acceptable business case is submitted as part of the lease tendering process.

### **A3. Other Options**

- A3.1 The do nothing approach would see Oxen Cove continue as a mixed use facility. i.e. a car park, a coach park, boat storage over winter and the storage of fishing equipment.
- A3.2 That the harbour authority invests in the necessary plant and equipment and operates the boatyard using its own resources.

### **A4. Summary of resource implications**

- A4.1 Some modest advertising costs will be incurred as will some officer time. The existing fencing can be re-used.
- A4.2 No existing car park income will be lost.

### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

- A5.1 None

### **A6. Consultation and Customer Focus**

- A6.1 The proposal was given support by the Brixham Harbour Liaison Forum at its meetings on 31<sup>st</sup> August 2011 and 23<sup>rd</sup> November 2011. Also, the need for additional boatyard space sits well within the Council's Harbour & Maritime Strategy (2007). Furthermore this proposal was discussed on 21<sup>st</sup> October 2011, at the inaugural meeting of the Brixham Employment and Regeneration Advisory Group and support has also been received from Brixham harbour users.

### **A7. Are there any implications for other Business Units?**

- A7.1 Residents and Visitors Services manage the Oxen Cove car park located on the Brixham harbour estate. This proposal has been discussed with the Service Manager - Community, Leisure and Transport, who has no objection to the idea provided that no additional car park spaces are lost.

## **Appendices**

- Appendix 1                  Drawing of Oxen Cove storage areas

## **Documents available in members' rooms**

None

### **Background Papers:**

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

Tor Bay Harbour and Maritime Strategy - 2007

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Public Agenda Item: **Yes**

Title: **Port Marine Safety Code - Annual Compliance Audit**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee**      On: **5 December 2011**

Contact Officer: **Kevin Mowat**  
Telephone: **292429 (Ext 2724)**  
E.mail: [Kevin.Mowat@torbay.gov.uk](mailto:Kevin.Mowat@torbay.gov.uk)

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## **1. Key points and Summary**

- 1.1 This report provides Members with details of the annual Port Marine Safety Code compliance audit undertaken for the Council, as the Harbour Authority, by Nicholsons Risk Management Ltd.
- 1.2 The Harbour Committee, on behalf of the Council, is the 'Duty Holder' under the Port Marine Safety Code (PMSC) and Nicholsons Risk Management Ltd are the appointed 'Designated Person'.
- 1.3 The Committee is asked to note the PMSC Compliance Statement for 2011, attached as Appendix 1.
- 1.4 The Committee is asked to note the contents of the PMSC Compliance Audit Report for 2011, including the actions identified for implementation during 2012, attached as Appendix 2.
- 1.5 A table of Accident/Incident Statistics for 2011, as recommended in the PMSC Audit Report 2008, is attached as Appendix 3.
- 1.6 The Committee is asked to note the contents of the revised Tor Bay Harbour Committee Safety Management System, as attached as Appendix 4.

## **2. Introduction**

- 2.1 Torbay Council, under their responsibilities as a Harbour Authority, have implemented the requirements of the Port Marine Safety Code as issued by the DETR in March 2000. The code is designed as a standard, to be achieved by Harbour Authorities in carrying out their duties and powers and to promote best practice.

- 2.2 The Port Marine Safety Code serves as a framework for the preparation of policies and plans relevant to the issues of concern in the code. In essence the code requires Harbour Authorities to ensure they maintain corporate governance over the activities entailed in the powers and duties they discharge.
- 2.3 The Code states that ***“it is fundamental to an effective safety management system that each harbour authority should assign the functions of a ‘designated person’ to provide independent assurance to the ‘duty holder’ that the safety management system is working effectively and to audit the authority’s compliance with the Code”.***
- 2.4 Nicholsons Risk Management Ltd has been appointed the Designated Person to review the Tor Bay Harbour Safety Management System and annually report on compliance with the Port Marine Safety Code.
- 2.5 The last Port Marine Safety Code Compliance Audit Report was dated 22<sup>nd</sup> November 2010 and was presented to the Harbour Committee on 6<sup>th</sup> December 2010.

**Capt. Kevin Mowat**  
**Executive Head of Tor Bay Harbour Authority**  
**Tor Bay Harbour Master**

## **Appendices**

- Appendix 1 - Port Marine Safety Code Compliance Statement for 2011  
Appendix 2 - Port Marine Safety Code Compliance Audit Report for 2011  
Appendix 3 – Table of Accident/Incident Statistics 2011  
Appendix 4 – Tor Bay Harbour Committee Safety Management System – Issue 10

## **Documents available in members’ rooms**

None

## **Background Papers:**

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

- The Port Marine Safety Code – DETR 2000  
Port Marine Safety Code – October 2009 (see link below)  
<http://www.dft.gov.uk/pgr/shippingports/ports/pmsc.pdf>



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### REPORT

To Tor Bay Harbour Committee.

As the independent designated person appointed by Tor Bay Harbour Committee, we have reviewed compliance during the past year with the Safety Management System Issue 9, dated 22 November 2010 and conclude that in our opinion Tor Bay Harbour has complied with the Port Marine Safety Code.

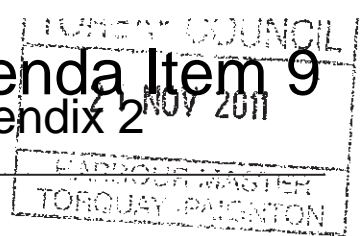
The Safety Management System has now been updated to reflect some minor changes and an update of the programme of continuous improvement.

We have reviewed this updated Safety Management System, Issue 10, dated 19 November 2011. In our opinion there is now in place a safety management system which complies with the requirements of the Port Marine Safety Code and enables the Tor Bay Harbour Committee to continue to set out their safety policies, their organisation which can put them into practice and their procedures for a planned and systematic approach to policy implementation.

Nicholsons Management Limited

19th November 2011

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Capt K P Mowat  
Executive Head Tor Bay Harbour Authority  
Torquay Harbour Office,  
Beacon Quay,  
Torquay,  
Devon.  
TQ1 2BG

22 November 2010

Dear Kevin,

Enclosed is the formal audit report. I have emailed you the updated Safety Management System in compliance with the Port Marine Safety Code

While carrying out the audit the following issues were examined and noted.

1. Any changes in Tor Bay Harbour activities?

The new fish market at Brixham has attracted more business and at a time when fish prices have risen. Torquay and Paignton also increased income in the year ending April 2011 but income has since decreased. The finances at Torquay and Paignton benefited too from there being less maintenance expenditure in the year to April 2011.

At Paignton parking restrictions were imposed on the approach road and this alleviated congestion at the slipway this summer. The situation was also helped by the recession and high petrol prices bringing a reduction in speedboat and personal water craft activity.

Generally, though, the mix of fishing, commercial, ferry and leisure activities in Tor Bay has remained much as before.

2. What changes in standards expected or in legislation?

Though the process of selection is not yet quite complete, it is likely that the shoreline of Tor Bay will be designated as a Marine Conservation Zone.

The Consolidated European Reporting System (CERS) has been extended with a further reporting burden, but for Tor Bay Harbour this will be handled by the pilotage contractor/shipping agency.

3. What accidents and incidents have there been?

There were no fatalities reported as relating to the harbour.

The incident of the returning fishing vessel that hit Brixham breakwater last year was investigated by the MCA with the Harbour Authority, the skipper was prosecuted for negligence after working excessive hours and the prosecution was successful.

The incident causing some concern this year is that of a rigid-hull inflatable boat acting as chase boat following a model speedboat. It ran over a sea kayak and seriously injured the kayaker. A full investigation is in progress with statements made and an interview under caution.

The 86 accident and incident reports in the twelve months are rather more than the average of 66 for the previous three years. There was an increase in hospitalisations (from 6 last year to 12 this) and in navigational incidents (from 9 to 21). Some otherwise competent sailors are failing to follow the collision regulations, at times not keeping a good look out and generally falling below the standard of seamanship to which many of them have been trained. Customers need to be informed, educated and motivated to become better seamen.

4. Navigation

Consider, with Trinity House, re-assigning the 5-knot mark, which was hit by a powerboat on the evening of the firework display, at the entrance to Torquay harbour, with a port hand mark complete with light.

5. Are there any new concerns that have been raised?

There is considerable concern at the prospect of the closure of the Coastguard Station at Brixham.

Concerns also continue at the risk of some unprotected harbour edges where there may be a conflict between the safety of pleasure boat passengers, tourists and pedestrians on public walkways and those involved in commercial activity on the quays they pass through.

The Pilotage Review Working Group set up to examine regulations and procedures recommended that the requirement for pilotage in the deep waters of the bay be increased from 36m to 80m and that the renewal requirement for Pilotage Exemption Certificates be made more flexible.

The recommendations have been adopted.

Two anglers have been successfully prosecuted for refusing to comply with Harbour Byelaws at Torquay harbour.

To help resolve the difficulties of when to prosecute and when not to the Tor Bay Harbour Authority has refreshed its formal Enforcement and Prosecution Policy.

6. Are any additional risk assessments needed?

The existing fire risk assessments for the harbour office buildings need to be incorporated into the PMSC safety management system and the assessments need to be reviewed and updated to cover the use of premises occupied by tenants and neighbours in shared buildings on the harbour estate.

7. Is the policy statement clear and up to date?

There is a clear and up to date policy statement included in full in the PMSC compliance document adopted by the Tor Bay Harbour Committee (TBHC) published and given to senior managers.

The policy needs to be displayed in harbour offices.

8. Is there an organisation fit to manage the safety of these activities?

Yes - the organisation is unchanged.

9. Review the implementation and record of implementation of each risk control, Remove ineffective or introduce new controls

The risk assessments are reviewed regularly at the bi-monthly Harbour Masters Meeting. At each of these meetings a batch of specific risk assessments are reviewed and discussed. This process ensures that all risks are routinely reviewed throughout the year and the review recorded in the minutes.

Each risk control is assigned to a specific employee for responsibility, with review dates.

10. Are the "customers" requirements being satisfied?

The Harbour Authority continues to hold quarterly consultation meetings (Harbour Liaison Forums), has held a meeting with passenger boat (ferry) operators and a representative from the sailing clubs.

There is an annual users' survey. There were just 77 responses to the 2011 survey, but it did show that over 96% (2010: 93%) of those who responded believed that Tor Bay Harbour Authority is properly managing the safety of the harbour.

11. Where actions were identified last year to bring the risks to As Low as Reasonably Practical [ALARP], what has been completed?

1. Make sure that all accidents and incidents are properly and promptly reported and logged on the accident/incident database.
2. At the new premises in Brixham display the statutory safety poster.
3. Include the number of pollution incidents, if any, as a specific item in the annual summary of accidents and incidents.

12. Policy of continuous improvement,

The following actions have commenced and are ongoing: -

Structural Improvement

The Phase 1 works to Haldon Pier are now complete and they have included sprayed concrete on the seaward face, additional rock armouring and some emergency repairs to the inside wall. An initial application for external funding from the Environment Agency was successful and

the grant of approximately £1.3m will be used for Phase 2 which will commence in the winter of 2011/12. Work towards a further bid of approximately £7m of external funding from the Environment Agency is now underway and is expected to be submitted in March 2012. The Environment Agency approved a grant of £40,000 to produce a more detailed structural report of the Brixham Breakwater. Work has started on a bid for further Environment Agency funding from their 2012/13 capital plan. Additional wave modelling results and an economic appraisal will form part of the bid process and in the meantime the approved £150,000 capital work has been postponed.

A business case is being prepared to implement the Technical Proposal for a new North Arm Breakwater at Brixham, as this would greatly improve the safety of the moorings. Also at Brixham, plans are needed to repair and update the inner harbour.

#### The Slipway at Paignton.

There remains the conflict of pedestrians (including children) and commercial vehicles (which include articulated lorries and forklift trucks) trying to share the same area. Finding a long term solution may involve redevelopment of the whole area.

#### Harbour Edge Protection

A policy is being developed for edge protection around the harbours based on the trial work undertaken at Paignton. This involves erecting fences and/or painting yellow and white lines and suitable notices such as "Mind The Edge".

#### Promote safe seamanship,

There is a need to maintain, refresh, improve and emphasise the advice already being given through notices, brochures, emails, the website, in person from harbour patrols and through sea schools.

The following further actions identified a year ago are still not completed,

1. Passenger Pier at Brixham: The specific plan for improving the safety of the passenger pier at Brixham, not yet completed, needs to include, as well as the edge protection measures the removal of vehicles and fishing gear.
2. Draw up a harbour specific file of Standard/Safe Operating Procedures. e.g. from the syllabus and notes of training courses. Where appropriate adopt the procedures already written in the Council's Health & Safety Manual. These procedures will serve as additional control measures for a range of risk assessments but in particular No. 41, Workshops.
3. Training records to be kept up to date and then expanded to include the dates when either external training or internal instruction was given. Make more effective use of the Training Matrix to help establish the need for a specific training programme for each member of staff.
2. Complete the Brixham Harbour office move with the siting of fire extinguishers and the posting of fire notices. Tor Bay Harbour Authority Safety Policy and the insurance certificate for employer's liability needs to be displayed.
3. Use the website to inform harbour users of risks and have a system for displaying actual weather on the World Wide Web, with links from the Council, Tor Bay Harbour and marina web sites.

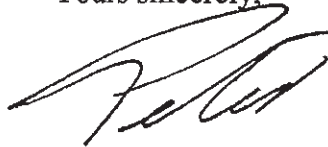


The following further actions are planned,

1. The LPG store at Brixham harbour needs a notice on the passenger pier and to be made safe from any possibility of ignition from the public passing nearby.
2. Make sure each accident/incident record or investigation is kept under review until it is formally closed off on the database and any lessons learnt are promulgated.
3. Fire risk assessments are needed for all harbour estate premises to set out the risks, the controls in force, whether the risks are as low as reasonably practical and if not what further measures need to be taken.
4. Have a review of the safety of Brixham Yacht Club's dinghy slipway; establish liability and possible improvement measures, including the display of a danger warning notice similar in many ways to the one posted at the nearby Oxen Cove slipway.
5. Publication: Include on the website the Safety Management System in compliance with the Port Marine Safety Code.

Many thanks to you and your staff. You have all been most helpful to me, as always, while I have been undertaking this review.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Nicholson', written in a cursive style.

Peter Nicholson



## Appendix 3 - Table of Accident/Incident Statistics 2011

	Year to December 2008	Year to December 2009	Year to December 2010	Year to December 2011
Number of recorded accidents/incidents	75	63	62	86

Type of Accident/Incident				
Fatalities	1	1	2	0
Hospitalisation	3	7	6	12
Navigational	10	12	9	21
Fire	0	0	1	0
Abuse or antisocial behaviour afloat or ashore	9	6	3	6
Pollution	1	3	0	3

Type of Accident/Incident	Number & Code	Number & Code	Number & Code	Number & Code
Fatalities	1 x (D)	1 x (D & A)	2 x (D)	0
Hospitalisation	1 x (CAP)	1 x (ASU)	1 x (A)	1 x (ASU)
	2 x (MED)	2 x (MED)	3 x (I)	2 x (C)
		1 x (TF)	1 x (MO)	3 X (I)
		3 x (I)	1 x (SWIM)	2 x (MED)
				1 x (MO)
				3 x (STF)
Navigational	2 x (C)	5 x (C)	3 x (C)	11 x (C)
	3 x (N)	4 x (N)	3 x (N)	1 x (G)
	4 x (NM)	2 x (NM)	2 x (NM)	5 x (N)
	1 x (S)	1 x (S)	1 x (S)	2 x (NM)
				2 x (S)
Fire	0	0	1	0
Abuse or antisocial behaviour afloat or ashore	1 x (AS)	2 x (AS)	1 x (AS)	3 x (AS)
	8 x (VATB)	4 x (VATB)	2 x (VATB)	3 x (VATB)
Pollution	1	3	0	3

<b>Type of Incident</b>	<b>Code</b>	<b>Type of Incident</b>	<b>Code</b>
Alcohol Related	A	Man Overboard	MO
Adrift	AD	Medical	MED
Angling	ANG	Navigational	N
Anti-social behaviour	AS	Near Miss	NM
Attempted Suicide	ASU	Obstruction	O
Collision	C	Other	OT
Capsized	CAP	Owner's Mooring Failure	OMF
Chemical	CH	Pilotage	P
Complaints	CP	Pollution	PO
Damaged Property	DP	Slips, Trips & Falls	STF
Diving	DIV	Speeding	S
Drowning	D	Structural Failure	SF
Entering Prohibited Area	EP	Sunken	SK
Fishing	FG	Suicide	SU
Fire	F	Swamped	SW
Fly Tipping	FT	Swimming	SWIM
Grounding	G	Theft	T
Harbour Mooring Failure	HMF	Unseaworthy	U
Injury	I	Unexploded Ordnance	UXB
Launching	L	Vandalism	VA
Lost/Missing Vessel	LV	Verbal Abuse & Threatening Behaviour	VATB
Machinery Failure	MF	Vehicle	VE
Manual Handling	MH	Wash Incident	W

19 November 2011

ISSUE 10

**TOR BAY HARBOUR COMMITTEE**  
**SAFETY MANAGEMENT SYSTEM**

**in compliance with**

**The Port Marine Safety Code**

## **THE TOR BAY HARBOUR COMMITTEE (TBHC) :-**

- Councillor Vic Ellery (Chairman)
- Mayor Gordon Oliver (Vice Chairman)
- Councillor Nicole Amil
- Councillor Jenny Faulkner
- Councillor Michael Hytche
- Councillor Matthew James
- Councillor Beryl McPhail
- Councillor Jeanette Richards
- Councillor Roger Stringer

## **ADVISORS :-**

- Mr William Butcher
- Capt. Robert Curtis
- Mr Gordon Jennings
- Ms Elaine Hayes

## **OFFICERS :-**

- Capt. Kevin Mowat - Executive Head, Tor Bay Harbour Authority and Harbour Master
- Capt. Paul Labistour - Harbour Master

## **DESIGNATED PERSON :-**

- Peter Nicholson - Nicholsons Risk Management Ltd

# SAFETY MANAGEMENT SYSTEM

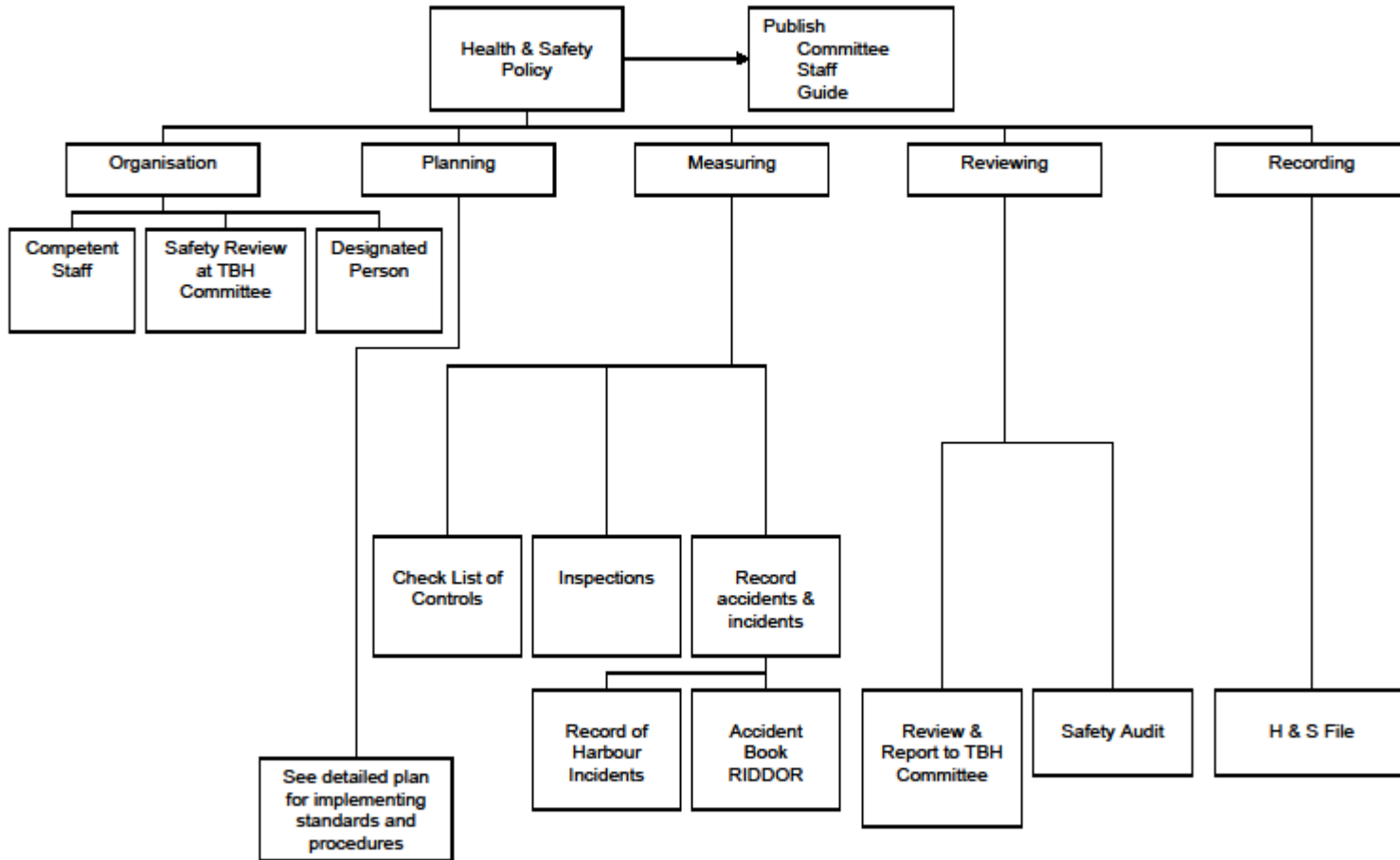
<b>OVERVIEW</b>		<b>PAGE</b>
	Diagram of Safety Management System	4
	Diagram of Planning and Procedures	5
	Tor Bay Harbour Committee (TBHC) have, after consultation with harbour users, drafted risk assessments and adopted a Safety Management System comprising the following 6 elements:-	
<b>1) Policy</b>	Adopting a health and safety policy which contributes to business performance while meeting responsibilities to people and the environment in a way which fulfils both the spirit and the letter of the law.	6 - 8
<b>2) Organisation</b>	Establishing a positive organisation and culture which puts the policies into effective practice	9
	Organisation Chart, "Family Tree"	10
	Training	11
<b>3) Planning</b>	Assessing risk and then adopting a planned and systematic approach to policy implementation. Risk assessments will be the key to judge what safety plans are needed	12
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<b>4) Measuring</b>	Measuring health and safety performance against predetermined standards.	24 - 25
<b>5) Reviewing</b>	Auditing, monitoring and reviewing the performance so that lessons are learned from all the relevant experience and are effectively applied. Training and education are implicit as part of good safety management. Consultation is a continuing process through the Harbour Liaison Forums	26 - 27
<b>6) Recording</b>	What has been done? Safety controls and responsibilities. Maintaining a record of due diligence.	28

The Torbay Council, through the Tor Bay Harbour Committee, is responsible for policy. The Harbour Master is responsible for the organisation and the facilities. The staff implement the policy. Together these three categories form the system that puts policy into effective practice.

# TOR BAY PMSC SAFETY MANAGEMENT SYSTEM



## TOR BAY PMSC SAFETY MANAGEMENT SYSTEM



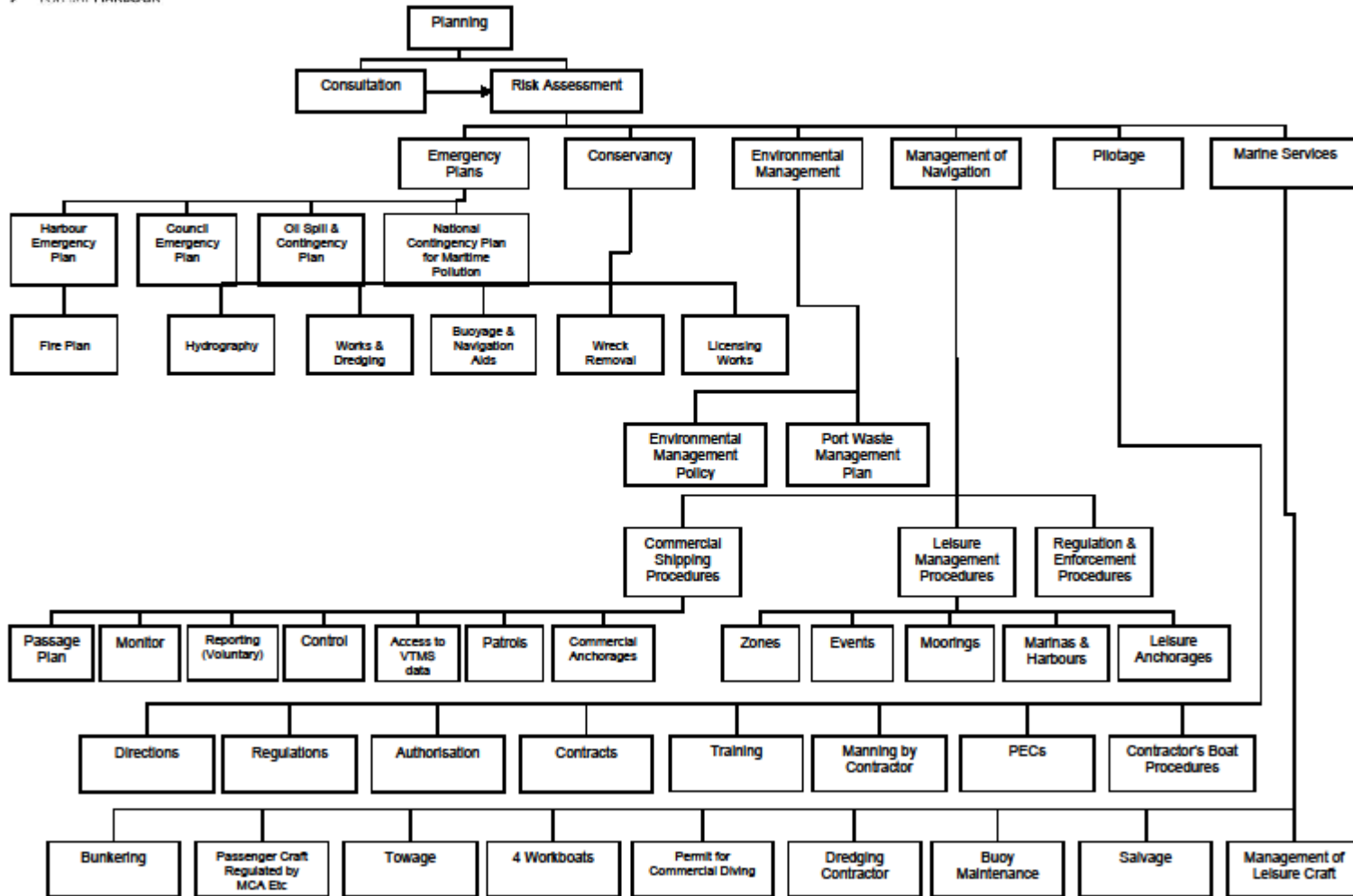
OUTLINE CHART OF SAFETY MANAGEMENT SYSTEM



# PLANNING AND PROCEDURES



## TOR BAY HARBOUR PLANNING FOR PMSC



# 1. Tor Bay Harbour Safety Policy

## **Health and Safety Management System;**

The Torbay Council, through its Tor Bay Harbour Committee (TBHC), has adopted a health and safety management system in compliance with the principles set out in the Port Marine Safety Code.

The health and safety management system includes policies for emergency plans, conservancy, environment, management of navigation, pilotage and marine services.

Torbay Harbour Committee will on behalf of Torbay Council provide a safe harbour within the limits of their jurisdiction, which is open to the public for recreation and the transportation of passengers and goods. It will ensure the safety of Tor Bay by exercising its statutory functions to a high standard. The TBHC will regulate the use of the harbour by maintaining appropriate byelaws and ensuring that these and other statutory regulations are enforced. The TBHC will ensure that an efficient pilotage service is available and that pilotage directions are maintained and reviewed regularly. The TBHC will ensure such marine services as are required for the safe use of their harbour are available and are well maintained and operated. Tor Bay Harbour Committee will ensure that up to date plans are available to deal with emergency situations and that the resources required to implement these plans are maintained and exercised.

Existing powers shall be reviewed on a periodic basis, to avoid a failure in discharging duties or risk exceeding powers.

The Policy incorporates input from officers, from staff and from harbour users as high standards of safety can only be achieved through dialogue and co-operation.

Plans and reports will be published as a means of improving the transparency and accountability of the harbour authority, as well as providing reassurance to the harbour users. TBHC will consider past events and incidents so as to recognise potential dangers and identify the means of avoiding them.

## **The Aims of the Safety Management System of Tor Bay Harbour Committee;**

1. To identify, quantify and manage the significant marine risks associated with the waters and harbour activities of Tor Bay. This will ensure there is proper control of ship movements by, where necessary, regulating the safe arrival, departure and movement within the harbour of all vessels.
2. To maintain, protect, improve and regulate the safe navigation of all vessels in Tor Bay.
  - To ensure that Tor Bay and its enclosed harbours remain safe areas for all harbour users to undertake their business and activities, with the risk of injury as low as reasonably practical
  - To have an effective system for promulgating navigation warnings affecting the Harbour.
  - To consider the effect of weather on harbour safety and see that the broadcast warnings are accessible.
  - To designate suitable anchorages.
  - To monitor lights and marks used for navigation.
  - To keep the need for pilotage under review and authorise suitably trained and experienced pilots to provide an efficient pilotage service.
  - To provide resources to deliver marine services, such as the provision of harbour patrol craft.

3. To ensure that suitable plans for emergency situations are maintained, regularly updated and exercised, so that TBHC will respond rapidly and effectively to emergency incidents to minimise the impact.
4. To carry out all its functions with special regard to the possible environmental impact, protecting from damage and pollution the marine environment and the landscape, heritage, amenity and tourism attractions of the Tor Bay coastline.
5. To maintain an up to date set of byelaws in consultation with harbour users and enforce them so as to regulate harbour use effectively.
6. To set up controls for personal safety.
  - To safeguard Harbour users', employees, those working in harbours, port users and the public whilst within areas under the TBHC's control.
  - To control the risk of exposure to criminal and civil liability.
  - To involve all stakeholders in management of marine safety and raise awareness of marine safety risks and prevention, control and management of risks.
  - To consider the effects on harbour safety of proposed changes in use or harbour works.
  - To operate within policies developed specifically to address marine issues in addition to the corporate policies and procedures agreed by the Council.
  - confirm the roles and responsibilities of key personnel at the harbour authority
  - outline present procedures for marine safety within the harbour and its approaches
  - measure performance against targets, after building a database recording incidents, including near misses
  - refer to emergency plans that would need to be exercised
  - be audited on an annual basis
7. To keep the duties and powers under review.

**All employees have a duty to:**

- Comply with all harbour safety procedures laid down by Tor Bay Harbour Committee.
- Ensure that marine operations are undertaken in a safe manner.
- To report hazard, risk, accident, incident or near miss to their Safety Officer.

**Harbour users operating commercially and the general public using the Harbour for pleasure are responsible for:**

- Their own health and safety and that of other harbour users and the general public who may be affected by their acts or omissions.
- Complying with byelaws, directions and other regulations aimed at ensuring the safe use of the Harbour.

**Nominated Harbour Safety Officers**

Mr Dave Bartlett at Brixham, Mr Nick Burns at Torquay and Mr John Turner at Paignton are the safety officers for these areas. In their absence urgent harbour safety matters shall be referred to the Harbour Master. The Safety Officers are also the "competent persons responsible" for fire safety.

## **Emergencies in the Harbour**

Emergencies where life is in danger must be notified at once to the emergency services by dialling 999 or through VHF channel 16. Other emergencies shall be notified to the Duty Harbour Master by the quickest available means.

## **Reporting of Accidents Incidents and Near Misses**

The public are asked to bring matters of safety - all accidents, incidents and near misses – promptly to the attention of the Harbour Master or the Harbour Safety Officer at the nearest Harbour Office. The Harbour staff are obliged to record on the computer Marine Safety Incidents/accidents/near Misses. The reports will be used to review accidents and incidents, for assessing whether any action is necessary to reduce the risk of recurrence. It shall be recorded that the Executive Head has conducted this review and that the necessary actions have been taken. This will be an assessment of the effectiveness of the harbour safety management system.

Adopted by Torbay Council's Harbour Committee - December, 2010

## 2. Tor Bay Harbour Authority (TBHA) Organisation

Torbay Council is the statutory harbour authority for Tor Bay Harbour. The Council has set up a sub-committee, Tor Bay Harbour Committee (TBHC), to advise on all matters relating to strategic management of the Council's function as harbour authority. The TBHC performs the Council's role of Duty Holder as required under the Port Marine Safety Code.

The current members of the TBHC are listed on page 1. This committee is the Duty Holder.

The Tor Bay Harbour Committee considers that current legislation gives them adequate authority to exercise their responsibilities as described in this document and in accordance with the Port Marine Safety Code. The organisation is bound by the Harbour, Docks and Piers Clauses Act 1847, The Harbours Act 1964, The Tor Bay Harbour Act 1970, the Tor Bay Harbour (Torquay Marina &c) Act 1983, the Health and Safety at Work Act 1974, the Workplace (Health, Safety and Welfare) Regulations 1992, and all the other harbour related and safety laws and regulations.

Torbay Council and the Harbour Committee set the policy and the officers and staff provide the means of implementing the Policy. Any decisions taken or policy set must take into account any issues related to harbour safety. The consideration of such issues is to be minuted.

The Executive Head of Tor Bay Harbour Authority is responsible for the day to day management of marine safety risks and for reporting to the duty holder, the TBHC. He is responsible for ensuring that the staff put the Harbour Safety Policy into practice. He is responsible for maintaining insurance policies, obtaining any required licences, publication and display of such notices and instructions as the Tor Bay Harbour Committee consider necessary.

He must also ensure that facilities are provided up to the standards set in the policy. Such facilities include the harbour infrastructure, harbour craft, pilotage and equipment to be used in the event of emergencies.

The Duty Harbour Master has the role of Emergency Planning Officer for the harbour and is the co-ordinating officer, responsible for marine incidents planning and response. He is also the officer responsible under their Oil Spill Contingency Plan for maintenance of the plan and response to incidents. Torbay Council also has an emergency planning officer who is responsible for planning and response to major incidents.

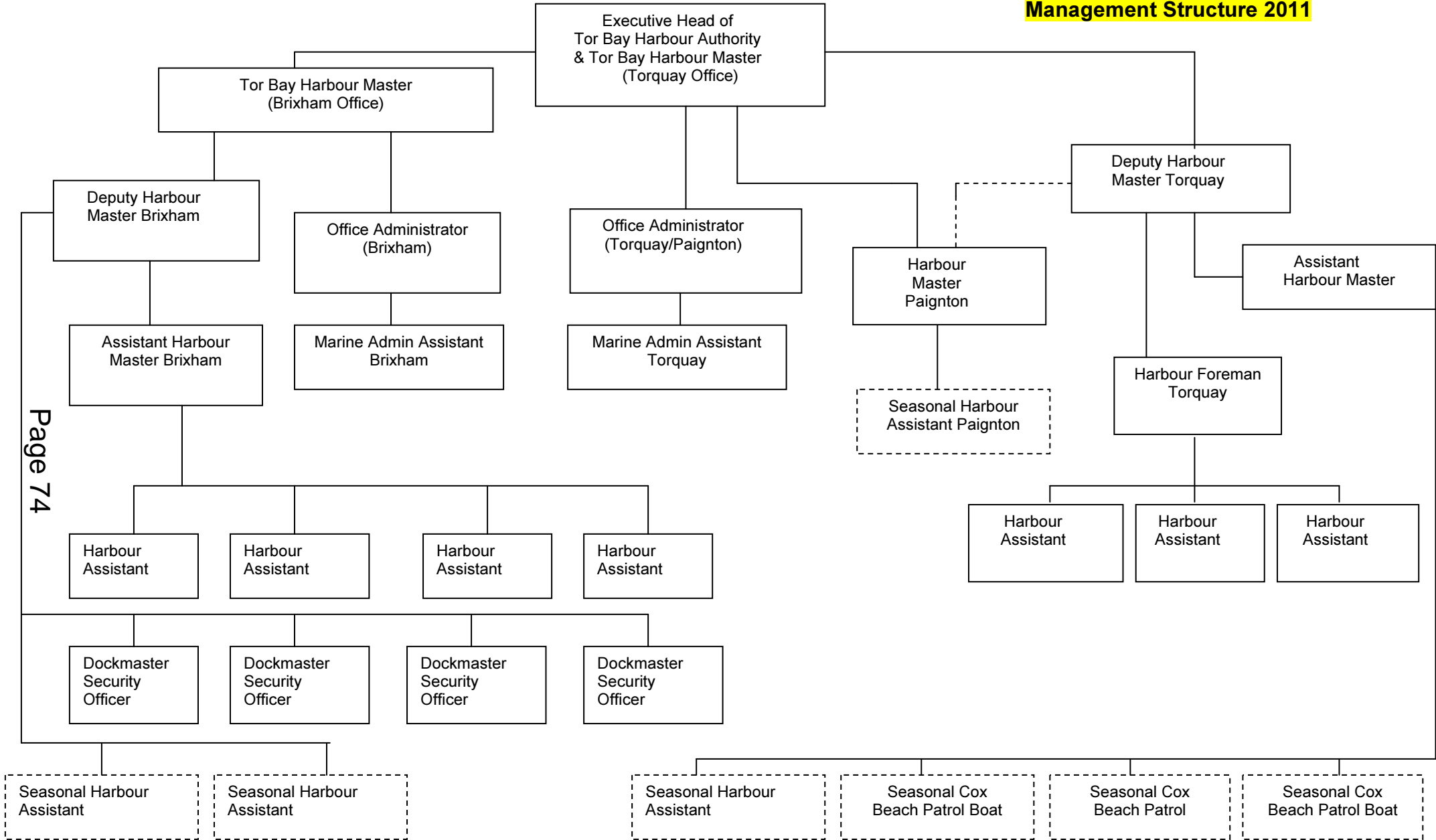
The pilots, contracted through Torbay and Brixham Shipping Agents Ltd, are responsible for safe pilotage of large vessels within the waters of Tor Bay Harbour and for reporting marine risks, incidents and near misses to the Harbour Master.

TBHC shall assess the fitness and competence of all persons appointed to positions with responsibility for safe navigation.

The 'Designated Person' as defined in the Port Marine Safety Code is responsible for auditing the marine safety system and providing assurance to the 'Duty Holder' of the effectiveness and performance of the system. Nicholsons Risk Management Ltd has been appointed the designated person to provide this function and annual reviews and reports on Tor Bay Harbour Authority's compliance with the Port Marine Safety Code.

All other staff have job titles and descriptions. A family tree, which includes the new dockmaster / security officer posts at Brixham, is set out on the next page.

**Tor Bay Harbour Authority  
Management Structure 2011**



# Training

**It is policy that officers and staff are to be suitably trained to be competent and qualified up to a minimum national standard to fulfil their roles within the organisation and can demonstrate competence in critical areas of harbour safety.**

**Training and education are implicit as part of good safety management.**

- New staff receive induction training.
- Every year the training requirements of each member of staff will be assessed and a training programme planned.
- Training needs will be considered during job appraisal (RADAR).
- An in house training programme will be implemented to reinforce the importance of harbour safety and of maintaining best working practice.
- All staff receive emergency training and practices.

## **Training Plan Responsibilities**

<b>Post</b>	<b>Training Responsibility</b>
Harbour Masters	Executive Head of Tor Bay Harbour Authority
Deputy Harbour Masters	Harbour Masters
Office Administrators	Harbour Masters
Marine Admin Assistants	Office Administrators & Harbour Masters
Harbour Master, Paignton	Executive Head of Tor Bay Harbour Authority
Torquay Staff	Deputy Harbour Master, Torquay
Brixham Staff	Deputy Harbour Master, Brixham
Paignton Staff (seasonal only)	Harbour Master, Paignton
Pilots	Torbay and Brixham Shipping Agents Ltd
Pilot Boat crews & technical staff	Torbay and Brixham Shipping Agents Ltd
Launch crews Technical staff	Torbay and Brixham Shipping Agents Ltd

## **Training Matrix**

The Harbour Authority holds a Training Matrix for all staff and the respective line managers are responsible for its upkeep.

### 3. Tor Bay Harbour Safety Planning

#### Planning Policy

It is the policy of the Torbay Council to have powers, policies, plans and procedures based on a formal assessment of hazards and risks, and TBHC shall have a formal marine safety management system.

The marine safety management system shall be in place to ensure that all risks are controlled – the more severe ones must either be eliminated or kept “as low as reasonably practicable” (ALARP).

Once a year the THBC will receive from the Executive Head of Tor Bay Harbour Authority his review of the risk assessments. The Harbour Safety Management System with the Harbour Safety Policy will also be tabled for review. The Committee will undertake a review and their findings will be recorded in the minutes.

An independent audit of the Harbour Safety Management System will be commissioned once a year from the Designated Person. The audit report will be considered by the TBHC and the outcome of this consideration will also be minuted.

The TBHC will remind the officers every year that harbour safety issues must always be taken into account in their decisions and recorded appropriately.

The Officers will annually bring to the attention of each employee the Harbour Safety Policy and specifically their roles in an emergency.

#### Organisation of Annual Reviews

Safety Policy	Tor Bay Harbour Committee
Safety Management System	Designated Person & Tor Bay Harbour Committee
Harbour use	Executive Head of Tor Bay Harbour Authority & Harbour Master
Commercial shipping	Executive Head of Tor Bay Harbour Authority & Harbour Master
Operation of all other craft	Executive Head of Tor Bay Harbour Authority & Harbour Master
Premises & Quays	Executive Head of Tor Bay Harbour Authority & Harbour Master
Workshops	Harbour Masters & Deputy Harbour Masters
Offices	Harbour Masters & Office Administrators



## 3.1 Tor Bay Harbour Committee Risk Assessments

### **Risk Assessment Policy:**

**It is the policy of Torbay Council that its powers, policies and procedures will be based on a formal assessment of hazards and risks and it will have a formal safety management system.**

The aim of this process is to eliminate the risk or, failing that, to reduce risks to as low as reasonably practicable.

Formal risk assessments incorporating the Risk Register shall be used to :-

- identify hazards and analyse risks;
- assess those risks against an appropriate standard of acceptability; and where appropriate, consider a cost-benefit assessment of risk reducing measures.

Torbay Harbour Committee has undertaken a formal safety assessment of its harbour operations to insure that a systematic approach was taken to the identification and the management of risks.

There is a preferred hierarchy of risk control principles :-

- eliminate risks - by avoiding a hazardous procedure, or substituting a less dangerous one;
- combat risks - by taking protective measures to prevent risk;
- minimise risk - by suitable systems of working.

A set of risk assessments has been completed and formally signed off in November 2010.

These are the checks to identify new hazards, review risks and see that controls are implemented to bring the risks down to as low as reasonably practicable.

Arising out of the risk assessments and as part of the policy of continuous improvement, the following actions have commenced and are ongoing :-

### **1. Structural Improvement**

The Phase 1 works to Haldon Pier are now complete and they have included sprayed concrete on the seaward face, additional rock armouring and some emergency repairs to the inside wall. An initial application for external funding from the Environment Agency was successful and the grant of approximately £1.3m will be used for Phase 2 which will commence in the winter of 2011/12. Work towards a further bid of approximately £7m of external funding from the Environment Agency is now underway and is expected to be submitted in March 2012.

The Environment Agency approved a grant of £40,000 to produce a more detailed structural report of the Brixham Breakwater. Work has started on a bid for further Environment Agency funding from their 2012/13 capital plan. Additional wave modelling results and an economic appraisal will form part of the bid process and in the meantime the approved £150,000 capital work has been postponed. A business case is being prepared to implement the Technical Proposal for a new North Arm Breakwater at Brixham, as this would greatly improve the safety of the moorings. Also at Brixham, plans are needed to repair and update the inner harbour.

### **2. The Slipway at Paignton**

There remains the conflict of pedestrians (including children) and commercial vehicles (which include articulated lorries and forklift trucks) trying to share the same area. Finding a long term solution may involve redevelopment of the whole area.

### **3. Harbour Edge Protection**

A policy is being developed for edge protection around the harbours based on the trial work undertaken at Paignton. This involves erecting fences and/or painting yellow and white lines and suitable notices such as "Mind the Edge".

### **4. Promote Safe Seamanship**

There is a need to maintain, refresh, improve and emphasise the advice already being given through notices, brochures, emails, and the website, in person from harbour patrols and through sea schools.

### **5. Passenger Pier at Brixham**

The specific plan for improving the safety of the passenger pier at Brixham, not yet completed, needs to include, as well as the edge protection measures the removal of vehicles and fishing gear.

### **6. Standard/Safe Operating Procedures**

Draw up a harbour specific file of Standard/Safe Operating Procedures. e.g. from the syllabus and notes of training courses. Where appropriate adopt the procedures already written in the Council's Health & Safety Manual. These procedures will serve as additional control measures for a range of risk assessments but in particular No. 41, Workshops.

### **7. Training Matrix**

Training records to be kept up to date and then expanded to include the dates when either external training or internal instruction was given. Make more effective use of the Training Matrix to help establish the need for a specific training programme for each member of staff.

### **8. Brixham Harbour Office**

Complete the Brixham Harbour office move with the siting of fire extinguishers and the posting of fire notices. Tor Bay Harbour Authority Safety Policy and the insurance certificate for employer's liability need to be displayed.

### **9. Live Weather Information**

Use the website to inform harbour users of risks and have a system for displaying actual weather on the World Wide Web, with links from the Council, Tor Bay Harbour and marina web sites.

### **10. LPG Store**

The LPG store at Brixham harbour needs a notice on the passenger pier and to be made safe from any possibility of ignition from the public passing nearby.

### **11. Accident/Incident Records**

Make sure each accident/incident record or investigation is kept under review until it is formally closed off on the database and any lessons learnt are promulgated.

### **12. Fire Risk Assessments**

These are needed for all harbour estate premises to set out the risks, the controls in force, whether the risks are as low as reasonably practical and if not what further measures need to be taken.

### **13. Brixham Yacht Club's Dinghy Slipway**

Have a review of the safety of Brixham Yacht Club's dinghy slipway; establish liability and possible improvement measures, including the display of a danger warning notice similar in many ways to the one posted at the nearby Oxen Cove slipway.

### **14. Publication of Safety Management System**

Include on the harbour website the Safety Management System in compliance with the Port Marine Safety Code.

## **3.2 Tor Bay Harbour Committee Risk Control Procedures**

**3.2.1 Emergency plans**

**3.2.2 Conservancy**

**3.2.3 Environment**

**3.2.4 Management of Navigation**

**3.2.5 Pilotage**

**3.2.6 Marine Services**

### 3.2.1 Emergency plans

#### Emergency Policy:

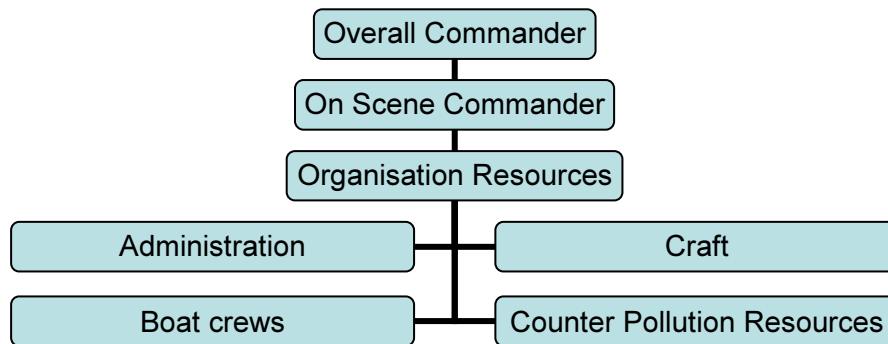
The safety management system shall include preparations for emergencies – and these should be identified as far as practicable from the formal risk assessment. Emergency plans need to be published and exercised.

#### Emergency Organisation and Management Responsibility

Review of Emergency and Oil Pollution Plans

Harbour Master

Emergency Organisation



#### Emergency Plans and Procedures

TBHA/ P / 002 Emergency Procedure

Tor Bay Harbour Emergency Plan – January 2008

The Tor Bay Oil Spill and Contingency Plan  
National Contingency Plan for Marine Pollution

All officers trained to Tier 2 Response

Planning exercises are undertaken to see that the procedures would be followed.

### 3.2.2 Conservancy

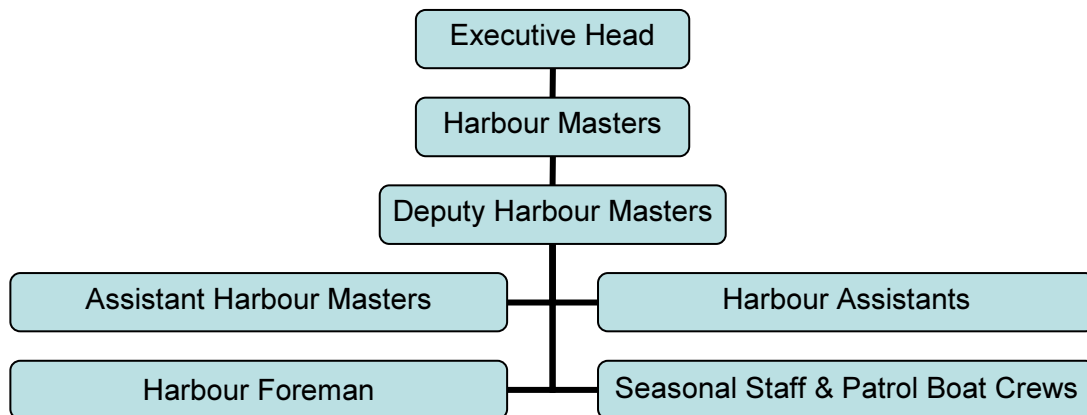
#### Conservancy Policy:

Torbay Council recognises it's a duty of conservancy the harbour so that it is fit for use as a harbour, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it.

The aim to provide users with adequate information about conditions in the harbour.

Torbay Council recognises the extent of its duty and powers as local lighthouse authority; and specific powers in relation to wrecks.

#### Conservancy Organisation and Management Responsibility



#### Conservancy Procedures

##### Hydrography

TBHC follows the code of practice for UK ports and harbours, developed by the Hydrographic Office.

##### Dredging

Tor Bay Harbour Committee does not maintain a maintenance dredging disposal licence. Any capital dredging that might take place is subject to statutory consent and TBHC is a priority consultee when such applications are considered.

##### Buoyage and Navigational Aids

Trinity House has issued standards for reliability and maintenance of navigation aids and reserves the right to undertake inspections to ensure that these are met. PANAIR reports are submitted quarterly.

##### Wreck Removal

The procedure is to buoy and/or light a wreck as appropriate, issue a notice to mariners and, if necessary, use TBHC's authority to remove the wreck.

##### Licensing of Work

TBHC is a statutory consultee for proposed work affecting navigation or the environment within the harbour limits.

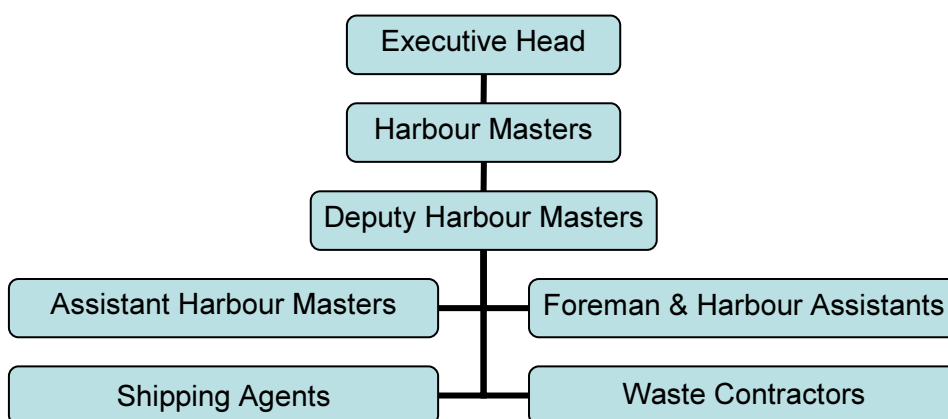
### 3.2.3 Environment

#### Environment Policy:

Torbay Council has a general duty to exercise its functions with regard to nature conservation and other related environmental considerations.

Special Area of Conservation status now applies to parts of Tor Bay Harbour

#### Environment and Port Waste Management Plan Organisation and Responsibility



#### Environment Policies, Plans & Procedures

Environmental Policy Statement, Tor Bay

Port Waste Management Plan - Under review

Guide to Good Practice on Port Marine Operations

Natural England's Advice

SeaTorbay Membership (Coastal Partnership)

TBHA/ P / 008      New Harbour Developments

### 3.2.4 Management of Navigation

#### Policy for Management of Navigation:

Torbay Council, through its TBHC, has rules in byelaws and directions, which every user must obey as a condition of his or her right to use the harbour.

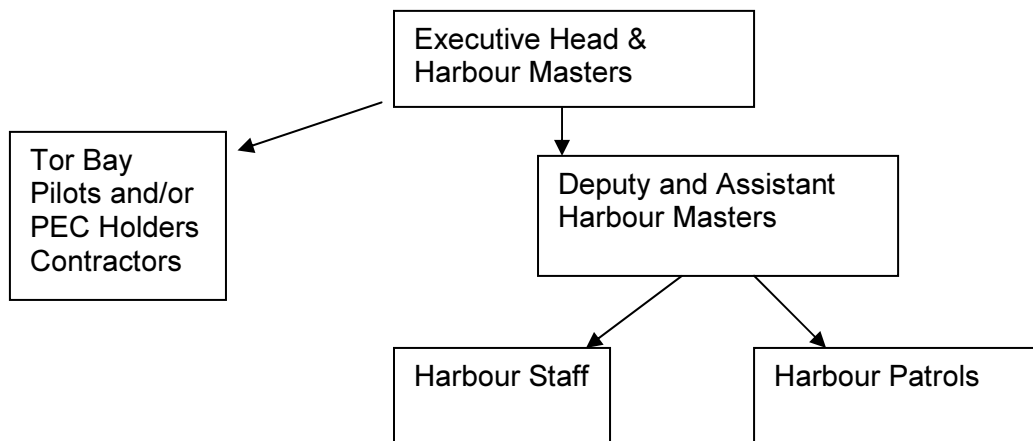
Torbay Council and its Harbour Master recognise their duty to make proper use of powers to make byelaws, and to give directions (including pilotage directions), to regulate all vessel movements in their waters.

These powers shall be exercised in support of the policies and procedures developed in this safety management system, and should be used to manage the navigation of all vessels.

TBHC has clear policies on the enforcement of directions, and should monitor compliance.

Powers of direction shall be used to require the use of port passage plans in appropriate cases – whether vessels are piloted or not.

#### Management of Navigation Organisation and Management Responsibility



#### Procedures for Management of Commercial Navigation

##### Passage Plans

The passage plan is prepared on a standard form by the pilot and agreed with the master of the vessel. A copy is to be filed at the offices of the shipping agents.

##### Monitor

24-hour VHF cover is provided by the combined efforts of the Harbour Offices and the Pilot Station.

##### Reporting

Reporting is mandatory, as Tor Bay Pilotage Directions.

##### Control

Pilotage requirements are set on in TBHA/ P / 002 Navigation and Pilotage

##### Access to VTMS data

It has not been considered necessary to have a Vessel Traffic Management System. AIS monitoring software has been procured for operation in 2009.

##### Patrols

Standard instructions are issued to staff running patrol boats. Patrol boats enforce bye-laws and assist visitors

### Bunkering

Other than at an approved harbour fuel station, the Harbour Master's approval is required before bunkering operations take place.

The Harbour Authority issues procedures for bunkering.

For any bunkering at anchor or cargo vessels alongside, or vessels taking bunkers direct from road tankers - there is a checklist.

### Cargo Transfer

The Harbour Authority has various procedures in the Oil Spill Response Plan to control any oil cargo transshipment, following submission of a risk assessment.

### Commercial Anchorages

Anchorages are specified for large vessels.

## **Procedures for Leisure Management**

### Zones

Controlled areas with a 5 knot speed limit are provided for swimmers.

Water ski approach lanes have been established at Elberry Cove and Livermead Sands

### Events

Notices to Mariners and special directions are issued for events as required.

### Moorings

Moorings are allocated by TBHC.

### Marinas

There are 2 marinas in Tor Bay Harbour.

It is considered that all these marinas are managed safely.

### Enclosed Harbours

The Harbour Masters and the Harbour Master manage the enclosed harbours of Torquay, Brixham and Paignton.

### Leisure Anchorages

Anchorages are specified for large vessels.

Controlled areas with a 5 knot speed limit are provided to safeguard swimmers.

Water ski approach lanes have been established at Elberry Cove and Livermead Sands

### **Procedures**

TBHA/ P / 002      Navigation and Pilotage

TBHA/ P / 002      Emergency Procedure

Tor Bay Harbour Authority Emergency Plan – January 2008



### 3.2.5 Pilotage

#### Policy for Pilotage:

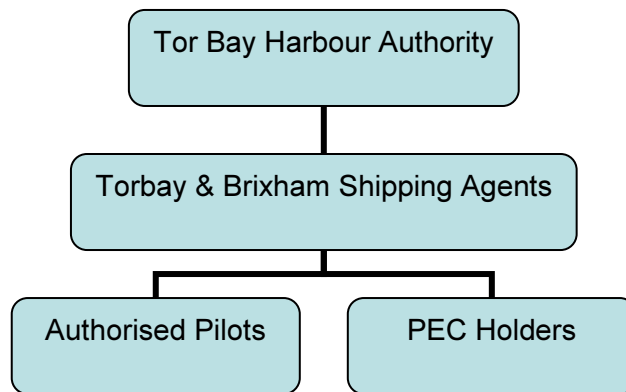
Torbay council, through its TBHC, is the competent harbour authority and accountable for the duty to provide a pilotage service; and for keeping the need for pilotage and the service provided under constant and formal review.

TBHC will therefore exercise control over the provision of the service, including the use of pilotage directions, and the recruitment, authorisation, examination, employment status, and training of pilots.

Pilotage shall be fully integrated with other harbour safety services under harbour Committee control.

Authorised pilots are accountable to their authorising authority for the use they make of their authorisations: TBHC shall have contracts with authorised pilots, regulating the conditions under which they work – including procedures for resolving disputes.

#### Pilotage Organisation and Management Responsibility



#### Procedures, Plans, Codes and Guides for Pilotage

TBHA/ P / 002 Navigation and Pilotage  
Reviewed – see Pilotage Directions 2010

TBHA/ P / 002 Emergency Procedure  
TBHA/G (extn)/001 – Instructions to cargo vessels and fishing vessels entering Torquay Harbour

Tor Bay Harbour Emergency Plan – January 2008

The Port Marine Safety Code and its Guide to Good Practice on Port Marine Operations

### 3.2.6 Marine Services – Harbour Operations

#### Policy for Marine Services:

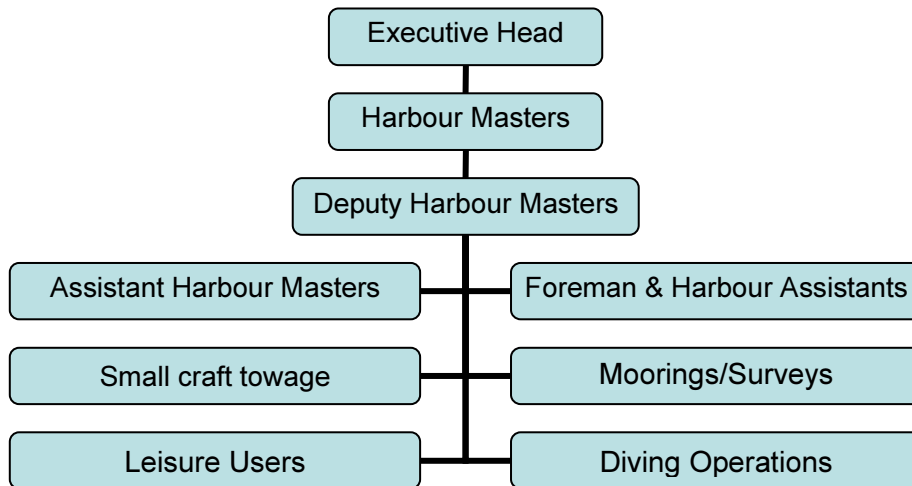
TBHC’s safety management system shall cover the use of harbour craft and the provision of moorings.

The formal safety assessment shall be used to identify the need for, and potential benefits of use of harbour craft for safety management,

TBHC shall ensure that harbour vessels or craft which are used in the harbour are fit for purpose and that crew are appropriately trained and qualified for the tasks they are likely to perform.

Byelaws and the power to give directions are available for these purposes.

#### Harbour Operations Organisation and Management Responsibility



#### Marine Services Procedures

##### Bunkering

Other than at an approved harbour fuel station, the Harbour Master’s approval is required before bunkering operations take place.

The Harbour Authority issues procedures for bunkering.

For any bunkering at anchor or cargo vessels alongside, or vessels taking bunkers direct from road tankers - there is a checklist.

##### Cargo Transfer

The Harbour Authority has various procedures in the Oil Spill Response Plan to control any oil cargo transshipment, following submission of a risk assessment.

##### Craft Regulation

For boats not subject to MCA licensing or coding conditions of operation are issued in accordance with the South West Regional Standing Committee on Safety of Small Craft.

Craft have to be surveyed, carry specific safety equipment and the boatman must be suitably qualified.

### Towage

The staff operating harbour boats and pilot boats are experienced and suitably qualified to tow where and when necessary.

### Work Boats

Operating Code of Practice for relevant TBHC harbour craft.  
MCA and other relevant certification.

### Commercial Diving

TBHC contracts commercial divers to inspect moorings and provide maintenance as needed.  
A diving permit is required for all commercial diving operations - the operators' registration and safety policy are checked.

### Dredging

TBHC has inconsequential levels of maintenance dredging. Capital dredging is the responsibility of approved contractors.  
MFA licences are required for the disposal of dredged spoil. [See also Harbour Licences for Work]

### Moorings/Buoy Maintenance

Moorings/Buoys are inspected annually by divers and there is a maintenance programme.  
The adequacy of buoyage is regularly reviewed.  
Navigational buoy casualties are reported to Trinity House, who still undertake annual inspections / audits.

### Salvage

It is left to the owner to organise salvage of small craft except where safe navigation may be affected.  
In such cases TBHC may use its powers to take possession of the vessel and arrange salvage. For large commercial vessels stranding or sinking within the harbour recovery measures will be supervised and approved as necessary.  
The necessary consultation with the owners and public interests would be undertaken.

### **Procedures**

TBHA/ P / 003	Public Access to Working Quays
TBHA/ P / 004	Boats in Dry Storage
TBHA/ P / 005	Crane Operations
TBHA/ P / 006	Refuelling Vessels from Quays
TBHA/ P / 007	Oscar 4 Crew Training
TBHA/ P / 008	New Harbour Developments (see Guide to Good Practice on Port Marine Operations)
TBHA/ P / 009	Torquay WWII Slipways - daily check of barriers and signs.
TBHA/ P / 010	External Safety Audit

Procedures adopted in 2010 :-

- Cold Weather
- Lone Working
- Man Overboard
- Flood Contingency
- Life-jackets

## 4. MEASURING OF PERFORMANCE

### Measuring Policy

TBHC will measure health and safety performance against predetermined standards.

Performance in complying with the TBHC safety management system will be required to meet the national standards as laid down in the Port Marine Safety Code.

Appropriate performance indicators will be set.

All accidents, incidents and near misses will be recorded and used to assist in assessment of the effectiveness of the Harbour Safety Management System.

### Management of Standard Setting

Standards will be set for operations in the following areas :-

AREA	SET BY	REMARKS
Harbour Procedures & Operational Standards	Executive Head & Harbour Masters	PMSC Guide to Good Practice refers Internal Procedures
Pilot Boat Operations	Pilotage Contract	MCA Code of Practice. Torbay & Brixham Shipping Agents are the current service provider.
Harbour Launch Operations	Harbour Master	MCA Code of Practice. Internal Procedures
Maintenance of Infrastructure	Harbour Master	Internal Procedures
Hydrographic Surveys	Harbour Master	UKHO
Procedures	Executive Head	Part of Safety Management System
Financial Procedures	Torbay Council	Subject to Internal Audit

Performance indicators are to include the following :-

AREA	SET BY	REMARKS
Navigation Lights Availability	Trinity House	Records kept on the Trinity House software "PANAR" system. Also, on "SPAR.Net" – Torbay Council's Performance Management System ~ reviewed quarterly
Harbour Users Survey	Executive Head	On "SPAR.Net" – Torbay Council's Performance Management System ~ reviewed annually
Reduce the number of reportable accidents including RIDDOR	Executive Head	On "SPAR.Net" – Torbay Council's Performance Management System ~ reviewed quarterly
Implement the Safety Management System Improvement Plan	Harbour Committee	On "SPAR.Net" – Torbay Council's Performance Management System ~ reviewed annually
Incident Investigation	Executive Head	Data recorded and details reviewed bi-monthly
Response to Complaints	Torbay Council	Corporate complaints procedure
Enforcement Activity	Executive Head	Data recorded and details reviewed bi-monthly – no targets currently set

## 5. REVIEWING

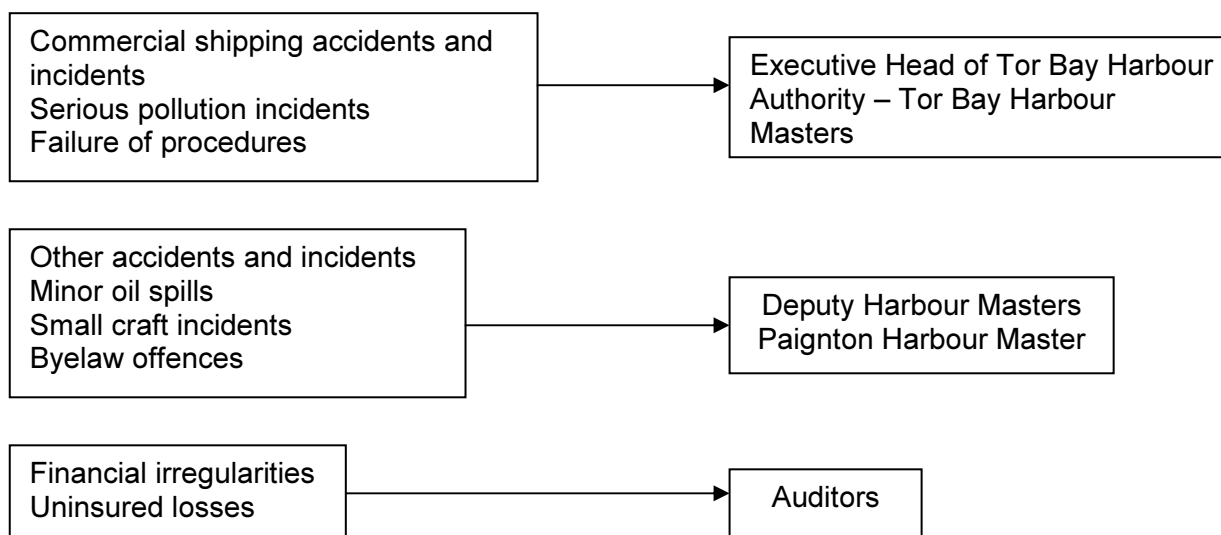
### Reviewing Policy

TBHC will monitor, review and audit the marine safety management system on a regular basis so that lessons are learned from all the relevant experience and such lessons are effectively applied.

Performance of the system shall be assessed against internal performance indicators and where appropriate, by benchmarking against other ports that have adopted good practice.

In light of these reports the Executive Head of Tor Bay Harbour Authority and the TBHC will consider whether their rules or working practices require amendment and will submit recommendations to Torbay Council.

### The responsibility for investigations and reports is assigned as follows;



### Procedure for Reviews

The Executive Head of Tor Bay Harbour Authority will include in his bimonthly meeting of Harbour Masters a review of any accidents, incidents or near misses.

Investigations by the Harbour Master of marine incidents have two essential purposes :-

- a) to determine the cause of the incident, with a view to preventing a recurrence of that incident (or similar); and
- b) to determine if an offence has been committed: if so, there may be the need on the part of the harbour authority to initiate enforcement action that may lead to prosecution in our own right or through an agency of another authority such as the Police or the MCA.

By ensuring that a robust, rigorous, independent investigation has been carried out, the TBHC and the duty holder can be assured that their obligations for compliance have been addressed.

Any conclusions from investigations or lessons learned will be included in the minutes together with measures being taken to prevent a recurrence. If appropriate a more detailed report will be submitted to the Harbour Committee, the Councils Health and Safety Officer and/or the MAIB, to the Chief Police Inspector and any other appropriate authorities, by the quickest means available.

Where necessary the MCA may undertake a verification visit. These verification visits are usually arranged following an MAIB investigation into an incident, but could also be triggered by other indicators of non-compliance.

Further reviews are undertaken in the meetings of the Harbour Liaison Forums.

Once every three years, the MCA will ask the “duty holder” to confirm in writing if their harbour authority is complying with the Code.

## 6. RECORDING

### Recording Policy

**TBHC will maintain records of what has been done**

- Safety controls and responsibilities
- Maintaining a record of due diligence

### Publication of Plans and Reports

To demonstrate the authority's commitment to maritime safety and ensure the involvement of harbour users, the safety plan for marine operations shall be published every year at a TBHC meeting open to the press and the public and be available from the Harbour's web site. The plan shall illustrate how the policies and procedures will be developed to satisfy the requirements under the Code. It shall commit the authority to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment. It shall refer to commercial activities in the harbour; the efficient provision of specified services and the effective regulation of shipping. It shall also explain how commercial pressures would be managed without undermining the safe provision of services and the efficient discharge of its duties.

The duty holder will also publish an assessment of the harbour authority's performance against the plan. Information gathered from the monitoring and auditing of the marine safety management system, shall be used to support the analysis and conclusions.





Title: **Tor Bay Harbour Authority Budget Monitoring 2011/12**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee**                      On: **5<sup>th</sup> December 2011**

Contact Officer: **Kevin Mowat**                      **Pete Truman**  
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## **1. Key points and Summary**

- 1.1 This report provides Members with projections of income and expenditure for the year 2011/12 compared with approved budgets.
- 1.2 This report identifies the overall budgetary position for Tor Bay Harbour Authority as at end of October 2011 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels.
- 1.3 The Committee is asked to note any amended outturn positions of the two harbour accounts and the resulting change in reserve movements.
- 1.4 The Committee is asked to note the Executive Head of Tor Bay Harbour Authority's use of delegated powers to make decisions in relation to the budget allocated to Tor Bay Harbour.
- 1.5 Both Harbour accounts are currently expected to show an improved position to the current budget due to a variety of different reasons that are explained further in the "Notes" section of Appendix 1.
- 1.6 The Committee is asked to note the Harbour Master's use of delegated powers to waive certain harbour charges, which this financial year amounts to £8,346.78 (ex VAT) and which have been spread across both harbour accounts. No additional charges have been levied.

## **2. Introduction**

- 2.1 The Tor Bay Harbour Authority budget was approved by the Harbour Committee on 6<sup>th</sup> December 2010.
- 2.2 This is the third budget monitoring report presented to the Harbour Committee for the financial year 2011/12.
- 2.3 The projected outturn at Appendix 1 reflects amendments to the budget made within the Executive Head of Tor Bay Harbour Authority's delegated powers. Details of each amendment can be found in the associated note.

2.4 The performance against budget is summarised below:

	<b>Original Budget 2011/12</b>	<b>Current Budget 2011/12</b>	<b>Projected Outturn 2011/12</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Torquay and Paignton Harbours Surplus/(Deficit)	0	(8)	(1)
Brixham Harbour Surplus/(Deficit)	(50)	(59)	30

2.5 The current progress of Harbour capital schemes is detailed below:

	<b>Total Budget</b>	<b>Actual to Date (including prior years)</b>	<b>Projected Outturn</b>	<b>Notes</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	
Torquay Harbour – Haldon & Princess Piers [General Fund element]	1,200 [600]	1,200 [600]	1,200 [600]	(i)
Brixham Harbour – Various Repairs	640	647	649	(ii)
Brixham Harbour – New Fish Quay Development	4,750	4,750	4,750	(iii)
Brixham Breakwater Repairs	150	0	150	(iv)
Fish Market Roof – PV Panels	48	0	48	(v)

- (i) The Phase 1 works are now complete and they have included sprayed concrete on the seaward face, additional rock armouring, some emergency repairs to the inside wall and a trial repair method that included a row of mini-piles. An initial application for external funding from the Environment Agency was successful and the grant of approximately £1.3m will be used for Phase 2 which will commence in the autumn of 2011. Work towards a further bid of approximately £7m of external funding from the Environment Agency is now underway and is expected to be submitted in March 2012.
- (ii) Further repair work is required to the ladders and fenders. Funding for this spend has been approved from the Brixham Harbour reserve but is not currently reflected in the Capital Plan
- (iii) Work commenced in February 2008 and the development has now been completed. Borrowing has been approved up to £4.75m and the capital charges used to service this loan can now be seen within the Brixham Harbour revenue account for 2011/12.
- (iv) The Environment Agency approved a grant of £40,000 to produce a more detailed structural report of the breakwater. Officers have now evaluated this new report and work has started on a bid for further Environment Agency funding from their 2012/13 capital plan. Additional wave modelling

results and an economic appraisal will form part of the bid process and an outcome should be known by February 2012. In the meantime the approved £150k capital work has been postponed.

- (v) Approximately £48k has been earmarked from the Brixham Harbour reserve to fund a 10kw Photovoltaic solar energy system on the new Fish Market roof. This capital spend has already been approved by Torbay Council but the recent announcement regarding a significant reduction in the feed-in tariff rate has meant that the scheme may no longer be viable. Further evaluation is now required to determine a clear business case.

- 2.6 Under the Council's Scheme of Delegation the Harbour Master can vary (by addition or waiver (in full or as to part)) the approved Schedule of Harbour Charges in such manner as shall be considered reasonable. However, the Harbour Master shall maintain a proper written record of all variations approved using the delegated powers and shall, at least twice a year, report to the Harbour Committee the total value of the additional charges levied and the total value of the charges waived (see paragraph 1.6).

**Kevin Mowat**  
**Executive Head of Tor Bay Harbour Authority**

**Pete Truman**  
**Principal Accountant**

### **Appendices**

Appendix 1 Harbour Revenue Accounts 2011/12

### **Documents available in members' rooms**

None

### **Background Papers:**

None

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HARBOUR REVENUE ACCOUNTS 2011/12

TORQUAY and PAIGNTON HARBOURS

Expenditure	2011/12 Original Budget £ ,000	2011/12 Current Budget £ ,000	2011/12 Profiled Budget £ ,000	2011/12 Actual to Date £ ,000	2011/12 Projected Outturn £ ,000	Notes
Operations and Maintenance :-						
Harbour Attendants Salaries	138	138	90	93	138	
Repairs and Maintenance	152	157	92	115	157	1
Rent Concessions	2	2	1	1	2	
Other Operating Costs	108	89	59	63	89	2
Town Dock Costs	23	23	3	2	23	
Management and Administration :-						
Salaries	181	181	104	103	181	3
Internal Support Services	117	117	80	80	117	
Other Administration Costs	45	49	27	24	49	4
Capital Charges	169	169	53	53	169	
Depreciation charge contribution	0	15	15	15	15	5
Contribution to Bad Debt Provision	5	0	0	0	0	6
Contribution to Patrol Boat Operation	2	2	0	0	2	
	<u>942</u>	<u>942</u>	<u>524</u>	<u>549</u>	<u>942</u>	
<b>Income</b>						
Rents and Rights :-						
Property and Other Rents/Rights	246	246	172	179	246	
Marina Rental	228	222	60	60	222	7
Operating Income :-						
Harbour Dues	60	60	45	60	60	
Visitor and Slipway	50	40	45	45	45	8
Mooring fees	59	61	58	63	63	9
Town Dock	240	233	233	229	233	10
Boat and Trailer parking	31	39	39	39	39	11
Other Income	28	28	15	23	28	
Contribution from Reserve	0	5	5	5	5	12
	<u>942</u>	<u>934</u>	<u>672</u>	<u>703</u>	<u>941</u>	
<b>Operating Surplus /(Deficit)</b>	<u>0</u>	<u>(8)</u>	<u>148</u>	<u>154</u>	<u>(1)</u>	

RESERVE FUND	
Opening Balance as at 1st April	617
Interest Receivable	8
Net Surplus / (Deficit) from Revenue Account	(1)
Withdrawal	(5)
Expected Closing Balance as at 31st March	<u>619</u>

*Note: The current recommended minimum level for the Torquay and Paignton Harbours Reserve fund is £436,000 based on 20% of budgeted turnover together with a cash figure of £250k*

## HARBOUR REVENUE ACCOUNTS 2011/12

### NOTES

#### TORQUAY & PAIGNTON HARBOURS

- 1 Work on the Torquay Harbour Bridge & Cill, originally planned for 2010/11 has been undertaken this year. Provision was made from the previous years budget with the corresponding funding coming back from the Reserve (see note 12).
- 2 A decision by the Valuation Office to delete the rateable liability for Harbour Master offices at both Torquay and Paignton has resulted in a reduction and rebate totalling £19k with an ongoing budget saving of £4.3k.
- 3 It is anticipated that there will be a reduction in employee costs due to the waiving of superannuation contributions by some employees. However, this has not been reflected in the projected outturn at present as employees are entitled to join the scheme at any stage.
- 4 Professional fees have been incurred in achieving the rating reductions identified in note 3.
- 5 Contribution to General Fund asset depreciation charges.
- 6 The current level of bad debt provision is sufficient based on the existing aged debt analysis. A contribution this year is therefore not required.
- 7 Marina income was down in 2010/11 due to continuing difficult economic conditions. These conditions are expected to remain during the current year and as a prudent measure the projected rental has been reduced.
- 8 Visitor and slipway income is down compared with 2010/11 although the position has recovered slightly since the September Report.
- 9 Mooring fees continue to show a modest increase over the target level.
- 10 Town Dock earnings have been reduced to reflect 2010/11 income levels.
- 11 Income levels have already exceeded the budget.
- 12 Funding for the Torquay Harbour Bridge & Cill work (see note 1) provided for from the 2010/11 revenue budget.

HARBOUR REVENUE ACCOUNTS 2011/12

**BRIXHAM HARBOUR**

Expenditure	2011/12	2011/12	2011/12	2011/12	2011/12 Projected Outturn £ ,000	Notes
	Original Budget £ ,000	Current Budget £ ,000	Profiled Budget £ ,000	Actual to Date £ ,000		
Operations and Maintenance :-						
Harbour Attendants Salaries	250	225	134	107	211	1
Repairs and Maintenance	111	152	84	132	152	2
Rent Concessions	4	4	0	0	4	
Other Operating Costs	224	241	192	216	249	3
Management and Administration :-						
Salaries	156	156	91	79	156	1
Internal Support Services	92	109	52	52	109	4
Other Administration Costs	39	50	25	24	50	5
Capital Charges	268	268	227	227	290	6
Depreciation charge contribution		10	10	10	10	7
Contribution to Patrol Boat Operation	2	2	0	0	2	
	<b>1,146</b>	<b>1,217</b>	<b>815</b>	<b>847</b>	<b>1,233</b>	
<b>Income</b>						
Rents and Rights :-						
Rents and Rights	189	189	89	119	189	
Marina Income	169	167	61	61	167	8
Operating Income :-						
Harbour Dues	76	76	76	82	82	9
Visitor and Slipway	15	10	10	12	12	10
Mooring fees	125	125	136	136	136	9
Fish Tolls income	474	525	277	366	600	11
Other Income	49	49	34	60	60	12
Contribution from Reserve	0	17	17	17	17	13
	<b>1,097</b>	<b>1,158</b>	<b>700</b>	<b>853</b>	<b>1,263</b>	
<b>Operating Surplus /(Deficit)</b>	<b>(50)</b>	<b>(59)</b>	<b>(115)</b>	<b>6</b>	<b>30</b>	

RESERVE FUND			
Opening Balance as at 1st April		553	
Interest Receivable		7	
Net Surplus / (Deficit) from Revenue Account		30	
Withdrawal		(17)	13
Closing Balance as at 31st March		<b>573</b>	

Note: The current recommended minimum level for the Brixham Harbour Reserve fund is £503,000 based on 20% of budgeted turnover together with a cash figure of £250k.

## HARBOUR REVENUE ACCOUNTS 2011/12

### NOTES

#### BRIXHAM HARBOUR

- 1 It is anticipated that there will be a reduction in employee costs due to the waiving of superannuation contributions by some employees. However, this has not been reflected in the projected outturn at present as employees are entitled to join the scheme at any stage.  
The Projected Outturn for Harbour Attendants reflects a vacant Dockmaster post (see also note 3) and reduced hours for one member of staff.
- 2 Work on various schemes, originally planned for 2010/11 have been undertaken this year. Provision was made from the previous year budget with the corresponding funding coming back from the Reserve (see note 13).  
However a late invoice for preliminary costs relating to the previous mooring contract in 2010/11 will now be met from the current year revenue budget as an overspend. This overspend has been reduced since the June Report.  
£20k has been added to the maintenance budget to meet in year demand.
- 3 Contract security costs have been incurred but are offset by the savings in salaries see note 1.  
The Valuation Office has determined that the rating liability for the New Fish Market rests with Brixham Trawler Agents and this represents a saving to this account. Increased water charges within the new development have further increased the projected outturn but this will be recharged to users (see note 12).
- 4 Internal Support costs have been adjusted upwards to reflect the likely year end charges.
- 5 Work originally planned for 2010/11 has been undertaken this year. Provision was made from the previous year budget with the corresponding funding coming back from the Reserve (see note 13).  
External legal costs have been incurred to help defend a third party mooring claim and contractual liability. These costs may be recovered.
- 6 Adjustments to financing of the Brixham Regeneration capital scheme have resulted in a slight increase in capital charges.
- 7 Contribution to General Fund asset depreciation charges.
- 8 Marina income was down in 2010/11 due to continuing difficult economic conditions. These conditions are expected to remain during the current year and as a prudent measure the projected rental has been reduced.
- 9 Additional income has been generated from charges for Private Craft.



- 10 Visitor and slipway income is down compared with 2010/11 although the position has recovered slightly since the September Report.
- 11 Fish Toll income has been further adjusted to reflect current levels and the outturn figure for 2010/11.
- 12 General income levels have been boosted by the sale of boats and the recharge of water charges (see note 3).
- 13 Funding for various work (see notes 2 and 5) provided for from the 2010/11 revenue budget.

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