

HARBOUR COMMITTEE

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

Monday, 15 June 2026

commencing at **5.30 pm**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor Strang (Chair)

Councillor Strang

Councillor Carter

Councillor Fellows

Councillor Fox

Councillor Penny

Councillor Twelves

External Advisors

Mr Day

A Healthy, Happy and Prosperous Torbay

Download this agenda via the free modern.gov app on your [iPad](#) or [Android Device](#). For information relating to this meeting or to request a copy in another format or language please contact:

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

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

HARBOUR COMMITTEE AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 3 - 4)
To confirm as a correct record the Minutes of the meeting of the Committee held on 30 March 2026.
3. **Declarations of interest**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent items**
To consider any other items that the Chairman decides are urgent.
5. **Tor Bay Harbour Masters Safety and Management Report** (Pages 5 - 14)
6. **Tor Bay Harbour Budget Monitoring Report** (Pages 15 - 22)
7. **Appointment of external advisers** (Pages 23 - 30)
8. **Proposed Installation of Jet Ski Pods** (Pages 31 - 34)
9. **Oxen Cove Development** (Pages 35 - 38)
10. **PMSC Audit** (Pages 39 - 74)

Minutes of the Harbour Committee

30 March 2026

-: Present :-

Councillor Strang (Chair)

Councillors Carter (Vice-Chair), Fellows, Fox, Penny and Twelves

32. Minutes

The Minutes of the meeting of the meetings held on 16 June 2025 and 5 January 2026 were confirmed as a correct record and signed by the Chair.

33. Declarations of interest

No declarations of interest were made.

34. Review of Delegated Powers of the Torbay Harbour Master

The Interim Director of Tor Bay Harbour Authority presented the report as published, noting that this constitutes a standing annual item. It was noted that there were no changes since the previous review.

Resolved (unanimously):

Having reviewed the powers delegated to the Tor Bay Harbour Master, the Harbour Committee finds no reason to propose changes to the Council for determination. The Committee have been briefed on the proposed changes to the Port Marine Safety Code and any changes required will be brought to this committee in March 2027.

35. Tor Bay Harbour Masters Safety and Management Report

Members noted the report as published, with the Harbour Master providing the committee with additional detail on a number of incidents which had occurred in the bay. In addition, the Harbour Master detailed the newly implemented dynamic risk assessment framework, changes to the safety code and ongoing training across the harbours. Members questioned public engagement in relation to Oxen Cove, further detail on specific incidents and ongoing maintenance works and the cost implications of recent storm damage.

36. Tor Bay Harbour Budget Q3

Members noted the submitted report, with The Interim Director of Tor Bay Harbour Authority providing further detail on the figures presented. Members queried specific line items, and noted a positive overall position. Members discussed the potential impact of geopolitical events on the Harbour budget, ongoing debtor positions, reserve spending and the impact of the upcoming Local Government Reorganisation.

37. Required PMSC Policies Report

Members discussed the submitted report, with The Harbour Master providing further detail on the practical implication of the amended policies.

Resolved (unanimously):

That the Harbour Committee endorse the policies and procedures required by the Port and Marine Facilities Safety Code following a presentation received during the Operational Visit held at Torquay Harbour on 5 March 2026.

38. Update on PMSC Compliance Audit (full report to follow at next meeting)

The Harbour Master provided a verbal report following discussions and presentations at the recent operational visit by Committee members. The Chair expressed thanks to the Harbours team for the work undertaken on this matter, and the Committee noted the quality of the policy document provided to them on the operational visit.

Chair

Meeting: Harbour Committee

Date: 15th June 2026

Wards affected: All wards

Report Title: Harbour Masters Safety and Management Report

When does the decision need to be implemented?

Director Contact Details: Matt Reeks, Interim Director of Tor Bay Harbour Authority
matt.reeks@swisco.co.uk

1. Purpose of Report

- 1.1. To provide Members of the Harbour Committee with an update on the current safety and management considerations of the Harbour

2. Reason for Proposal and its benefits

- 2.1 As required by the Port Marine Safety Code, Members of the Harbour Committee as duty holders are required to be aware of safety and management issues.

3. Recommendation(s) / Proposed Decision

- 3.1 That Members of the Harbour committee note the contents of the Harbour Masters report.

4. Appendices

- 4.1 None.

5. Background Documents

- 5.1 None.

Supporting Information

6. Safety.

- 6.1 All safety inspections and general safety precautions have been conducted as per policy.

- 6.2 One reported incident occurred on Torquay harbour estate. A member of public was leaning over a barrier whilst walking along and hit his head on a sign set behind the railings. We are contesting any liability but as a safety measure the sign has been removed. A small yacht left Torquay and was seen to be in difficulties off Paignton Harbour. Patrol boat Oscar 4 attended and towed the vessel to safety. No safety equipment on board resulted in a formal warning being issued to the master of the vessel. We will continue to record all incidents.
- 6.3 The Harbour Master has met with the Lead Highway Inspector and it has been agreed that the SWISCo Highways Inspection Team will now be responsible for safety inspections on the public realm areas of the harbour estate at Brixham and Paignton following a trial in Torquay which proved very positive. All repairs are communicated to the Harbour Master and will be allocated to the maintenance team where appropriate. Larger repairs will be contracted to Swisco where possible or alternatively to the list of approved contractors.
- 6.4 New vehicle barriers and ANPR cameras are now installed at all three harbours. Brixham barrier suffered some minor teething problems but is now working effectively. This will assist in the management of vehicles entering the sites for non-business matters. A continuous problem in all harbours and previously a daily occurrence. The Torquay barrier was hit by a delivery vehicle which departed without reporting the incident. A police report was compiled and the police are taking action to recover the cost of the repairs. A similar incident occurred at Paignton but the driver's details were taken and claims will be made to his insurers.
- 6.5 Contractors are underway with the manufacture of the linkages for the cill gates. Once we have delivery of the items we will instruct divers to install the damaged linkage. We will schedule this to limit any disruptions to harbour users.

7. Regulatory

- 7.1 Nick Burns has continued in the position of Interim Harbour Master to ensure compliance with the Port and Marine Facilities Safety Code. The two new Deputy Harbour Masters Ollie Parker-Ford and George O'Rourke have been instrumental in our PMSC compliance document being signed off and our vision for the future of the harbour authority. All have been working closely with our Designated Person James Hannon.
- 7.2 George O'Rourke has been in communications with the Department for Transport (DfT) to re-establish the customs clearance for Brixham Harbour. This will offer clearance for the movement of ships stores through the port to offshore vessels. We will hopefully generate more requests for transfers of stores in the future generating an additional income stream.
- 7.3 PMFSC training and audit was completed, and all certificates have been issued.
- 7.4 A review of all leases and licenses relating to the Brixham Harbour Estate is being undertaken by the Councils development partner. This will establish a clarity around the current situation and also allow a strategy to be developed for future income and rent monitoring.

- 7.5 George and Ollie attended a 5-day Spill Operations Commander Course in Bristol; this is the most comprehensive pollution qualification and allows to act incident managers in any pollution event.
- 7.6 The Torbay Harbour Statuary Oil Pollution Contingency Plan has completed the approval process and has been validated by the counter pollution and salvage Officer for the MCA for a further 5 years
- 7.5 No statutory Harbour approvals or requests have been requested.

8. Engagement and Consultation

- 8.1 The quarterly Brixham and Torquay/Paignton liaison forums were held in May. Additional effort has been made to encourage attendance again and any future key outcomes will be shared with the Committee. Questions were raised regarding the coloured lights at Paignton North Quay FTS will be requested to carry out improvement works once the barrier works have been completed.
- 8.2 The Harbour team, working in conjunction with the Councils Regeneration partner have continued meetings with the Brixham tenants and operators over recent months to share with them development plans in Oxen Cove. The team are now working with the architects and project team to establish the best possible fit with these requirements. In the meantime a traffic management plan has been implemented to reduce the risk whilst vehicles and plant are manoeuvring around the harbour estate. The plan will reduce or stop any lorries reversing out of the yard onto the highway minimising the risk to vehicles and pedestrians.
- 8.3 Brixham Harbour hosted the 2026 pirate festival and the event saw thousands of participants in costume across the harbour. Our maritime events schedule has increased year on year and 2026 has now reached 70 events scheduled throughout the year. The prime event being the Torbay Air Show. Concerns were raised with this event due to the impact on the seafront by the flood defence scheme. Tabletop exercise concentrated on the movement of people in the event of any incident during the displays. Mitigations were implemented during the exercise to minimise the risk to public. Clear walkways were constructed between the site area to allow public to move from the promenade into the green area in time for the event. Friday evening air displays went without incident but the fireworks display was halted as the fallout was in the proximity of spectators. With good weather the event saw a high attendance ashore and an estimated 400 vessels at anchor watching the displays on the Saturday. There were a few vessels entering the restricted area but the safety teams reacted promptly
- 8.4 The Harbour Master and deputies have attended Water safety forums and Port Welfare Committee meetings throughout the year and will continue support these organisations.

9. Asset and Plant

- 9.1 The new patrol boat, Papa 4 is working well and has been on the water at weekends patrolling the bay. Oscar 4 has also been involved in recovering broken down vessels and both vessels continue to be strong assets to the authority.
- 9.2 The Torquay patrol boat, Oscar 4 is due for annual inspection mid-June. Owner / operator inspections have shown no issues and the inspections are expected to be passed without any works required.
- 9.3 The Brixham workboat, Signal II has been lifted out of the water for some repairs to the decking and hatches. Works will commence in the next week to replace decking boards which have become softened due to wear and tear.
- 9.4 The Torquay workboat, Fortune, is coded under the SCV code and was inspected in October passing with no issues.

10. Forthcoming Actions

- 10.1 All three harbours are operating satisfactorily. General maintenance is being undertaken and where possible there is a continuous drive for clearing away rubbish especially in Brixham. New waste facilities are in place there and are in constant use moving high volume on a weekly basis.
- 10.2 The clearing of abandoned vessels in the Harbours continues with the removal of the MFV Accumulate. Gilpin's Demolition carried out the works and the vessel was dismantled and removed within three weeks. Two additional yachts were also removed from the harbour estate at the same time. Abandoned vessels are continuing to be an issue around the coast of the United Kingdom in most ports. We currently have two more vessels under arrest for non payment of dues. We will process them accordingly.
- 10.3 The Brixham outer harbour moorings maintenance contract has been underway and all the outer moorings have now been serviced by Millenium Marine Contractors. They are currently ahead of schedule and the remaining dive time will be used to assess the sacrificial anodes on the trawler basin sheet piling. Brixham inner harbour mooring chains replacement has been completed by Brixham Sea Farms and we are working to fill the vacant facilities. Both are local companies.
- 10.4 The "Versa Dock" pontoon for the Brixham breakwater continues to be used regularly following it's installation. Responses in the Liaison Forums were very positive for this facility.

- 10.5 One harbour assistant has resigned from the team and recruitment is underway for his replacement Adrian was with us for 8 years and we hope to recruit a replacement in the near future
- 10.6 The security contract moved across to SWISCo in July 2025, the team are working well and regular patrols and dock mastering has commenced. Landing notices are now issued to all vessels landing at Brixham. The team has three new members and are well into their training for the role
- 10.7 Work to complete the installation of the Festoon lighting was abandoned during the summer holidays due to operational reasons. We anticipate the replacement of the Paignton North Quay lighting soon.
- 10.8 The “Northern Arm” proposal remains live and further meetings on this subject are being held.

11. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	There is no differential impact.		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact.		
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by	There is no differential impact.		

	a physical or mental health condition or illness.			
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact.		
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact.		
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact.		

Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There is no differential impact.		
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact.		
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact.		
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact.		
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,	There is no differential impact.		

	5.9 per cent of the population have previously served in the UK armed forces.			
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		There is no differential impact.		
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact.		
Human Rights impacts		There is no differential impact.		
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact.		

12. Cumulative Council Impact

12.1. None.

13. Cumulative Community Impacts

13.1. None.

Meeting: Harbour Committee **Date:** 15 June 2026

Wards affected: All Wards

Report Title: Tor Bay Harbour Budget Monitoring – Q4 2025/26

Report Contact Details:

Matt Reeks, Divisional Director for Place Operations: matt.reeks@torbay.gov.uk

Ian Rowswell, Deputy Director of Finance: ian.rowswell@torbay.gov.uk

1. Purpose of Report

- 1.1 This report updates the Committee on the 2025/26 outturn position for Tor Bay Harbour Authority as at the end March 2026, comparing the year end spend against the annual budget for 2025/26 – as approved on 2nd December 2024.

2. Reason for Proposal and its benefits

- 2.1 As a standing agenda item, a quarterly report is presented to each Committee meeting to enable appropriate oversight of spend against the budget. This helps to understand any spending pressures and the mitigating actions necessary in order to manage spend and maintain reserves at appropriate levels. This is the final quarterly report for the 2025/26 financial year.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Harbour Committee note the revenue outturn position and adjustment to the reserve for Tor Bay Harbour Authority for 2025/2026 as set out in Appendix 1 to the submitted report.

Appendices

Appendix 1: Harbour Revenue Account 2025-26 – Outturn 2025/26

Supporting Information

1. Introduction

- 1.1 The 2025/26 Tor Bay Harbour Authority annual budget was approved by the Committee on 2nd December 2024. This is the final monitoring report for the 2025/26 financial year and covers the period up to the end of March 2026.

2. Options under consideration

- 2.1 Appendix 1 to this report provides a summary of the Harbour revenue account, showing the outturn position for 2025/26 as at the end of March 2026, with associated notes and a summary of the adjustments to the reserves.

3. Financial Opportunities and Implications

- 3.1 At the end of the financial year there was a final surplus on the Harbour revenue account of £204k, compared with the balanced budget set in December 2024. This is an improved position from the £28k underspend forecast at Q3 and significant variances will be highlighted further within the report. We will continue to review areas of significant variance and consider how to improve the accuracy of projections throughout the year.
- 3.2 Fish toll income is the most significant income for Harbours, accounting for over 30% of its total income. Although the budget was increased by £200k for 2025/26, projections through the year showed that income was expected to exceed budget – with a variance of £200k projected. By year-end total fish toll income had exceeded budget by £387k and is the primary reason for the overall year end surplus. Total income was £4,562k, with income across other areas such as moorings, pontoon booths and rent coming in close to, or slightly better than budgeted, resulting in a positive variance of £405k over budget.
- 3.3 This income has offset overspends in a number of expenditure budgets, the most significant relating to repairs and maintenance (R&M) and security costs, where additional costs have been necessary to ensure the Harbour is safe and secure for users and the wider community. Whilst the outturn position on the latter is in line with projections, the final R&M position was much better than projected, although some of these cost will be incurred within the following year.
- 3.4 Staffing is the largest expenditure budget and although a material overspend was forecast early in the year, tight control and management has resulted in a year end overspend of just £10k (1% of the budget).
- 3.5 Another contributing factor to the overall Harbour Authority year end surplus was the underspend against the conservancy budget. Dredging costs had been estimated at £100k

but this work (and associated costs) have not occurred in the 2025/26 year. The same amount of £100k has been included within the budget for 2026/27.

- 3.6 The Harbours contribution to Torbay Council's general fund was in line with budget at £657k, held at the same level as previous years. There is a general understanding (supported by previous reports and minutes) that this figure represents both a cash dividend and asset rental fee, but further work continues to review this contribution and provide more detail to the Committee.
- 3.7 £462k of one-off spend was planned in 2025/26, to be funded from the Harbours reserve, which had a balance of £1,459k at the start of the year. Commitments totalling £362k were identified as part of the 2025/26 budget setting process and included replacement of Harbour chillers (£160k) and replacement of Brixham Harbour moorings, (£100k). A full list can be found in Appendix 1 (notes) and shows how the addition of repairs to Millenium Bridge increased this spend by further £130k. However, the majority of these commitments have not occurred as planned or have been funded from within budget, so there has been no drawdown from reserves in 2025/26. Reserves are still available to fund outstanding work that takes place in 2026/27 and this will be reported on within future budget monitoring reports. The table below summarises estimated movements at budget setting and in-year, compared with the improved final outturn position.

Drawdown from Reserves	Budget	Projection	Outturn
	2025/26	Q3	2025/26
	£k	£k	£k
Balance at 1/4/25	(1,069)	(1,459)	(1,459)
Projected Outturn deficit/(surplus)	0	(27)	(204)
Interest received	(10)	(66)	(58)
Budgeted contribution from reserves for one-off spend	332	462	0
Est balance at year end 31/3/26	(747)	(1,090)	(1,721)

3.8 The Harbour's outstanding borrowing liability is as follows:

Capital Scheme	Amount Borrowed	Start of Repayments	Principal Outstanding 01/04/25	Principal Outstanding 31/03/26
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£273,007	£253,506
Town Docks (Torquay Harbour) - replacement	£1,201,000	2024/25	£1,132,797	£1,063,059
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£638,767	£586,674
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£3,171,404	£3,031,588
Torquay Inner Harbour pontoons (Inner Dock)	£800,000	2014/15	£553,226	£524,167
Brixham Harbour Jetty	£840,000	2020/21	£783,850	£771,502
TOTAL			£6,553,051	£6,230,497

3.9 The Harbour's aged debt position is set out below, with debt largely reflecting the payment by instalments. The figures for 0-60 days will vary depending on the timing of invoices raised, but the values of debt up to 120 days old is low and demonstrates how well new debt is managed and reflects the sustained recovery activity taking place.

	Corporate Debtor System & Harbour Charges			
	<60 days	61-120 days	121-365 days	>365 days
Debt outstanding	£5k (was 210k at Q3)	£18k (was £5k at Q3)	£148k (was £191k at Q3)	£139k (was £252k at Q3)
Bad debt provision	£153k (was £80k)			

3.10 The value of debts over 121 days old has reduced significantly since Q3 and key accounts are now under structured repayment plans and are actively managed. Although debts levels have reduced still the total debt over 121 days is almost £300k. The bad debt provision was increased in the final quarter of the year to recognise the value of these debts, and the associated risks of non-recovery - particularly with those debts older than one year. This cost was met from the revenue account and the reason for the overspend against the Admin and General expenses budget.

4. Legal Implications

4.1 Not applicable

5. Engagement and Consultation

5.1 The service continues to listen to feedback from:

- Harbour users and liaison forums
- Committee members
- Fishing industry leaders

6. Procurement Implications

6.1 Not applicable

7. Protecting our naturally inspiring Bay and tackling Climate Change

7.1 Not applicable

8. Associated Risks

8.1 Spend relating to commitments that have not materialised is likely to be incurred in 2026/27 and put additional pressure on budgets. This will be monitored though the year and surpluses from underspends in 2025/26 have been transferred to Harbour reserves to offset this spend in future years.

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

9.1 Not applicable

10. Cumulative Council Impact

10.1 Not applicable

11. Cumulative Community Impacts

11.1 Not applicable

HARBOUR REVENUE ACCOUNTS 2025/26 -OUTTURN

TOR BAY HARBOUR AUTHORITY

Expenditure	2025/26 Original Budget £ ,000	2025/26 Final Outturn £ ,000	2025/26 Variance to budget £ ,000	2025/26 Q3 Projection £ ,000	2026/27 Proposed Budget £,000	NOTE
Harbour Employee Costs	875	885	10	885	1001	NOTE 1
Premises Costs:-						
Repairs and Maintenance	385	436	51	516	450	NOTE 2
Energy & Water	401	403	2	401	411	
Cleaning & Waste	64	70	6	89	66	
Other Premises & Insurance costs	229	238	9	229	235	
Operational Costs:-						
Security Services including CCTV	182	233	51	233	230	NOTE 3
Professional Services	79	114	35	79	81	NOTE 4
Equipment and V&P	62	97	35	74	64	NOTE 5
SWISCo	103	104	1	103	106	
General & administration expenses	85	182	97	91	87	NOTE 6
Internal Support Services	269	268	-1	269	276	
User Charges Concessions	20	18	-2	26	21	
Conservancy (Dredging)	100	0	-100	100	100	NOTE 7
Capital Charges	584	584	-0	584	584	NOTE 8
Projects Earmarked From Reserves	-0	0	0	462	TBC	NOTE 9
IFCA Precept	29	29	0	29	29	
Contribution to General Fund - EHO	43	39	-4	38	0	
Contribution to General Fund	647	657	10	652	652	
	4,157	4,358	201	4,860	4,391	

	2025/26 Original Budget £ ,000	2025/26 Final Outturn £ ,000	2025/26 Variance to budget £ ,000	2025/26 Q3 Projection £ ,000	2026/27 Proposed Budget £,000	NOTE
Expenditure brought forward	4,157	4,358	201	4,860	4391	
Income						
Rents and Rights :-						
Property and Other Rents/Rights	692	680	-12	764	750	
Marina Rental	642	638	-4	642	664	
Operating Income :-						
Harbour Dues	63	85	22	64	65	
Visitor and Slipway	106	60	-46	82	110	NOTE 10
Mooring fees	264	287	23	295	273	
Pontoon Berths	792	789	-3	802	820	
Fish Toll Income	1,300	1,687	387	1500	1400	NOTE 11
Recharged Services	132	109	-23	106	137	
Harbour Facilities charges	65	79	14	66	68	
Licences & Contractor passes	43	33	-10	48	45	
Reserved Car Parking	27	28	1	26	27	
Miscellaneous & Administration charges	31	87	56	31	32	NOTE 12
Contribution from Reserve	0	0	0	462	TBC	NOTE 9
	4,157	4,562	405	4,888	4391	
Operating Surplus /(Deficit)	0	204	204	28	0	

RESERVE FUND	Budget 25/6	Outturn	Q3 Est	Budget 26/7
Opening Balance as at 1st April 2025	1069	1,459	1459	1099
Interest Receivable	10	58	66	54
Net Surplus from Revenue Account	0	204	27	0
Contribution to Revenue	-332	0	-462	TBC
Expected Closing Balance as at 31st March	747	1,721	1,090	1153

Note: In line with Harbour Committee minute 398 (5) December 2011 the recommended minimum reserve level is 20% of budgeted turnover to meet any deficit in the revenue budget or winter storm damage. Using current budgeted figures this would mean maintaining a reserve of at least £878k.

NOTES TO THE ACCOUNTS - Outturn position for 2025/26

1 Employee costs for the year ended just £10k above budget and in line with projections.

2 Essential repairs and maintenance resulted in an overspend, although not to the the extent projected due to some work not taking place in 26/27 as expected.

Urgent and unplanned ractive maintenance works included:

- MeterMac System replacement at Brixham Harbour
- Investigatory and urgent repair works to bridges and cills were undertaken to manage emerging structural risks
- H&S and security improvements including the installation of walkway safety barriers at Brixham Harbour and security gate replacement/repairs at both Brixham and Torquay Harbours

3 Additional Security requirements and increased 3rd party costs resulted in an overspend of £51k. The 2026/27 budget was increased to reflect this ongoing increase in costs.

4 Professional Services is showing an overspend due to £38k relating to additional works on TJs restaurant -categorised against R&M within projections.

5 The £35k overspend on Equip, vehicles and plant relates to £38k spent on Rib repairs, which was not funded from reserves as planned.

6 The £97k overspend on Admin and general expenses is mainly down to a £73k increase in the bad debt provision.

The balance of the o/s is due to additional costs relating to the recovery and disposal of abandoned boats.

7 Dredging did not take place as originally planned so there was an underspend against the conservancy budget of £100k.

8 Capital charges were incurred in financing the following Harbour schemes:

	£k
Torquay Town dock	20
TorquayTown replacement	95
Torquay Inner Harbour pontoons	54
Torquay Haldon Pier	81
Brixham Harbour regeneration	282
Brixham Harbour Jetty	38
Harbour Light	14
	584

9 The following works were planned to take place and be funded from a transfer from the reserves, but no transfers have been required

	£k
Brixham Harbour concrete pads	30 <i>No longer planned</i>
Brixham Harbour mooring replacement	100 <i>Will be completed and transfer from reserves required in 26/27</i>
Brixham Harbour chillers	160 <i>Will be completed and transfer from reserves required in 26/27</i>
Paignton Leased Property upgrades	12 <i>Part of TJ works funded from revenue</i>
Torquay Rib repairs	30 <i>Funded in 25/26 from revenue account.</i>
Millenium Bridge repairs	130 <i>Will be completed and transfer from reserves required in 26/27</i>
	462

10 Visitor and Slipway income was less than budgeted due to a reduction in boat visists and also challenges collecting income due to staff shortages.

11 Income from fish tolls far exceeded budget and projections made through the year due to increased volumes

12 Miscellaneous income exceeded budget and forecasts, mainly due to income relating to berthing and mooring fees for commercial vessels exceeding budget.

Meeting: Harbour Committee

Date: 15th June 2026

Wards affected: All wards

Report Title: Appointment of External Advisors to the Harbour Committee

When does the decision need to be implemented?

Director Contact Details: Matt Reeks, Interim Director of Tor Bay Harbour Authority
matt.reeks@swisco.co.uk

1. Purpose of Report

- 1.1. To seek approval from Members of the Harbour Committee to commence a recruitment process for the appointment of two External Advisors to support the Harbour Committee in the discharge of its responsibilities as Duty Holder under the Port and Marine Facilities Safety Code.

2. Reason for Proposal and its benefits

- 2.1. The Harbour Committee acts as the Duty Holder for Tor Bay Harbour Authority and is collectively responsible for ensuring compliance with the Port and Marine Facilities Safety Code (PMSC).
- 2.2. The PMSC states that Duty Holders should be competent and have sufficient knowledge and understanding of harbour operations, marine safety, governance and risk management to effectively discharge their responsibilities.
- 2.3. Members of the Harbour Committee bring a broad range of skills and experience, the appointment of External Advisors would complement this by providing additional specialist maritime and commercial expertise to support informed decision making.
- 2.4. Many municipal harbour authorities across the United Kingdom utilise independent members, non-voting advisors with relevant maritime experience to provide advice and challenge to harbour boards and committees.
- 2.5. The appointment of External Advisors would provide the following benefits:
 - Independent professional advice to Members.
 - Increased understanding of commercial maritime operations.
 - Enhanced stakeholder confidence in Harbour Committee decision making.
 - Additional challenge and scrutiny of harbour policies and strategic decisions.

- Access to industry knowledge and best practice.
- Support for long-term strategic planning of the Harbour Authority.
- Improved understanding of the needs of commercial harbour users.

- 2.6. It is proposed that the External Advisors are selected from individuals with significant experience within the commercial fishing industry, commercial maritime sector or ports industry.
- 2.7. Although External Advisors would not form part of the Duty Holder and would have no voting rights, it is proposed that they undertake Duty Holder training to ensure they fully understand the statutory responsibilities placed upon the Harbour Committee and can provide informed advice accordingly.
- 2.8. It is proposed that the opportunities will be advertised with invitations for expressions of interest which will then be judged against relevant criteria in a selection process.
- 2.9. It is proposed that the External Advisors expenses for travel to/from committee meetings is reimbursed given that the role will be unpaid.

3. Recommendation(s) / Proposed Decision

- 3.1. That Members approve the recruitment of two External Advisors to the Harbour Committee.
- 3.2. That the External Advisors be appointed as non-voting members of the Harbour Committee.
- 3.3. That appointments be made by the committee following an open recruitment process based on relevant maritime and commercial experience.
- 3.4. That appointed advisors undertake appropriate Port and Marine Facilities Safety Code Duty Holder training.
- 3.5. That appointments be made for an initial period of twelve months and reviewed annually by the Harbour Committee.
- 3.6. That the Harbour Master be authorised to prepare a role description and commence the recruitment process.

4. Appendices

- 4.1. None.

5. Background Documents

- 5.1. Port and Marine Facilities Safety Code
- 5.2. Guide to Good Practice on Port and Marine Facilities

Supporting Information

6. Governance

- 6.1. The Guide to Good Practice accompanying the Port and Marine Facilities Safety Code highlights the importance of ensuring Duty Holders possess sufficient competence and knowledge to discharge their responsibilities.
- 6.2. The appointment of External Advisors would strengthen governance arrangements by providing access to specialist maritime knowledge and operational experience.

7. Proposed Advisor Requirements

- 7.1. The proposed External Advisors should possess experience in one or more of the following areas:
 - Commercial fishing operations.
 - Harbour management.
 - Port operations.
 - Commercial shipping.
 - Marina Management.
 - Port and Marine Facilities Safety Code.
 - Maritime Law.
- 7.2. Preference should be given to individuals with current or recent operational involvement within the maritime sector.
- 7.3. The advisors shall attend Harbour Committee meetings and provide advice and challenge where appropriate.
- 7.4. The advisors shall have no voting rights and shall not form part of the Duty Holder.
- 7.5. The advisors shall complete appropriate Duty Holder training within six months of appointment.

8. Financial Implications

- 9.1. The appointments will be voluntary positions with reasonable travel expenses reimbursed where appropriate.
- 9.2. As Tor Bay Harbour Authority is part of the British Port Association, duty holder training is provided by the association free of charge in the form of a live webinar.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age Page 26	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	There is no differential impact.		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact.		
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by	There is no differential impact.		

	a physical or mental health condition or illness.			
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact.		
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact.		
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact.		

Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There is no differential impact.		
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact.		
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact.		
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact.		
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,	There is no differential impact.		

	5.9 per cent of the population have previously served in the UK armed forces.			
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		There is no differential impact.		
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact.		
Human Rights impacts		There is no differential impact.		
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact.		

10. Cumulative Council Impact

- a. None.

11. Cumulative Community Impacts

- a. None.

Meeting: Harbour Committee

Date: 15th June 2026

Wards affected: All wards

Report Title: Proposal: Installation of Maxi Jet Ski Pods – Torquay Harbour

When does the decision need to be implemented?

Director Contact Details: Matt Reeks, Interim Director of Tor Bay Harbour Authority
matt.reeks@swisco.co.uk

1. Purpose of Report

- 1.1. To seek approval for the installation of Maxi 2 Jet Ski Pods within Torquay Harbour, utilising an area unsuitable for permanent vessel moorings due to manoeuvring constraints and addressing current demand from personal watercraft users.

2. Reason for Proposal and its benefits

- 2.1. As required by the Port and Marine Facilities Safety Code, Members of the Harbour Committee as duty holders are required to be aware of safety and management issues. There are currently eight customers on the waiting list for jet ski storage facilities within Torquay Harbour, due to exceptionally high demand for the facilities, the waiting list has been closed. A review of the harbour layout has identified an area adjacent to the Town Dock access bridge that is unsuitable for a conventional berth but suitable for the installation of dedicated jet ski pods.
- 2.2. The proposed system utilises industry-leading Maxi Jet Ski Pods. These pods incorporate integrated wheels on the upper surface, reducing hull wear and minimising the risk of damage during launching and recovery. This enhanced specification supports a premium tariff.
- 2.3. A financial appraisal has been conducted (See Appendix A).
- 2.4. It is anticipated that at least 5 jet ski pods could be installed in the area depending on configuration and that the payback period for each installed jet ski pod is approximately 20 months (1.69 years) and would reduce the pressures on the waiting list which is currently closed with 8 outstanding requests for moorings.

3. Recommendation(s) / Proposed Decision

- 3.1. That the Harbour Committee approves the installation of approximately five Maxi Jet Ski Pods within Torquay Harbour at an estimated capital cost of £13,132.81 and approves the introduction of a new annual tariff of £1,550 per pod.

4. Appendices

- 4.1. A: Financial appraisal for installation of 5 Maxi 2 Jet Ski pods within Torquay Harbour
- 4.2. B: Proposed installation location

5. Background Documents

- 5.1. None.

Appendix A: Financial Appraisal – Installation of new Jet Ski Pods

Date: 01st June 2026

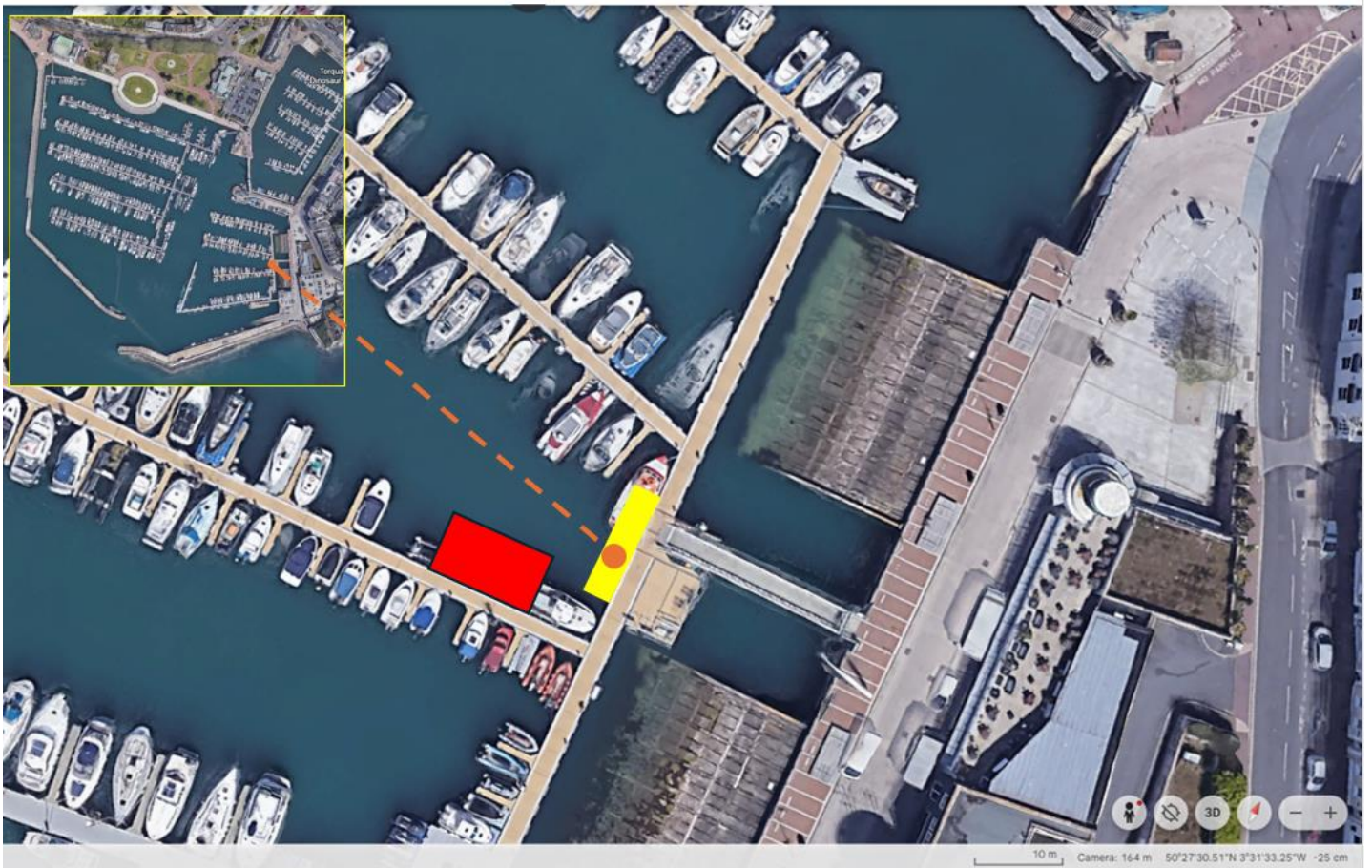
Installation Costings

Item	Value
Supply and installation cost (5 pods)	£13,132.81
Number of pods	5
Proposed annual charge per pod	£1,550
Annual income (5 pods)	£7,750
Payback Time	1.69 years (20 months)

Market Analysis

Facility Type	Annual Charge	Difference vs Maxi Pod (£)	Difference vs Maxi Pod (%)
Current Standard Jet Ski Pod (TBHA)	£1,225.00	-£325.00	-20.97%
Proposed Maxi Jet Ski Pod	£1,550.00	£0.00	0.00%
MDL Jet Ski Berth	£1,798.35	+£248.35	+16.02%

Appendix B: Proposed Location



Proposed location of Jet Ski Pods (Yellow Area)



Proposed Jet Ski Pods

Meeting: Harbour Committee

Date: 15th June 2026

Wards affected: All wards

Report Title: Oxen Cove Development

When does the decision need to be implemented?

Director Contact Details: Matt Reeks, Interim Director of Tor Bay Harbour Authority
matt.reeks@swisco.co.uk

1. Purpose of Report

- 1.1. To inform Members of the proposed expansion of Brixham Harbour and Fish Market via development at Oxen Cove and advise of progress and planning and delivery times.

2. Reason for Proposal and its benefits

- 2.1. £9.71 million of Government Levelling Up Funding is allocated to expanding Fish Market operations at Oxen Cove.
- 2.2. The Fish Market and Harbour are operating at full capacity and without additional space Brixham could lose its competitive edge. The proposed expansion would provide 2,990m² of new waterside space across five purpose built units, helping the Harbour run more efficiently and meet growing demand.
- 2.3. Oxen Cove has been identified as the most suitable location for this investment. It sits directly alongside existing Fish Market operations and is already partly used for fishing related activity. Both the Brixham Town Centre Masterplan and the Neighbourhood Plan support new facilities in this area, recognising the importance of protecting Brixham's 600-year fishing heritage while preparing the Harbour for a strong and sustainable future.
- 2.4. The expansion is expected to create around 40 new fishing related jobs and generate more than £11 million in additional economic benefit each year. Increased processing efficiency could raise the value of landed fish by up to £20 million per year within five years, potentially lifting total turnover above £100 million.
- 2.5. Community and stakeholder engagement was undertaken during March and April and all feedback will be reviewed before a planning application is submitted.
- 2.6. The Planning and delivery timescales are as follows
 - Summer 2026 – planning application submitted

- Autumn/Winter 2026 – planning decision
- Early 2027 – Construction begins
- End of 2027 – construction completes
- Early 2028 – operational

All timescales are estimated and may change depending on the outcome of the planning process.

- 2.7. The development will result in the permanent loss of some car parking spaces at Oxen Cove. Several spaces have already been taken up by fishing related activity. There may also be some temporary reduction in spaces at the neighbouring Freshwater car park. A transport statement will accompany the planning application.
- 2.8. The South West Coast Path runs through the site, and the design team are working closely with the SWCP Association to ensure suitable diversions are in place if required during the works and the finished site provides an improved experience for users.
- 2.9 We are closely engaging with current tenants and land occupiers. We are in active discussions with current Fish Market tenants to understand who may be interested in relocating processing operations to Oxen Cove, These conversations are ongoing, and no decisions have been made about which businesses will occupy the new units, Whilst the discussions are commercially sensitive there is a strong interest from existing site users.
- 2.10 A Transport Assessment is being prepared and will be submitted with the planning application. This will assess the expected impact of the development and identify any measures needed to manage vehicle movements, including cars, vans and Industrial HGV's. Mitigation could include traffic management to ensure vehicles and move safely around the site.

The development is expected to generate an additional 8-10 HGV movements per week, Most HGV activity will remain within the existing Fish Market footprint.

- 2.11 The planning application is entirely stand alone and does not depend on, or require, the delivery of a fixed link between the market and Oxen Cove. The proposals have been assessed on their own merits to ensure they are robust as an independent scheme. The fixed link would be a separate project with its own planning and delivery considerations. Any future decisions about a fixed link will not affect the viability or delivery of the Fish Market expansion, If progressed the fixed link would not a public highway but a private access route only.

3. Recommendation(s) / Proposed Decision

- 3.1. That Members note the information provided and support the ongoing work to plan and deliver the Oxen Cove development.

4. Appendices

4.1. Proposed Location



4.2 Proposed new development



4.3 Proposed side elevation (Steel)



4.4 Proposed side elevation (Timber)

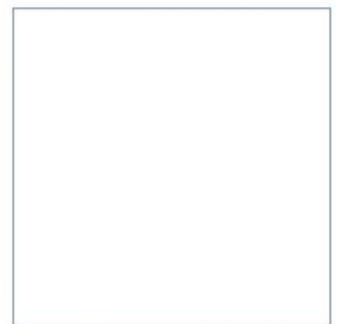
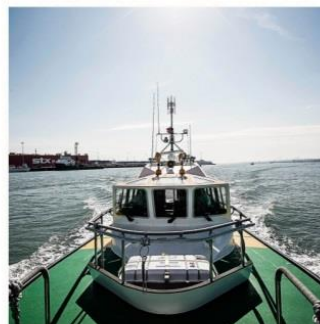


Torbay Council

Ports & Marine Facilities Safety Code

Tor Bay Harbours Audit 2026

March 2026



Innovative Thinking - Sustainable Solutions



Page intentionally left blank

Ports & Marine Facilities Safety Code

Tor Bay Harbours Audit 2026

March 2026



Document Information

Document History and Authorisation		
Title	Ports & Marine Facilities Safety Code	
	Tor Bay Harbours Audit 2026	
Commissioned by	Torbay Council	
Issue date	March 2026	
Document ref	R. 5278	
Project no	5585/2	
Date	Version	Revision Details

Prepared (Auditor)	Approved (Quality Manager)	Authorised (Project Director)
James Hannon	Richard Vaughan	Monty Smedley
JJH	RHV	MJS

Suggested Citation

ABPmer, (2026). Ports & Marine Facilities Safety Code, Tor Bay Harbours Audit 2026, ABPmer Report No. R.. A report produced by ABPmer for Torbay Council , March 2026.

Author

J.J. Hannon

Notice

ABP Marine Environmental Research Ltd ("ABPmer") has prepared this document in accordance with the client's instructions, for the client's sole purpose and use. No third party may rely upon this document without the prior and express written agreement of ABPmer. ABPmer does not accept liability to any person other than the client. If the client discloses this document to a third party, it shall make them aware that ABPmer shall not be liable to them in relation to this document. The client shall indemnify ABPmer in the event that ABPmer suffers any loss or damage as a result of the client's failure to comply with this requirement.

Sections of this document may rely on information supplied by or drawn from third party sources. Unless otherwise expressly stated in this document, ABPmer has not independently checked or verified such information. ABPmer does not accept liability for any loss or damage suffered by any person, including the client, as a result of any error or inaccuracy in any third party information or for any conclusions drawn by ABPmer which are based on such information.

All content in this document should be considered provisional and should not be relied upon until a final version marked '*issued for client use*' is issued.

All images on front cover copyright ABPmer.

ABPmer

Quayside Suite, Medina Chambers, Town Quay, Southampton, Hampshire SO14 2AQ
T: +44 (0) 2380 711844 W: <http://www.abpmer.co.uk/>

Contents

1	The Ports & Marine Facilities Safety Code	1
1.1	About the Marine Facility.....	2
2	Purpose and Method	3
2.1	Audit scope.....	3
2.2	Audit date and criteria	4
2.3	Auditors.....	4
2.4	Auditees	4
3	Audit Summary.....	5
4	References.....	6
4.1	Websites	6
5	Abbreviations/Acronyms	7

Appendix

A	Detailed Audit Findings.....	10
A.1	Duty Holder	10
A.2	Designated Person	12
A.3	Legislation	13
A.4	Duties and Powers	15
A.5	Risk Assessment.....	21
A.6	Marine Safety Management System	23
A.7	Review and Audit	25
A.8	Competence.....	27
A.9	Plan	28
A.10	Conservancy Duty.....	29

Figure

Figure 1.	Harbour limits.....	Error! Bookmark not defined.
-----------	---------------------	-------------------------------------

1 The Ports & Marine Facilities Safety Code

The 'Ports & Marine Facilities Safety Code' (PMSC) commonly referred to as 'the Code' sets out a national standard for every aspect of port marine safety. Its aim is to enhance safety for everyone who uses or works in the UK port marine environment including those in marinas, boatyards and other marine facilities. It is authored by the UK Government, supported by the devolved administrations and representatives from across the maritime sector. Whilst the PMSC is not mandatory, these bodies have a strong expectation that all harbour authorities and marine facilities will comply. The Code is applicable both to Statutory Harbour Authorities and to marine facilities which may not have statutory powers; these are collectively referred to throughout the Code as 'Organisations' (DfT, 2025).

In reading this audit report, Peel Ports Logistics (PPL) should note the following extract from the Code:

"The Code does not contain any new legal obligations but includes, amongst other things, references to the main legal duties which exist and are relevant to many organisations. Although failure to comply with the Code is not an offence, it represents good practice as recognised by industry stakeholders. An organisation may suffer significant reputational damage if it has publicly stated compliance with the Code and subsequently fails to meet its requirements".

(DfT, 2025)

In order to measure compliance with the Code, the table below sets out the 10 Duty Holder responsibilities, and corresponding cross-references with sections of the Code, which this audit has considered.

No	PMSC Duty Holder Responsibilities		PMSC Section Reference
1	Duty Holder	All organisations must have a Duty Holder which is accountable for compliance with the Code. The Duty Holder, whose members are typically, accountable for compliance with the Code, and their organisation's performance in ensuring safe marine operations.	1.1-1.10
2	Designated Person	All organisations must appoint a suitably qualified individual as their 'Designated Person'. This person provides independent assurance about the operation of the organisation's marine safety management system and must have direct access to the Duty Holder.	2.1-2.4
3	Legislation	The Duty Holder must be aware of and review the organisation's legal powers, duties and responsibilities based on applicable local and national legislation and seek additional powers if necessary to improve marine safety.	3.1-3.18
4	Duties and Powers	Organisations must comply with any statutory duties and responsibilities they have.	4.1-4.46
5	Risk Assessment	Organisations must ensure that risks are formally assessed and are eliminated or reduced to the lowest possible level, so far as is reasonably practicable, in accordance with good practice.	5.1-5.13
6	Marine Safety Management System	Organisations must operate an effective Marine Safety Management System (MSMS) which is based on formal risk assessment.	6.1-6.25
7	Review and Audit	Organisations must review and audit performance against applicable requirements of the Code.	7.1-7.8
8	Competence	Organisations must use people who are appropriately trained, qualified and experienced to manage marine safety.	8.1-8.4
9	Plan	Organisations must publish a marine safety plan showing how the standards in the Code will be met and produce a report assessing performance against that plan at least every 3-years.	9.1-9.7
10	Conservancy Duty	Organisations must ensure their facilities are fit for purpose and have a duty of reasonable care to ensure that any vessel can utilise them safely.	10.1-10.17

1.1 About the Harbour Authority

The Tor Bay Harbour Act 1970 is the primary legislation governing the harbour's operations and management. It outlines the responsibilities of the Harbour Authority, including the regulation of vessel conduct and the protection of the harbour environment. The Act is supported by various policies and bye-laws that detail the Harbour Authority's powers and duties. Torbay Council, as the statutory harbour authority, is responsible for ensuring the harbour's safety, efficiency, and environmental protection. The Harbour Authority's policies and bye-laws are designed to provide a framework for the delivery of services and to maintain the harbour as a comprehensive and effective service.

The Brixham Harbour and Market Act 1896 is the primary legislation governing Brixham Harbour. This act outlines the powers of the harbour master and establishes local laws for the regulation and administration of the harbour. Additionally, Brixham has its own bye-laws, which are local regulations that govern various aspects of the harbour, including navigation and the handling of goods.

Torquay Harbour lies on the North shore of Tor Bay and whilst benefiting from an expanding marine leisure industry, Torquay remains a fully commercial and busy little Devonshire port. The Harbour's also on the fringe of the Town centre giving easy access to shops, restaurants and bars.

Haldon Pier to the South and Princess Pier to the West, form the main breakwaters and give shelter to the enclosed harbour facilities.

Paignton Harbour nestles on the western shores of Tor Bay situated midway between Torquay and Brixham harbours. Its understated beauty and authentic 'fishing haven' feel are often overlooked by visitors to the area and even some locals.

The harbour was established in the 18th Century, and the local Council has managed the harbour since 1935.

Brixham Harbour is located on the southern aspect of Tor Bay and boasts one of the largest fishing fleets in the UK, plus a thriving fish market to support it.

Over 100 fishing boats land and sell their catch at the local Fish Market on the quayside. A visitor viewing platform is conveniently placed so visitors can watch the busy comings and goings of the fishing fleet, made up of large beam trawlers and the smaller day boats.

2 Purpose and Method

2.1 Audit scope

Torbay Council has contracted ABPmer to provide Designated Person services for the Council at Tor Bay and Brixham Harbours. Part of this service includes the provision of annual auditing to establish if the Harbour Authority is compliant with the requirements of the Port Marine Safety Code (PMSC). The scope of the audit includes a review of Harbour Authority performance against the standard laid out within the latest edition of the Code. Any aspects that do not comply with, or fully address, the requirements of the Code will be identified, and recommendations for improvement will be made.

The following definitions are used in the audit report:

Non-compliance: is a failure to adhere to a legal requirement such as an Act, Order or its Regulations. The PMSC requires Organisations to confirm compliance with the requirements of the Code. Therefore, PMSC audits are designed to test the requirements of the Code with any failure to comply identified as a 'non-compliance'.

Non-conformity: is an opportunity for the management system to improve through the identification of a requirement that is not met. Non-conformities are not regulatory but relate to the Organisation's own operational instructions which are not met or fully met. Any non-conformities identified through the audit process are identified in bold text in the report.

Evidence: Non-compliances and Non-conformities are identified through factual evidence sampled during the audit.

2.1.1 Outcomes

The audit report uses the following outcomes:



Non-Compliance: a non-compliance with the requirements of the Code which are a breach of legal obligations or may compromise marine safety, environmental safety or present a significant reputational risk. Recommendations for addressing non-compliances are identified in red.



Observation: refers to an improvement opportunity such as an update to information, procedural change, or a non-conformity with the Organisation's operating instructions. Whilst observations are defined as improvement opportunities, addressing them may improve the overall system standard. Recommendations for addressing observations are identified in yellow.



Satisfactory: a system component that meets or exceeds the requirements of the Code. Items of best practice are identified in bold.

Not applicable: part of the Code that is not relevant to the Organisation being audited.

2.2 Audit date and criteria

The audit was carried out onsite between the 24 March 2026. The benchmarking standard used in this audit is the latest version of the PMSC and the accompanying 'A Guide to Good Practice (GtGP) on Port and Marine Facilities (MCA, 2025). The Appendix tables to this report contain the test questions and evidence, noting down compliance, non-compliance and observational remarks. The Appendix tables also identify the paragraph numbers from the PMSC (DfT, 2025) and relevant sections of the Guide to Good Practice (MCA, 2025), for cross reference purposes.

2.3 Auditors

The following auditor conducted this audit.




Team Member	Initials	Company, Designation
James Hannon	JJH	ABPmer Associate

2.4 Auditees

The following individuals participated in the audit.

Team Member	Initials	Role/Designation
Nick Burns	NB	Harbour Master
George O'Rouke	GO	Deputy Harbour Master (PM only)
Oliver Parker-Ford	OPF	Deputy Harbour Master
CLlr Andrew Strang	AS	Duty Holder

3 Audit Summary

Number	Ten Key Measures for Port and Marine Safety			
1	Duty Holder	0	0	16
2	Designated Person	0	0	4
3	Legislation	0	0	3
4	Duties and Powers	0	1	48
5	Risk Assessment	0	0	12
6	MSMS	0	0	25
7	Review and Audit	0	0	6
8	Competence	0	0	8
9	Plan	0	0	8
10	Conservancy Duty	0	1	19
Total		0	2	149

The summary presented in the above table identifies that, for the ten-point health-check, Tor Bay Council as the Statutory Harbour Authority for Tor Bay and Brixham Harbours is found to be fully compliant with the requirements of the PMSC. The following points of best practice are noted:

- The Council has achieved a consistent and measurable approach to marine safety.
- The newly implemented Marine Safety Management System (MSMS) is extremely well put together, offering ease of use and a detailed level of information and procedure access. It is the view of the designated person, as external auditor, that this MSMS is an example of very high industry good practice and stands out as one of the best audited.

The PMSC audit identified 2 observations relating to improvement opportunities for management consideration, the detailed findings being presented in Appendix A. The following points identify the more significant items:

- Training for pilots to follow IMO A960 – this need to be incorporated into the MSMS and procedures
- Inclusion of the role of the Secretary Of States Representative for Counter Pollution and Salvage (SOSREP) required in section 10 of the MSMS.

4 References

DfT, 2025. Ports & Marine Facilities Safety Code, Department for Transport. 15 April 2025.

MCA, 2022. MGN 401 (M+F) Amendment 3 Navigation: Vessel Traffic Services (VTS) and Local Port Services (LPS) in the UK. Maritime and Coastguard Agency, 22 March 2022.

MCA, 2025. A Guide to Good Practice on Port and Marine Facilities. Maritime and Coastguard Agency, 15 April 2025.

4.1 Websites

<https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list>

https://www.humber.com/Estuary_Information/Marine_Information/Towage/Routine_Ship_Towage

5 Abbreviations/Acronyms

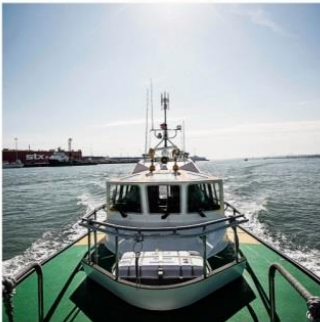
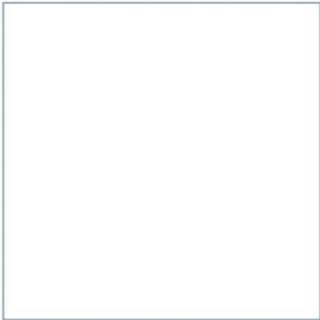
ACOP	Approved Codes of Practice
AIS	Automatic Identification System
ALRS	Admiralty List of Radio Signals
CAT	Category
CCTV	Closed Circuit Television
CERS	Consolidated European Reporting System
CHA	Competent Harbour Authority
DfT	Department for Transport
DRA	Dynamic Risk Assessment
FRA	Formal Risk Assessment
GLA	General Lighthouse Authority
GtGP	Guide to Good Practice on Port Marine Operations
HDPCA	Harbour, Docks and Piers Clauses Act 847
HER	Historic Environment Record
HSE	Health and Safety Executive
IMO	International Maritime Organization
IOSH	Institute of Occupational Safety and Health
ISO	International Organization for Standardization
KPI	Key Performance Indicator
LATON	Local Aids to Navigation
LLA	Local Lighthouse Authority
LOLER	Lifting Equipment Regulations
LPS	Local Port Service
LSE	Lifesaving equipment
M+F	Merchant Shipping and Fishing Vessels
MAIB	Marine Accident Investigation Branch
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Notes
MSMS	Marine Safety Management System
n/a	Not Applicable
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation
OSCP	Oil Spill Contingency Plan
PEC	Pilotage Exemption Certificates
PMSC	Port Marine Safety Code
PPE	Personal Protective Equipment
PSS	Port Skills and Safety
QMS	Quality Management System
RDCO	Registered Dealer in Controlled Oils
RNLI	Royal National Lifeboat Institution
RYA	Royal Yachting Association
SAC	Special Areas of Conservation
SEPA	Scottish Environment Protection Agency
SHA	Statutory Harbour Authority
SIP	Safety in Ports
SOP	Standard Operating Procedure
SOSREP	Secretary of State's Representative
SPA	Special Protection Areas
SSoW	Safe System of Work
SSSI	Sites of Special Scientific Interest

SWL	Safe Working Load
UHF	Ultra High Frequency
UK	United Kingdom
UKHO	United Kingdom Hydrographic Office
VHF	Very High Frequency
VTS	Vessel Traffic Service

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

Appendix



Innovative Thinking - Sustainable Solutions



A Detailed Audit Findings

A.1 Duty Holder

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
1.1	Duty Holder	Has the Organisation appointed a Duty Holder?	Satisfactory – Andrew Strang – named as Chair		JJH1
1.2	Duty Holder Construct	What is the construct used by the Organisation for its Duty Holder?	Satisfactory – MSMS 1.4 – details the construct for the duty holder are clearly provided		JJH1
1.3	Duty Holder Published	Has the Organisation published who the Duty Holder is and how they can be contacted?	Satisfactory – MSMS – Contact details provided		JJH1
GtGP 1.2	Duty Holder Published	Has the Duty Holder made a clear published commitment to comply with the standards laid down in the PMSC?	Satisfactory – included in the MSP - TNHA-MSMS-POL 005. – Section 9 MSMS,		JJH7
1.4	Duty Holder Responsibilities	Has the Organisation laid out the responsibilities for the Duty Holder (i.e., in its MSMS)?	Satisfactory – included in the MSP - TNHA-MSMS-POL 005. – Section 9 MSMS,		JJH7
		Is the Duty Holder aware of the organisation's powers, duties and responsibilities?	Satisfactory – included in the MSP - TNHA-MSMS-POL 005. – Section 9 MSMS, 1		JJH7
		How does the Duty Holder ensure that a suitable MSMS is in place?	Satisfactory – included in the MSP - TNHA-MSMS-POL 005. – Section 9 MSMS, 1		JJH7
		Has the Duty Holder appointed a suitable Designated Person?	Satisfactory – included in the MSP - TNHA-MSMS-POL 005. – Section 9 MSMS, Section 1		JJH7
Cont. 1.4	Cont. Duty Holder Responsibilities	How does the Duty Holder ensure that competent people are appointed to manage marine safety?	Satisfactory – included in the MSP - TNHA-MSMS-POL 005. – Section 9 MSMS,		JJH7

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
		How does the Duty Holder ensure that appropriate resources are made available for discharging their marine safety obligations?	Satisfactory – included in the MSP - TNHA-MSMS-POL 005. – Section 9 MSMS,		JJH7
		Does the Duty Holder publish a Marine Safety Plan (MSP)?	Satisfactory – included in the MSP - TNHA-MSMS-POL 005. – Section 9 MSMS,		JJH3
		Does the Duty Holder report on the Organisation’s compliance with the relevant parts of the Code to the MCA every three years	Satisfactory – Yes – last submission made in 2021 – Tor Bay Harbours duty holder is expected to state compliance 24/03/2026		JJH6
1.5-1.7	Duty Holder Awareness	Has the Duty Holder gained an appropriate insight into the Organisation’s marine activities?	Satisfactory –Duty Holder has been and continues to be guided by Marine Team. They have undertaken operational visits which are logged in the MSMS 1.4.		JJH1
		Has the Duty Holder gained an appropriate insight into the policies, procedures and MSMS?	Satisfactory – Yes – evidenced in MSMS 1.4		JJH1
		If the Organisation has a Board, has a member with relevant maritime experience been appointed as the Designated Person’s contact point?	Satisfactory – Andrew Strang is the member of the board to have the required experience.		JJH1
Cont. 1.5-1.7	Cont. Duty Holder Awareness	Has the Organisation provided the Duty Holder with awareness training relevant to the role (i.e. Duty Holder Training)?	Satisfactory – Duty Holder training provided by DP in Dec 2025		JJH4

A.2 Designated Person

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
2.1	Designated Person (DP) Appointment	Has the Organisation appointed a DP?	Satisfactory – James Hannon, ABPmer – MSMS 2		JJH1
2.2	DP Assurance Reporting	Does the DP provide assurance directly to the Duty Holder?	Satisfactory – The Designated Person reports directly to the Duty Holders at PPG and PPL		JJH1
2.3	Knowledge and Understanding	Does the DP have a thorough knowledge and understanding of the Code and GtGP?	Satisfactory – The Designated Person is an experienced port professional with highly detailed understanding of PMSC and GtGP.		JJH1 JJH5 - Contract of Appointment and DP CV.
2.4	Independent Assurance	Does the Organisation embody 'independent assurance through auditing and monitoring'?	Satisfactory – The MSMS, Section 13.2.2 details the requirement for the Designated Person to undertake auditing.		JJH1

A.3 Legislation

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
3.1	Legal Duties	Is the Organisation aware of its legal duties and powers relating to its marine operations?	Satisfactory –		JJH1
3.2	Legal advice	Does the Organisation have access to marine/maritime legal representation?	Satisfactory – Yes – Ashford LLP		JJH1
3.3-3.6	National Legislation	Is the Organisation aware of its legal duties under National Legislation?	Satisfactory – National Legislation is listed and noted in policy and process		JJH1
3.7	Harbours, Docks and Piers Clauses Act 1847 (HDPCA)	Does local legislation reference the HDPCA 1847?	Satisfactory – 34 of the 1970 Torbay Harbours Act.		n/a
3.8-3.9	Local Acts and Orders	Is the Organisation aware of its legal duties under local legislation?	Satisfactory – included in MSMS section 3		JJH1
		Is the Organisations area of jurisdiction mapped, clear, and sufficient to manage marine safety?	Satisfactory - included in MSMS section 3		JJH1
3.10-3.12	General and Harbour Directions	Does the Organisation have powers of General Direction or Harbour Direction?	Satisfactory included in MSMS section 4.7		JJH1
3.13-3.14	Reviewing Duties and Powers	Does the Organisation keep under review its legal powers and duties?	Satisfactory Review undertaken by Ashfords LLP – 26 oct 2026 – MSMS – 3.11		JJH1
Cont. 3.13-3.14	Cont. Reviewing Duties and Powers	Does the Organisation's review include the extent of its jurisdiction?	Satisfactory – Review undertaken by Ashfords LLP – 16 Oct 2025 – 3.11		JJH1
		Is there a process in place for identifying new or changed legislation and incorporating it into the MSMS?	Satisfactory – included in MSMS section 3.11		JJH1

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
3.15-3.18	Revising Statutory powers	If the Organisation has statutory powers, duties and responsibilities, when was the last time these were revised?	Satisfactory – HRO submitted to MMO – awaiting approval for.		n/a

A.4 Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
4.1-4.2	Duty Of Care	Is the Organisation's Duty of Care for users of the harbour, port or facility stated?	Satisfactory – Stated clearly in page 3 of the MSP - TNHA-MSMS-POL 005. – Section 9 MSMS,		JJH7
4.3-4.5	Assessment of Vessel Traffic Management using Marine Guidance Note (MGN) 401 (MCA, 2022)	Has a Formal Risk Assessment (FRA) been conducted into the requirement for a Vessel Traffic Service (VTS) or the level of Local Port Service (LPS) need to manage vessel traffic in the port, harbour or at the marine facility?	Satisfactory – LPS Provision and FRA in line with MGN 401. – included in MSMS section 5.15.		JJH1
4.6	Setting Dues	Process for setting dues.	Satisfactory – Policy – section 8 of the Debt Recovery Policy – Jan 2026		TBH-ADM-001
4.7 GtGP 3.8	Marine Licences	Does the Organisation have powers to licence marine works?	n/a		n/a
		Does the Organisation hold any marine licences or marine licence exemption notifications?	n/a		n/a
4.8	General Lighthouse Authority (GLA) consent	GLA consent to establish, remove or alter an Aid to Navigation (AtoN)?	Satisfactory – March 26 – 99.24% - Section 4.6 All found to be in Good Order..		Audit report reviewed in office.
4.9	Open Port Duty	Is the port or harbour subject to Open Port Duty?	Satisfactory – Yes – incorporated in the 1970 act. Section 2 b		JJH9
4.10	Harbour Master Appointment	Does the Organisation have powers to appoint a Harbour Master and has this power been exercised?	Satisfactory - 1970 act – section 2c incorporates section 52 of the HDPCA 1847		JJH9
4.11	Marine Manager or Superintendent	If the Organisation has no statutory powers to appoint a Harbour Master, is there an appointment of a similar role such as Marine Manager or Superintendent?	n/a		JJH1
4.12-4.15	Byelaws	Does the Organisation have powers to make Byelaws and has this power been exercised?	Satisfactory – 1970 act – sections 45, 45(5), 51 and 53		JJH9

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
4.16-4.17	Special Directions	If the Organisation has Statutory Powers to appoint a Harbour Master, are the Harbour Master's powers of Special Direction shown in the MSMS?	Satisfactory section 3(2)(c)(ii) of 1970 Act Additional section 3(2)(c)(ii) of 1970 act.		JJH9
4.18	Special Directions Delegation	Have powers of Special Direction been delegated?	Satisfactory – SOP 39 – Delegation of Powers of the Harbour Master.		JJH1
4.19-4.20	General Directions	If the Organisation has Statutory Powers, are powers of General Directions available and have these been exercised?	n/a		n/a
		When were General Directions last reviewed?	n/a		n/a
4.21-4.22	Harbour Directions	If the Organisation is a Harbour Authority, has it applied for Harbour Directions?	Satisfactory included in MSMS section 4.7.		n/a
4.23	Dangerous Vessels	If the Organisation is a Harbour Authority, are powers to issue Dangerous Vessels Directions by the Harbour Master included in the MSMS?	Satisfactory included in MSMS section 4.7.		n/a
4.25	Pilotage Competent Harbour Authority (CHA)	Has an FRA been conducted into the requirement for Pilotage? Is the Organisation a CHA?	Satisfactory - FRA – 2025 – for pilotage.		Reviewed in office
4.26	Pilotage Directions	If the Organisation is a CHA, have Pilotage Directions been issued?	Satisfactory - MSMS 4.2		Reviewed in office
GtGP 4.5.13	Pilotage Directions	Are pilotage directions available and regularly reviewed?	Satisfactory - 16 March 2026 Version 4		Reviewed in office
4.27 GtGP 4.5.19	Authorisation of Pilots	If the Organisation is a CHA, is the process for appointing Pilots detailed in the MSMS?	Satisfactory – Pilot manual – V1.1 March 2026 – section 29 – section 30, 31, 32		Reviewed in office
		Are procedures and records available for authorisation of pilots?	Satisfactory – Pilot manual – V1.1 March 2026 – section 29 – section 30, 31, 32		Reviewed in office

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
4.28	Pilot Training	If the Organisation is a CHA, does the CHA implement the International Maritime Organisation (IMO) Resolution A960?	Observation – Incorporate IMO A960	Recommended – Training for pilots to follow IMO A960 – this need to be incorporated into the MSMS and procedures	n/a
GtGP 4.5.5	Bridge Resource Management (BRM)	Is BRM principles included in pilot training?	Satisfactory – Pilot manual – V1.1 March 2026 – section 29 – section 30, 31, 32		Reviewed in office
GtGP 4.5.7	Pilot Assessment	Are pilots subject to regular assessment such as peer review assessment?	Satisfactory – Pilot manual – V1.1 March 2026 – section 29 – section 30, 31, 32		Reviewed in office
GtGP 10.16.4	Master/Pilot Exchange (MPX)	Is a MPX process and template available and used?	Satisfactory – Pilot manual – V1.1 March 2026 – section 29 – section 30, 31, 32		Reviewed in office
GtGP 4.5.14	Boarding and Landing	Are there procedures in place for pilot boarding and landing operations?	Satisfactory – Pilot manual – V1.1 March 2026 – section 29 – section 30, 31, 32		Reviewed in office
GtGP 4.5.25	Rostering and Fatigue Management	Are there procedures in place for rostering of Pilots including fatigue management?	Satisfactory – Pilot manual – V1.1 March 2026 – section 29 – section 30, 31, 32		Reviewed in office
GtGP 4.6.1	Pocket Guide	Is the Pilots' Pocket Guide and Checklist' made available to pilots?	Satisfactory – Pilot manual – V1.1 March 2026 – section 29 – section 30, 31, 32		Reviewed in office
4.29	Pilot Exemption certificates (PEC)	If the Organisation is a CHA, is there a clear process for the issuing of PECs?	Satisfactory – Pilot manual – V1.1 March 2026 – section 29 – section 30, 31, 32		Reviewed in office
4.30	Suspension or revocation of a PEC	If the Organisation is a CHA, does the CHA have formal procedures for suspension or revocation of a PEC?	Satisfactory – Pilot manual – V1.1 March 2026 – section 29 – section 30, 31, 32		Reviewed in office
GtGP 10.16	Passage Plan	Is there a passage describing how vessels or craft would normally be expected to access the harbour or facility?	Satisfactory – Pilot manual – V1.1 March 2026 – section 29 – section 30, 31, 32		Reviewed in office
4.31	Towage Procedures	Have procedures for towage been put in place by the Organisation?	Satisfactor – SOP – 6.6 file.,		JJH10
4.32	Towage Risk Assessment and Consultation	Have towage procedures been risk assessed?	Satisfactory		RA – towage reviewed in office

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
		Are suitable towage guidelines in place via consultation with stakeholders?	Satisfactory		Reviewed in office
GtGP 4.6.6	Towage training	Is training between tug crews and pilots supported?	Not Applicable		n/a
4.33	Non-Routine Towage	Is non-routine towage subject to a specific risk assessment and approval processes?>	Not Applicable no non-routine towage undertaken.		n/a
4.34	Regulation of Tugs and Workboats	Does the Organisation have powers to register, inspect and licence commercially operated craft?	Not Applicable		n/a
		Does the Organisation run a licensing/registration scheme (i.e., voluntary or compulsory)?	Satisfactory - work instruction – HR-TETOFF-50048		Reviewed in office
4.35	Environmental Duty <ul style="list-style-type: none"> ▪ Section 48A of Harbours Act 1964 ▪ Obligations under Habitats Regulations ▪ Environment Act 2021 	Does the Organisation demonstrate that it operates its functions and duties with regards to nature conservation and biodiversity requirements?	Satisfactory – included in the MSMS section 4.15		JJH1
4.37	Emergency Preparedness and Response	Are there clear requirements for declaration of dangerous goods/substances referencing the 'Dangerous Goods in Harbour Area Regulations' (DGHAR)?	Satisfactory		JJH1
		Does the MSMS include the use of powers to prohibit entry of dangerous goods to the harbour area?	Not Applicable		JJH1
		Does the Organisation have an emergency Plan?	Satisfactory		JJH12
		Is the emergency Plan exercised?	Satisfactory		JJH12

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
4.38	Oil Pollution Response	Does the Organisation have a requirement to produce an 'OPRC Plan' under the requirements of the 'Merchant Shipping (Oil Pollution Preparedness Response and Co-operation Convention) Regulations 1998 (OPRC)'.	Satisfactory - OPRC Plan in place – Nov 20206		JJH13
		Is there an OPRC Plan in place for the Organisation, approved by the MCA?	Satisfactory - awaiting MCA sign off.		JJH13
		Is the OPRC Plan exercised?	Satisfactory		JJH13
4.39	Civil Contingencies Act 2004 Duty	If the Organisation is a Harbour Authority, does the MSMS include reference to its obligations as a Category 2 responder?	Satisfactory - included in the MSMS section 4.19		n/a
4.40-4.41	Resilience Forums	Does the MSMS include procedures covering regular contact with Category 1 responders via Local Resilience Forum (LRF) or its regional equivalent?	Satisfactory - included in the MSMS section 4.19		JJH14
4.42	Dues	If the Organisation is a Harbour Authority, does it have a 'list of ship, passenger and goods dues'?	Satisfactory - included in the MSMS section 4.3		JJH
4.43	Setting Dues	If the Organisation is a Harbour Authority, how is the level of dues set to provide sufficient resource to discharge marine safety obligations?	Satisfactory - included in the MSMS section 4.3		JJH1
4.44-4.45	CHA Charges	If the Organisation is a CHA, how are 'reasonable charges' set for Pilotage Services?	Satisfactory - included in the MSMS section 4.3		JJH1
4.46	Other Charges and Tariffs	Has the Organisation set charges for services and facilities?	Satisfactory - included in the MSMS section 4.3		JJH1

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
GtGP 4.8	Diving Commercial	Is there a process for regulation and management of commercial diving?	Satisfactory - included in the MSMS section 4.20		JJH1
GtGP 4.8.2	Diving Recreational	Does the organisation control / regulate recreational diving within its jurisdiction?	Satisfactory - included in the MSMS section 4.20		JJH1
GtGP 4.8.3	Mooring & Berthing	Does the Organisation regulate the provision of mooring and berthing services?	Satisfactory – included in the MSMS section 4.21		JJH1
GtGP 4.9.18	Bunkering	Does the Organisation have processes or procedures in place to control bunkering?	Satisfactory- included in the MSMS section 4.22		JJH1
GtGP 4.9.18	Controlled Works	Does the Organisation have processes or procedures in place to control works (i.e., hot works)?	Satisfactory- included in the MSMS section 4.23		JJH1

A.5 Risk Assessment

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
5.1	Risk Assessment (RAs)	Does the Organisation carry out hazard identification and risk assessment?	Satisfactory – included in the MSMS section 5.1		JJH1
5.2	Risk Controls	Has the risk of marine operations been assessed and a means of controlling it deployed?	Satisfactory – included in the MSMS section.51		JJH1
5.3	Tolerability	Does the Organisation set a tolerability threshold?	Satisfactory – set by committee MSMS5.9		JJH1
5.4-5.6	RA Framework and As Low As Reasonably Practicable (ALARP)	Does the Organisation provide a framework for delivering RAs which includes criteria (i.e., life, environment, port, damage)?	Satisfactory – included in the MSMS section 5.9		JJH1
		Does the Organisation use the As Low As Reasonably Practicable (ALARP) principle?	Satisfactory – included in the MSMS section 5.3		JJH1
5.7	RA Competency	How does the Organisation ensure those undertaking RA are competent?	Satisfactory - included in the MSMS section section 5.3		JJH1
5.8-5.9	Formal Safety Assessment (FSA)	Has the Organisation included options in its procedures to use a cost/benefit approach?	Satisfactory – included in the MSMS section 5.15		JJH1
GtGP 5.6	Occupational H&S Risk Assessments	Does the Organisation have in place Occupational risk assessments for task-based activities?	Satisfactory – included in the MSMS section 5.23		JJH1
5.10	RA Sharing	Does the Organisation share its risk assessments with other operators in the area? (i.e., Terminals and other Marine Facilities).	Satisfactory – included in the MSMS section 5.4		JJH1
5.11	RA Review	Does the MSMS state the review frequency for RAs?	Satisfactory - included in the MSMS section 5.12– Annual review undertaken		JJH1
5.12	RA Stakeholders	Does the Organisation include user groups in RA review?	Satisfactory – included in the MSMS section 5.4		JJH1

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
5.13	Dynamic Risk Assessment (DRA)	Does the Organisation provide a form of DRA complementary to its FRA processes?	Satisfactory – included in the MSMS section 5.16		JH1

A.6 Marine Safety Management System

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
6.1	MSMS Introduction	Does the organisation have a MSMS?	Satisfactory – included in the MSMS section 6.1		JJH1
6.2	MSMS Policy	Are policies in place approved by the Duty Holder?	Satisfactory – included in the MSMS section 6.2		JJH1
6.3	MSMS Demonstrating Best Practice	Can the Organisation demonstrate review of: <ul style="list-style-type: none"> ▪ MAIB Reports & Digests ▪ Sector/industry alerts ▪ MCA Health Checks 	Satisfactory – included in the MSMS section 6.3		JJH1
6.4-6.5	MSMS Operational Procedures	Does the MSMS include standard operating procedures (SOPs) or similar?	Satisfactory – included in the MSMS section 6.6		JJH1
6.6	MSMS Implementation	Does the MSMS: <ul style="list-style-type: none"> ▪ Confirm roles and responsibilities? 	Satisfactory – included in the MSMS section 6.8		JJH1
		Does the MSMS: <ul style="list-style-type: none"> ▪ Outline procedures for marine safety? 	Satisfactory – included in the MSMS section 6.9		JJH1
		Does the MSMS: <ul style="list-style-type: none"> ▪ Measure performance against targets (the organisation must have a database or system to record incidents, including near misses)? 	Satisfactory – included in the MSMS section 6.11		Demonstrated in the office. JJH1
Cont. 6.6	Cont. MSMS Implementation	Does the MSMS: <ul style="list-style-type: none"> ▪ Detail how adjoining/interfaces Organisations are interacted with (i.e., a bridging document)? 	Satisfactory – included in the MSMS section 6.4 Bridging Documents in place with other marine facilities,		JJH1
		Does the MSMS: <ul style="list-style-type: none"> ▪ Reference relevant emergency response plans? 	Satisfactory – included in the MSMS section 6.6 – 4.8		JJH1
		Does the MSMS: <ul style="list-style-type: none"> ▪ Include a provision for internal audits? 	Satisfactory – included in the MSMS section 6.7		JJH1

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
6.7	MSMS Statement	Is a statement about the standard of the Organisation's performance against its MSMS included in the Annual Report?	Satisfactory – included in the MSMS section 9.1.		JH1
6.8	MSMS Accountability	Does the MSMS assign responsibility for Conservancy Duties?	Satisfactory – included in the MSMS section 10		JH1
6.10-6.11	MSMS Accountability Harbour Master	Does the MSMS define Harbour Master responsibilities?	Satisfactory included in the MSMS section 6.8		JH1
6.12	MSMS Accountability Officers	Does the MSMS define the appointment of Officers and their delegated powers, duties and responsibilities?	Satisfactory – included in the MSMS section 6.8		JH1
6.13	Reporting to the Duty Holder	Does an officer with delegated responsibilities for safety attend Duty Holder meetings?	Satisfactory – included in the MSMS section 6.8		JH1
6.14-6.15	Stakeholder Engagement & Consultation	Does the Organisation hold regular stakeholder engagement (i.e., forums).	Satisfactory – included in the MSMS section 6.5		JH1
6.16	Stakeholder Engagement & Consultation	Are other marine facilities situated within the Organisations jurisdiction (if an SHA)?	Satisfactory – included in the MSMS section 6.5		JH1
		Does the Organisation engage with marine facilities to understand their MSMS?	Satisfactory included in the MSMS section 6.5		JH1
6.17	Stakeholder Engagement & Consultation	Does the Organisation declare compliance on behalf of another Organisation?	n/a		JH1
6.18	Stakeholder Engagement & Consultation	If the Organisation is not an SHA and located outside of another SHA, has a risk-based decision process been using to decide if additional powers are required?	n/a		JH1
6.19-6.20	Incident reporting	Does the MSMS address incident reporting (i.e., SOPs, reporting guidance)?	Satisfactory – included in the MSMS section MSMS 5.18		JH1

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
6.21-6.22	Incident Investigation	Does the MSMS define incident investigation procedures (i.e., to determine safety recommendations or for prosecution)?	Satisfactory – included in the MSMS section 5.20		JJH1
GtGP 6.9.10	Incident Investigation Sharing	Are lessons from investigations published and shared within the organisation to preventing a recurrence?	Satisfactory – included in the MSMS section 5.21		JJH1
6.23	Statutory Incident Reporting	Are procedures in place for statutory reporting?	Satisfactory – included in the MSMS section 5.21		JJH1
		When was the last MAIB report?	Satisfactory – Misty – Nov 2025 – submitted to MAIB – fire on vessel.		Anecdotal
6.24	Enforcement Resources	Are adequate resources available for the effective enforcement of policy and procedure?	Satisfactory – included in the MSMS section 6.14.1		JJH1
6.25	Enforcement Policy	Is there clear policy on enforcement and prosecution?	Satisfactory – included in the MSMS section 6.13		JJH1 Enforcement policy

A.7 Review and Audit

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
7.1- 7.3	Review and Audit	Does the Organisation have a regular and systematic process for review and audit?	Satisfactory – included in the MSMS section 7.1.		JJH1
		Does the Duty Holder and the Designated Person have clearly defined roles in the review and audit process?	Satisfactory – included in the MSMS section 7.1		JJH1
7.4-7.6	MSMS review	Does the MSMS incorporate a regular and systematic review of its performance?	Satisfactory included in the MSMS section 7.4 – Audit schedule		JJH1
		Is the performance of the MSMS assessed against internal Key Performance Indicators (KPI)?	Satisfactory – included in the MSMS and MSP – DP audit profile followed.		JJH1

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
		Does the Designated Person (DP) present findings from audits to the Duty Holder?	Satisfactory – External audit findings will be presented to the Duty Holder.		n/a
7.7-7.8	Cyclic review	Is there a cyclic (plan/do/check/act) process?	Satisfactory – included in the MSMS section 7.7		JJH1

A.8 Competence

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
8.1-8.2	Competence (Trained, Qualified, Experienced)	Are National Occupational Standards (NOS) used in recruiting and training?	Satisfactory – included in the MSMS section 8.2.		JJH1
		Is there a methodology for assessing personnel against the set standards?	Satisfactory – Covered in training matrix		Reviewed in office
		Are existing staff reviewed to ensure they meet the standards set?	Satisfactory – Covered in Training Matrix. Note: the required standard for qualification for Harbour Master is met by drawing from all 3 harbour marine team collectively.		Reviewed in office
GtGP 8.10		Is a Marine Training Matrix available that describes all of the organisation's marine personnel and what their training, experience and qualification requirements are (including any refresher training)?	Satisfactory – included in the MSMS section 8.9 – 8.9		JJH1
8.3	Assessing competence	How does the Organisation assess the fitness of persons it has appointed?	Satisfactory – included in the MSMS section 8.9		JJH1
8.4	Policy	Is there a policy on revalidation or maintenance of qualifications in place?	Satisfactory – included in the MSMS section 6.6		JJH1
Cont. 8.4	Cont. Policy	How is Continuing Professional Development (CPD) achieved?	Satisfactory – included in the MSMS section 6.6		JJH1
GtGP 8.10	Records	Are training records maintained and reviewed (course completion certification, on job training etc.)?	Satisfactory – Learning Management System – iLearn – Two examples sighted in the office.		Reviewed in Office

A.9 Plan

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
9.1-9.2	Publication of a Marine Safety Plan (MSP)	Has the Organisation published a MSP?	Satisfactory – this is included in the MSP -		JJH5
		Does the MSP commit the Organisation to regulating marine operations?	Satisfactory – MSP is in place (see above).		JJH5
		Does the MSP commit to regulate vessels and include near miss reporting?	Satisfactory – MSP is in place (see above).		JJH5
		Does the MSP explain how commercial pressures will be managed without undermining the safe provision of services?	Satisfactory – MSP is in place (see above).		JJH5
9.4-9.5	MSP Review	Is the MSP reviewed and is this review published?	Satisfactory – MSP is published and up to date		JJH5
		Is the output of auditing and monitoring included in the MSP review?	Satisfactory – included in the MSMS section 9.3		JJH1
9.6-9.7	MSP Timing	Is the MSP in date and within its three-year period?	Satisfactory – As per 9.2 of this report		JJH1
		Has the Organisation responded to the Code Compliance Self-Certification exercise?	Satisfactory – Historically Tor Bay Harbours have stated compliance – they will be submitting as required under the current compliance round.		Reviewed in office

A.10 Conservancy Duty

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
10.1	Conservancy Introduction	Are the marine facilities in good repair and fit for purpose?	Satisfactory - included in the MSMS section 10.1		Demonstrated and observed JH1
10.2	Harbour Authority Conservancy Duty	Is there a Harbour Authority' recognition of the 'duty to conserve' and/or 'reasonable care' statement?	Satisfactory - included in the MSMS section 10.1		JH1
		Is survey conducted to International Hydrographic Organisation (IHO) standards?	Satisfactory - included in the MSMS section 10.4		JH1
		Is there a survey programme?	Satisfactory - yes - the is annually and included in the MSMS section 10.4		JH1
		Is there a risk-based approach for survey and placing navigation aids?	Satisfactory - yes -		JH1
		Are hydrographic records kept?	Satisfactory yes - sighted		Reviewed in office
10.3, 10.5	Warnings and publication	Is survey information published and warning issued?	Satisfactory - included in the MSMS section 10.3		JH1
10.4	UKHO Update	Is the United Kingdom Hydrographic Office (UKHO) updated with new survey information?	Satisfactory - included in the MSMS section 10.4 LNtM - 1/26 Mussel bed installation.		Reviewed in office
10.6	Aids to Navigation (AtoN).	Is the Organisation an LLA or within an LLA jurisdiction?	Satisfactory -LLA is inspected by Trinity House as the GLA. 99.24% - included in the MSMS section 10.3		JH1
GtGP 10.15	Aids to Navigation (AtoN).	Are there procedures in place to support the maintenance and provision of aids to navigation?	Satisfactory - included in the MSMS section 10.3		JH1
10.7	AtoN Inspection	Is the Organisation inspected by the GLA?	Satisfactory - LLA is inspected by Trinity House as the GLA. - Mar 26		Reviewed in office
10.8	AtoN Consent	Has the Organisation applied to the relevant GLA for consent to establish, remove or alter an AtoN?	Satisfactory - LLA is inspected by Trinity House as the GLA.		Reviewed in office

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference
10.9	AtoN Returns	Does the Organisation make returns to the GLA?	Satisfactory – LARS submissions made.		Reviewed in office
10.10-10.12	Wrecks and Abandoned Vessels Policy	Does the Organisation have a policy or process for wreck removal?	Satisfactory – included in the MSMS section 10.5		JJH1
10.13	Dangerous Vessels Directions	Are powers from the Dangerous Vessels Act 1985 recognised?	Satisfactory – included in the MSMS section 4.7		JJH1
10.14-10.15	Wrecks and Abandoned Vessels Additional Powers	Are there any discretionary powers granted to the Organisation, in addition to those available through national legislation?	Satisfactory - included in the MSMS section 10		JJH1
10.16	SOSREP	Is the role of the SOSREP recognised by the Organisation?	Observation – to be included in the MSMS section 4.18 more detail to be included in section 10 of the MSMS.	Recommend – inclusion of SOSREP in section 10 of the MSMS.	JJH1
10.17	Legal advice	Does the Organisation have access to marine/maritime legal representation?	Satisfactory – Legal advice provided by Ashfords LLP		Reviewed in the Office
GtGP 10.19	Event Planning	Is there a process in place for event planning?	Satisfactory – included in the MSMS section 10.10		JJH1
GtGP 10.23	Moorings	Does the Organisation licence, manage or support the provision of moorings?	Satisfactory – included in the MSMS section 10.6		JJH1
GtGP 10.27	Subsea obstructions	Does the Organisation have any subsea pipelines or cables within its jurisdiction, if so, are these recognised in the MSMS with controls to minimise damage identified?	Not Applicable		n/a

Contact Us

ABPmer

Quayside Suite,
Medina Chambers
Town Quay, Southampton
SO14 2AQ

T +44 (0) 23 8071 1840

F +44 (0) 23 8071 1841

E enquiries@abpmer.co.uk

www.abpmer.co.uk

