

HARBOUR COMMITTEE

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

Thursday, 8 March 2012

commencing at **5.30 pm**

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

Members of the Committee

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

External Advisors

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

Working for a healthy, prosperous and happy Bay

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

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01803 207064

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HARBOUR COMMITTEE AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 2)
To confirm as a correct record the Minutes of the meeting of the Committee held on 30 January 2012.
3. **Declarations of interest**
 - (a) To receive declarations of personal interests in respect of items on this agenda
For reference: Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of personal prejudicial interests in respect of items on this agenda
For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)
4. **Urgent items**
To consider any other items that the Chairman decides are urgent.
5. **Torquay/Paignton and Brixham Harbour Liaison Forums** (To Follow)
To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums.
6. **E.U Funding Bid for Tor Bay Harbour** (Pages 3 - 8)
To consider a report which provides the Harbour Committee with proposals and recommendations to submit a funding bid to the Channel Interreg IVa programme.

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|-----|---|----------------------|
| 7. | Tor Bay Harbour - Operational Moorings and Facilities Policy
To consider a report which seeks to amend the operational moorings and facilities policy. | (Pages 9 -
34) |
| 8. | Annual Review of the Tor Bay Harbour Authority Asset Management Plan
To review and approve the Tor Bay Harbour Authority Asset Management Plan. | (Pages 35 -
50) |
| 9. | Tor Bay Harbour - Port Master Plan
To consider a report which seeks support for the production of a Part Master Plan for Tor Bay Harbour. | (Pages 51 -
56) |
| 10. | Tor Bay Harbour Business Plan 2012/2013
To consider a report which seeks agreement of the Tor Bay Harbour Authority Business Plan. | (Pages 57 -
86) |
| 11. | Tor Bay Harbour Authority Income - Internal Audit Report - November 2011
To consider a report which provides an overview of the Internal Audit report of Tor Bay Harbour Authority. | (Pages 87 -
98) |
| 12. | Tor Bay Harbour Authority Budget Monitoring 2011/12
To consider a report on the quarterly Budget Monitoring. | (Pages 99 -
108) |
| 13. | Review of Delegated Powers
To review the delegated powers of the Executive Head of the Tor Bay Harbour Authority. | (Pages 109 -
128) |
| 14. | Performance of the Harbour & Marine Services Business Unit
To consider a report on the performance of the Harbour and Marine Services Business Unit. | (Pages 129 -
136) |
| 15. | Harbour Committee Work Programme - 2012/2013
To agree the Harbour Committee Work Programme for 2012/2013. | (Pages 137 -
138) |

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Minutes of the Harbour Committee

30 January 2012

-: Present :-

Councillor Ellery (Chairman)

Councillors Amil, Hytche, James, McPhail, Mayor Oliver (Vice-Chairman), Richards and Stringer

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

510. Apologies

An apology for absence was received from Councillor Faulkner (J).

511. Minutes

The Minutes of the meeting of the Harbour Committee held on 5 December 2011 were confirmed as a correct record and signed by the Chairman.

512. Torquay Waterside Regeneration - Marina Car Park, The Pavilion and Cary Green, Torquay

Members received a report which was to be considered by the Council and the Mayor on 1 February 2012. The report sought agreement from the Mayor to deliver a major regeneration project which capitalises on the existing Marina Car Park (part of the harbour estate), a project that would safeguard the long term viability of The Pavilion and allows appropriate development of Cary Green.

Members expressed particular concern at the potential loss of income for the Harbour Authority during the construction phase and felt strongly that provisions within the new lease should ensure that Torbay Council as Harbour Authority receives at least its existing level of income.

Members also articulated disquiet at the knock on affect such a development could have on the Council's exposure to flood risk liability in particular in respect of ongoing Environment Agency funding for Haldon Pier and Princess Pier. The Chairman requested officers seek clarification regarding the impact on flood risk liability and circulate the findings to the Committee.

Members resolved that the Council recommend to the Mayor the following recommendations:

Resolved:

- i) That the Chief Executive of Torbay Development Agency, in consultation with the Mayor and Executive Lead for Employment and Regeneration, the Commissioner for Place and the Environment, the Executive Head of Tor Bay Harbour Authority and the Chair of the Harbour Committee, be instructed to negotiate and agree terms for the sale of a long lease or leases to the Marine Car Park, The Pavilion and Cary Green to the Nicholas James Group (or a subsidiary company) ('the Developer'). Such terms to include an obligation on the Developer to obtain planning consent and carry out and complete the redevelopment of the Marina Car Park, the restoration of The Pavilion and redevelopment of Cary Green;
- ii) That before any agreement is entered into, the Torbay Development Agency shall obtain a satisfactory independent valuation from a firm of Chartered Surveyors with the requisite experience in valuing such developments, demonstrating that the proposed terms represent best value that Torbay Council can reasonably obtain;
- iii) That the Executive Head of Commercial Services, in consultation with the Chief Executive of Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, be authorised to enter into such documentation as may be necessary with the Council's present tenant, Marina Developments Limited ('MDL'), to allow the development to proceed, including but not limited to the acceptance of the surrender of part or all of MDL's existing leases and the grant of a new lease or leases to MDL or such other party on acceptable terms;
- iv) That the new leases referred to in (i) and (iii) contain provisions to ensure that Torbay Council as Harbour Authority continues to receive at least the existing levels of income from the development and the marina and that, subject to the outcome of the valuation outlined in (ii) above, negotiations address the need to preserve this level of income during the construction phase; and
- v) That the Commissioner for Place and the Environment with the Executive Head of Spatial Planning be instructed to determine the Council's exposure to flood risk liability in respect of the proposed development and ongoing Environment Agency funding for Haldon Pier and Princess Pier.

Chairman



Title: **E.U Funding Bid for Tor Bay Harbour**

Public Agenda Item: **Yes**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee** On: **08 March 2012**

Key Decision: **No**

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

Contact Officer: **Kevin Mowat**

Telephone: **292429**

E.mail: Kevin.mowat@torbay.gov.uk

1. Key points and Summary

- 1.1 This report provides the Harbour Committee with proposals and recommendations to submit a funding bid of €700,000 to the Channel Interreg IVa programme – FLIP Project for improving facilities in Tor Bay Harbour.
- 1.2 The Harbour Committee has received a number of reports over the last 12 months regarding the need for continued investment in the ageing Harbour infrastructure; some of the issues arising have been addressed by using the harbour reserves. It is recognised that the Council's ability for future investment is constrained so opportunities to generate external funding is paramount to effectively generate invest to save projects. This Committee has already considered submission of a possible EU Interreg funding bid to support the installation of the new electricity recharging system for Brixham Harbour.
- 1.3 The bid will provide the opportunity to access European funding to invest in much needed facilities and also work closely with French and English Harbour partners, sharing important knowledge and learning from the joint cross border projects. This can lead to increased efficiencies in future Harbour operations, an improved European profile for Tor Bay Harbour and Torbay Council, which may lead to other ERDF funding opportunities in the future.

2. Recommendation(s) for decision

- 2.1 **That the Harbour Committee supports the submission of a bid for Tor Bay Harbour to be part of the French and English Partner Harbours FLIP master bid to the Channel Interreg Programme.**

- 2.2 That the Executive Head of Tor Bay Harbour Authority, in consultation with the Chairman of the Harbour Committee, be asked to use his delegated authority to approve final details of the bid to the Channel Interreg Programme.**
- 2.3 That in accordance with Council minute 535/02/12(v), the Executive Head of Tor Bay Harbour Authority be asked to seek approval for the submission of the Channel Interreg Programme funding bid from the Chief Executive in consultation with the Mayor, Executive Lead for Finance and Chief Finance Officer.**
- 2.4 That, subject to approval in 2.3, the Council be asked to vary the Capital Plan accordingly to reflect the capital elements of the Channel Interreg Programme funding bid.**
- 2.5 That the Executive Head of Tor Bay Harbour Authority be asked to use his delegated authority to appoint specialist European funding consultants, to prepare the detailed bid on behalf of the Council at an estimated cost of £3,800 + VAT.**
- 3. Key points and reasons for recommendations**
- 3.1 The Council has a Medium Term Financial Strategy which requires substantial reductions year on year in revenue spend and an Asset Management Strategy to proactively maximise the Council's land and property holdings. The proposals will generate substantial external grant aid, assist in upgrading key Harbour assets, complete a much needed Port Master Plan, assist with work on the integrated transport pilot scheme, provide maritime training opportunities for local residents and increase income generation from Harbour facilities. The overall project will support corporate objectives of stimulating growth of SME's.**

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

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

**Paul Labistour
Tor Bay Harbour Master**

Supporting information

A1. Introduction and history

- A.1.1 The Executive Head of Tor Bay Harbour Authority and the Tor Bay Harbour Master, supported by the Chairman of the Harbour Committee have been exploring European funding opportunities including Interreg Programmes such as 'Channel' to assist in delivering new projects in Tor Bay Harbour.
- A.1.2 With a budget of €173.5 million, the Interreg IVA France 'Channel' programme aims to promote the emergence between the French and English partnership - for cross border cooperation, fostering a sense of belonging to a cross-border area, and stimulating economic and community growth.
- A.1.3 The programme's coastal eligible areas stretch from Cornwall to Norfolk in England, and Finistère to the Somme in France. The programme has four Priorities, Priority 2 is: 'Build partnerships for cross border economic development and centres of excellence' and within this priority there is a specific Objective 5 to promote durable cooperation in maritime activities.
- A.1.4 The French region of Haute-Normandie, is the responsible body for the administrative and financial management of the programme including paying the grants, based on bid partners delivering agreed actions as set out in their approved bids.
- A.1.5 Officer discussions with European funding consultants MMA Ltd have taken place over the last two months to explore bid options. The Consultancy specialises in assisting UK Ports and Harbours achieve successful UK and European funding bids. MMA Ltd advised that Tor Bay Harbour could be an eligible Partner and be included in a new cross border 3 year Harbours bid named FLIP, 'Fostering Long-Term Initiatives for Ports'. In addition the Brixham based Tor Bay Harbour Master attended an inaugural meeting in Ostend of potential harbour partners. Other Partner Harbours are likely to include Newhaven, Portsmouth, Whitstable, Granville, Douarnenez, Saint Briec and the Chambers of Commerce for Fécamp/Le Tréport.
- A.1.6 The Chairman of the Harbour Committee has already submitted an expression of interest to the Channel programme managing authority, based on Priority 2 with an overall bid of circa €2.9m million based on five partners and one lead partner (now the Counsel General, Seine Maritime). The expression of interest has received an informal encouragement for the submission of a full bid in June 2012. It is likely that the final bid will increase to € 3.5 million and seven partners (including the lead partner).
- A.1.7 The bid will focus on three common objectives for all the partners. The likely specific main actions for Tor Bay Harbour are set out below with indicative budget costs:
- i) **Improve the Quality of Management of the Port**
Tor Bay Harbour proposed action: development of a Port Master Plan for Tor Bay Harbour €30,000.

ii) Promote Innovation in Ports and Port Diversification

Tor Bay Harbour proposed action: Integrated Transport System and installation of first phase work including improved signage and new Passenger Shelters, €200,000 and; Maritime E training programme in partnership with South Devon College, €65,000.

iii) Improve resource efficiency of Ports

Tor Bay Harbour proposed action: Integrated Renewable Energy Management Systems. This will also include the new electrical recharge system and photovoltaic solar panel work €240,000.

A.1.8 In addition to the specific actions carried by each partner there will be a number of joint cross border projects and actions between the French and English partners including best practice pilot projects which will provide invaluable knowledge within the partnership and this will be shared with other Maritime interests through planned workshops

A.1.9 The bid process: will be :-

Full Partner meeting, 28th March 2012 to finalise actions

Submission of the bid - June 2012

Steering Committee decision October 2012

Start of the project - October 2012

End of the project – 30th June 2015

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.1.1 The Council is required to sign a letter of intent to form part of the bid documentation on behalf of the seven Partners for submission to the Interreg Secretariat by June 2012, if the bid is approved, all Partners will be required to adhere to a legally binding Partnership Agreement which sets out the bid figures, financial commitments, duty to comply with E.U regulations and procurement processes.

A.2.12 The risks to the Council are the bid not being approved or the potential failure to carry out the actions as specified in the approved bid. This would jeopardise the payment of the related grant aid and possible withdrawal of claimed monies and possible damage to the Council's reputation. To manage the risk it is important that bid includes appropriate allocation of existing staff resources and budget for supporting consultants to ensure that the actions can be satisfactorily completed, linked to a realistic delivery plan over the 3 years of the bid

A2.2 Remaining risks

A2.2.1 The known projects contained within the bid for energy management systems are eligible for match funding. Work can start on the projects before the bid outcome is known but any costs incurred will be at the Council's risk if the bid is unsuccessful.

A3. Other Options

- A3.1 Do nothing and potentially see further delays in implementing much needed improvements to Tor bay Harbour, thereby reducing our competitive edge.

A4. Summary of resource implications

A4.1 Finance

- 4.2 The Tor Bay Harbour (Torbay Council) bid will be circa €700,000. The bid figure cannot be finalised until the partners meet at the end of March to agree the common cross border actions. The ERDF funding of 50% must be matched by 50% of partnership funds. Eligible costs include: partner staff, administration, external consultants (limited in daily fee) including bid and preparation consultancy costs, travel and accommodation, equipment, capital investment (limited to 25% of the overall master bid), communications, external audit control and a share of the lead partners coordination and management costs. Eligible bid period :- 01/11/11 until 30/06/13.
- 4.3 The Council's total match funding commitment will be circa €350,000/£296,000 (split capital - €159,000/£134,366 & revenue - €191,000/£161,400). Members have already supported capital funding of £48,000 (€56,800) and £60,000 (€71,000) from the Harbour Reserve for the proposed Electrical Installation System and Solar Energy System respectively. These two projects are included in the bid. The balance of the capital contribution will be funded from the harbour reserve. The Council's capital programme will need to be revised to detail the full project costs,
- 4.4 Revenue match funding will be provided through savings of € 48,000/£40,500 provided by funding Harbour Authority staff to carry out the projects where possible using the Interreg monies and recycling the savings to match ERDF funding for eligible costs (see 4.2 above). The balance of €143,000/£120,800 will be funded from existing Harbour Revenue budgets, primarily from increased income over budget forecasts and savings from the new energy management systems spread across the financial years, 2011/12 to 2015/16 The energy management savings will continue to accrue over the following 22 years of the life of the system.

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

- A5.1 Environmental sustainability will be improved by some of the proposals. It is expected that the recommendations will have minimal impact on equalities, crime and disorder.

A6. Consultation and Customer Focus

- A6.1 Many of the projects identified in the bid have already been subject to consultation with the two Harbour Liaison Forums. Consultation will also feature heavily in the proposed work on a Tor Bay Harbour Port Master Plan.

A7. Are there any implications for other Business Units?

A7.1 Legal and Finance.

Appendices

None.

Documents available in members' rooms

None

Background Papers:

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

None



Public Agenda Item: **Yes**

Title: **Tor Bay Harbour - Operational Moorings and Facilities Policy**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee** On: **8 March 2012**

Key Decision: **No**

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

Contact Officer: **Capt. Kevin Mowat**

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

1.1 This report is seeking to amend the operational moorings and facilities policy. The impact of this policy is to ensure that a consistent, fair and equitable approach is applied to new, existing and potential facility customers that use Tor Bay Harbour and the harbour estate. It also aims to ensure that the policy and associated conditions are fully understood and recognised as being reasonable.

2. Recommendation(s) for decision

2.1 That the Tor Bay Harbour Operational Moorings and Facilities Policy – Version ~ 6 set out in appendix 1 to the report be approved.

3. Key points and reasons for recommendations

3.1 Within Tor Bay Harbour a number of discretionary services are provided. Some of the most popular discretionary services are the provision of moorings, berths, boat park spaces, tender racks, storage lockers, etc. The annual use of these various Council owned harbour facilities is governed by a variety of controlling factors. These factors include local harbour legislation, harbour byelaws and the annual Facility Form Agreement terms and conditions.

3.2 In June 2007 the Harbour Committee introduced a new operational policy statement to supplement the Tor Bay Harbour Act 1970 (and subsequent amending legislation), the associated Harbour Bye- laws, and the facility agreement conditions. The policy has been subject to routine review and amendment and the Harbour Committee has agreed to a number of revisions with the latest being Version 5 which was approved in March 2011.

- 3.3 Waiting lists for facilities have existed for many years and local boat owners have been given preference when vacancies have arisen. The Tor Bay Harbour operational moorings and facilities policy makes it clear how this system works and it sets out the order of priority for facility allocation.
- 3.4 An operational moorings and facilities policy is required to ensure that a consistent, fair and equitable approach is applied to new, existing and potential facility holders that use Tor Bay Harbour and the harbour estate. It also aims to ensure that the policy and associated conditions are fully understood and recognised as being reasonable. The existing operational policy statement serves as a management tool and it was accepted that it would need to be amended from time to time by the Harbour Committee. It therefore does not form part of the strategic policy framework set by Torbay Council.
- 3.5 There are no significant risks associated with the recommendation in this report. However, the absence of such a policy may attract criticism, especially if the Harbour Masters are expected to take operational decisions in the absence of clear guidelines.

For more detailed information on this proposal please refer to the Supporting Information.

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

Supporting information

A1. Introduction and history

A1.1 The Tor Bay Harbour Operational Moorings and Facilities Policy was adopted by the Harbour Committee in June 2007 and amended in December 2007, March 2009, March 2010 and March 2011.

A1.2 All of the amendments in the proposed Tor Bay Harbour Operational Moorings and Facilities Policy – Version 6 (Appendix 1) are shown using the ‘track changes’ tool.

A1.3 The main changes in the proposed Version 6 are as follows :-

- An element of discretion has been added to the Introduction – page 1.
- Reference to his has been changed to his/her – various pages.
- Further clarification has been provided over matters relating to loaned facilities and the maximum period of any loan has been reduced from 24 months to 12 months – page 10.
- The period when a facility is not being used and is subsequently forfeit and reassigned has been reduced from 24 months to 12 months – page 11.
- The issue of boat owners undertaking maintenance work on their vessel and the potential to damage the property of a third party has been addressed. Owners and their contractors are expected to exercise a duty of care – pages 11/12.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.2 There are no key risks associated with taking this decision.

A2.3 The adoption of a clearly stated moorings and facilities policy will enhance the Council’s reputation for transparency and accountability in respect of its delivery of its Harbour Authority function.

A2.4 Remaining risks

A2.5 There are no remaining risks.

A3 Other Options

A3.1 To take no action and continue with the existing Tor Bay Harbour Operational Moorings and Facilities Policy (Version 5), which was adopted in March 2011.

A4 Summary of resource implications

A4.1 There are no resource implications.

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

A5.1 Adoption of a clearly stated moorings and facilities policy should promote equality of opportunity for people to access services provided by the Harbour Authority. Furthermore it should reduce or eliminate any unlawful discrimination, direct or indirect, regarding the allocation and use of moorings and facilities.

A6 Consultation and Customer Focus

A6.1 The moorings and facilities policy includes existing and well-established policy or terms and conditions of use. However, these latest amendments have been tabled at the recent Harbour Liaison Forums and have been discussed with staff within Tor Bay Harbour Authority.

A7 Are there any implications for other Business Units?

A7.1 There should be no impact for other Business Units.

Appendices

Appendix 1 Tor Bay Harbour – Operational Moorings and Facilities Policy - Version ~ 6

Documents available in members' rooms

None

Background Papers:

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

A Code of Practice for the Design, Construction and Operation of Coastal and Inland Marinas and Yacht Harbours – British Marine Federation

TOR BAY HARBOUR AUTHORITY

OPERATIONAL MOORINGS AND FACILITIES
POLICY



Version ~ 6 March 2012

Tor Bay Harbour Authority

Operational Moorings and Facilities Policy

Introduction

All moorings and other facilities form part of a discretionary service provided by the Harbour Authority. Each facility is allocated on an annual basis only and is covered by a Facility Form Account/Agreement with associated terms and conditions of use.

The purpose of this policy is to ensure a consistent, fair and equitable approach is applied to new, existing and potential facility holders in Tor Bay Harbour and on the harbour estate. It aims to ensure that the operational policy and associated conditions are fully understood and recognised as fair, reasonable and equitable to all.

This operational policy statement supplements the Tor Bay Harbour Act 1970 (and subsequent amending legislation), the associated Harbour Bye- laws, and the facility agreement conditions. However, as a management tool it does not form part of the strategic policy framework set by Torbay Council.

Subject to the Council's Harbour and Maritime Strategy, nothing within this policy shall interfere with the Harbour Master's overall ability to allocate or regulate the number, location, size and type of facilities being used at any time within Tor Bay Harbour or indeed his/her ability to apply reasonable discretion in the application of this policy.

We have tried to include all situations and circumstances, however if an issue arises that has not been considered I will undertake to ensure that an open, fair and just resolution is sought.

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

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Definitions (See also the Tor Bay Harbour Act 1970 7 Harbour Byelaws)

1. "Enclosed Harbours" means at Torquay the area of water enclosed by an imaginary line drawn from the western end of Haldon Pier to the south eastern end of Princess Pier; at Paignton the area of water enclosed by an imaginary line drawn from the eastern end of North Quay to the northern end of Eastern Quay; and at Brixham the area of water enclosed by the Breakwater, an imaginary line from the northern end of the Breakwater to Battery Point and the shore.
2. "Harbour" means the limits of Tor Bay Harbour as comprised in the areas in Part I and Part II in the Schedule of Byelaws.
3. "Harbour Estate" means the piers, wharves, quays, jetties, stages, berths, slipways, roads, sheds, and other works and conveniences and the lands, buildings and property of every description and of whatever nature which are for the time being vested in or occupied by the Council as Harbour Authority and used for the purpose of the Harbour undertaking.
4. "Harbour Master" means the Harbour Master appointed by the Council and includes his authorised deputies, assistants and any other person authorised by the Council to act in that capacity.
5. "Inner part of Brixham Enclosed Harbour" means the area of water enclosed by an imaginary line drawn from the eastern end of New Pier to Kings Quay.
6. "Quays" means any quay, wharf, jetty, dolphin, landing stage or structure used for berthing or mooring vessels, and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto adjoining the Enclosed Harbours.
7. "Master" when used in relation to any vessel, means any person having the command, charge or management of the vessel for the time being.
8. "Vessel" means every description of vessel however propelled or moved including non-displacement craft and everything constructed or used to carry persons or goods by water.
9. "Council" means Torbay Council.
10. "Authority" means Tor Bay Harbour Authority
11. "Facility" means mooring, berth, boat park space, tender rack, locker, store, etc.
12. "Facility holder" means the person or persons given the allocated use of a facility subject to the conditions of use of a Facility Form Agreement.

13. "Loss, injury or damage" means any loss, injury or damage, which may occur to any person, vessel, vehicle or their contents, or to any other goods or things whatsoever.

14. "Facility Form Agreement and conditions" shown in Appendix 1.

Types of Mooring/Facilities

“Swinging Mooring” - the vessel is secured to a heavy ground chain on the seabed, via a single riser chain. The arrangement allows the vessel to move so that it will head into the wind or the tide – whichever is the stronger.

“Trot Mooring” - the vessel is secured fore and aft (front and back), via separate riser chains. This arrangement does not allow the craft to move freely with the wind/tide and this enables many more boats to be moored in the same area. The fore and aft element of the mooring is tied together, via a single pick-up buoy, even when the facility is unoccupied.

“Pontoon Mooring” - that the vessel is tied fore and aft to pontoons. Pontoons can be single or have “finger” pontoons coming off them. It is common for large pontoons that have heavy vessels on them to be “piled” i.e. secured by steel piles driven into the seabed. Some pontoons are connected to the shore and are known as “walk ashore” pontoons.

“Running/Outhaul Moorings” - used for small craft (currently up to 16ft) where the boat is tethered to a looped line running from the shore to a fixing, on a riser chain, secured to the harbour bed. The boat can be pulled in and out using the running line.

“Tender rack” – used for tenders/dinghies, these are racks, normally made from tubular steel into which light craft may be stored on end.

“Boat Park Space” - an allocated space on the harbour side where boats/dinghies are kept on trolleys/trailers and launched via a slipway. Dry storage on hard-standing.

“Berthing” means tying up against a harbour wall or pontoon.

Facility Charges

All matters related to the application of charges for moorings, berths, boat park spaces and other facilities can be found in the current ‘Tor Bay Harbour Authority Schedule of Charges, Dues & Fees’.

Facilities Allocation

Private Moorings/Facilities Waiting List

A mooring/facility can only be offered and allocated to the person whose name is next on the appropriate waiting list subject to the priority definitions below. A £25 non-refundable deposit is required to join the waiting list and lists will be closed if they are over subscribed. A procedure covering the waiting list and the application of deposits can be found in Appendix 2.

Waiting List Priority

The waiting list is segregated into the following categories/order of priority :-

- 1st Council tax payers whose main or principle residence is within the Torbay Council area of residence.
- 2nd Council tax payers who pay 90% of the Torbay Council tax. i.e. second home owners.
- 3rd All others

Town Dock Priority

Other than those persons already on the Town Dock waiting list on 1st December 2007, berths will only be allocated to Council tax payers who have a primary address in the TQ1 to TQ5 postcode areas, to be confirmed by a check of Council Tax records and/or Electoral Register information.

The Town Dock waiting list is currently closed and when it is re-opened, names will only be accepted from those people with a primary address in the TQ1 to TQ5 postcode areas. Town Dock berths will only be allocated to people outside the TQ1 to TQ5 postcode areas if no waiting list exists.

Mooring Exchange Scheme - Town Dock

Customers with existing 6 metre, 8 metre, 10 metre and 12 metre berths on the Town Dock may be able to exchange their facility for an alternative sized berth. Further details including eligibility criteria can be found in Appendix 3.

Commercial Moorings - Waiting List

A waiting list exists for a number of specified commercial moorings. Currently these can be split into specific numbers of facilities for passenger carrying pleasure craft and other moorings identified for commercial craft such as fishing vessels. To avoid over capacity the Council has an established policy to restrict the number of moorings for passenger carrying pleasure craft at each of the enclosed harbours. Furthermore this is the only policy that allows the transfer of use of a mooring facility to the new owner of a passenger boat. i.e. where a pleasure boat ceases to operate at any Harbour and the operator sells **his/her** business, the Harbour Master is authorised to transfer the mooring facilities to the new owner.

This commercial moorings waiting list does not require a deposit.

Given the obvious demand for this type of mooring and the significant contribution made by passenger carrying pleasure boats to the English Riviera tourism product, the Harbour Authority will operate a “use it or lose it” policy. If a commercial boat owner does not put a vessel on the allocated mooring facility for two consecutive years or does not operate a vessel commercially, that has use of a mooring, for two consecutive years, then the mooring facility will be allocated to the next appropriate applicant on the waiting list.

Facilities for Heritage Vessels

A limited number of ‘Heritage’ vessels are permitted, with the Harbour Master’s consent, to berth on the Town Pontoon in Brixham Harbour. The

Council's agreed criteria against which vessels could be measured for inclusion within the "fleet" of heritage boats based at Brixham Harbour is as follows :-

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

Boat Park Spaces

Certain boat park spaces contain racking. Racks provided by the Harbour Authority will be charged per rack in accordance with the current 'Tor Bay Harbour Authority Schedule of Charges, Dues & Fees'. Recognised Youth Groups may apply to the Harbour Master for approval to erect their own racking and in these circumstances, if consent is granted; the charges will only apply to the quay space occupied by the racking.

Duration of Facility Agreement

These run for a maximum of 12 months commencing on the 1st of April and expiring on the 31st March of the following year. However, vacancies that arise after 1st April will be filled from the waiting list and run from the acceptance date up to the 31st March. The Harbour Master reserves the right to determine whether to renew an allocated facility and will review such allocation on an annual basis.

Renewal of Allocated Facility

Each year the Council will send each existing facility holder a Facility Form Agreement, together with an invoice requesting a Facility Form Agreement fee. If the facility holder returns the form/invoice indicating they does not wish to renew the Facility Form Agreement, it will be allocated to the next person on the appropriate waiting list.

The Council will, upon receipt of payment allocate a facility to the applicant as described in the Facility Charge Details in a location in Tor Bay Harbour determined at the discretion of the Harbour Master. The Harbour Master may at any time designate to the facility holder an alternative location for such a facility, whereupon the applicant will move their vessel and/or any other possessions or chattels from the previous location to the appointed new location for such a facility forthwith.

Cancellation of Facility Form Agreement

The facility holder may terminate the Facility Form Agreement by giving 14 days notice in writing to the Council. However, the fee and/or deposit already paid shall be retained by the Council.

The Council may terminate the Facility Form Agreement at any time by giving 1 months notice in writing to the facility holders last known address. For the

avoidance of doubt, the Harbour Master has delegated authority to terminate Facility Form Agreements on behalf of the Council. A facility may be terminated for a number of reasons and these may include but are not limited to; bad debt, failure to comply with harbour regulations, abuse towards harbour staff and a discretionary facility being discontinued.

Risk, Liability, Insurance Requirements and Recommendations
(Facility Agreement Conditions 1, 2, 3, 4 & 5)

All reasonable care will be taken of the facility holder's property but whilst precautions will be taken to prevent loss and/or damage all vessels are berthed, moored, launched, moved and hauled out at the risk of the applicant. The applicant is therefore required to make sure that his/her vessel and property are adequately insured against all risks.

If the vessel sinks at the mooring it will have to be recovered and removed from the harbour by the vessel's owner. Failure to remove such a vessel from the harbour in such a period as shall be specified by the Harbour Master in his absolute discretion (including immediate notice) will result in the Council recovering and removing the vessel and the appropriate charges being made. Such charges shall be a debt due from the Facility Form Agreement holder to the Authority. It is therefore strongly recommended that your insurance policy includes a 'wreck removal' clause.

The facility holder shall indemnify the Council, their servants and agents against all actions, claims, costs and demands in respect of any injury or death of any person and any damage to any property which may arise out of the applicant's occupation and use of the harbour facilities including slipways, steps, jetties and staging and for this purpose shall maintain a Public Liability policy against such risks. Failure to maintain the appropriate insurance cover will result in the withdrawal of the mooring, launching and other facilities.

All facility holders using any part of the harbour facilities including slipways, steps, jetties and staging, for whatever purpose in connection with this application and whether by the Council's invitation or not, are expected to have due regard for their own safety and do so at their own risk.

The facility holder shall at all times be responsible for the safety of his/her vessel and shall be liable for any damage occasioned to the Council's property, howsoever caused, during the navigation of any vessel by the applicant or his/her servant or agents, or whilst the applicant's vessel is berthed, moored, or launched, or by the vessel slipping her berth, mooring or being cast adrift and will pay to the Council on demand any claim for reasonable compensation in respect of such damage.

The Council's Harbour Master and other authorised officers and servants, whilst acting in the course of their duty, shall not be responsible for any loss or damage which may occur as a result of compliance, or attempted compliance, with any lawful order or directions given by the Harbour Master, or such other officers or servants, nor shall the Council be liable for any loss or damage arising out of compliance, or attempted compliance, with the officers' lawful orders. The Council, its servants, agents or employees shall not be liable for

injury to any person, except where such injury arises through the negligence of the Council.

Vessels Injurious to the Amenity of the Harbour (see Section 23 – Tor Bay Harbour Act 1970)

If at any time the Harbour Authority are satisfied that a derelict vessel or structure moored in or lying in the water or on the foreshore of the harbour is in such a condition as to be seriously injurious to the amenity of that part of the harbour in which it is moored or lying, the Harbour Authority may by notice require the owner thereof within such time as may be specified in the notice (the period being not less than six weeks) to take such steps as may be necessary to abate the injury to amenity. A vessel may be considered to be injurious to the amenity of the harbour if it is badly dilapidated, seriously unkempt, unseaworthy and/or in danger of sinking, etc.)

For the avoidance of doubt, the Harbour Master is empowered, on behalf of the Harbour Authority, to determine whether a vessel is seriously injurious to the amenity of the harbour.

Failure to comply with such a notice issued by the Harbour Authority may result in the necessary action being taken directly by the Harbour Authority.

Prohibition on Assignment/Sub Letting of Facilities (Facility Agreement Conditions 12)

The facility is personal to facility holder and may not be shared, assigned, transferred, sub let or otherwise used or made available to anyone other than the facility holder. In the event that it is discovered that a facility holder is subletting the facility will be withdrawn with immediate effect.

The facility granted may not be loaned without prior notification to, and agreement of the Harbour Master in writing. Written notification must also be provided to the Harbour Master from both parties to the loan. If the Harbour Master's consent is obtained in no circumstances will this be given for a period greater than 12 months. In agreed loan circumstances the owner of the vessel borrowing the facility must confirm that he holds the necessary required insurance, confirm acceptance of all conditions and Byelaws and be liable for the appropriate level of harbour dues.

Size of Vessel (Facility Agreement Conditions 17)

No vessel shall be placed on a facility of a different size than applied for. The facility is allocated according to the size of the vessel and the facility holder must not increase the size of his/her boat without ascertaining whether or not there is a suitable alternative mooring space available. The facility holder may lose the mooring without being offered a replacement. A vessel will be charged based on overall length, which includes any bowsprit, pushpit, stern davit, bathing platform and/or bumkin etc. etc.

Inheritance

The facility granted will be for one vessel only and is not transferable. Where a member of a family wishes to continue using the facility after the death or incapacity of the existing holder he/she must join the appropriate waiting list. The use of harbour facilities cannot be inherited other than by a legitimate 'partner' who meets the requirements of a partnership arrangement as set out elsewhere within this document.

Vessel Identification (Byelaw 35)

All boats, trailers and tenders used within the harbour must have their names and current Harbour Authority plaques displayed to the satisfaction of the Harbour Master. The facility holder should also ensure that the name of the vessel or mooring number is clearly displayed on any mooring buoy not provided by the Council.

Change of Vessel (Byelaw 33)

In the event of the facility holder selling or otherwise disposing of the vessel authorised to use the facility, the parties to the change shall ensure that immediate written notification is given to the Harbour Master.

Vessel Not On Facility

If the facility holder does not have his/her own vessel on the authorised facility for a period of one year then the facility will be forfeit and reassigned from the waiting list.

Partnerships

Partnerships must have been registered with the Harbour Authority when the facility was first allocated. Any subsequent changes of ownership or partnership buy out **will not be recognised** or count towards facility allocation. The Harbour Authority will not recognise shared ownership beyond one third. i.e. a maximum of three partners inclusive of the applicant. All partners must be over the age of 18 and meet the local residence requirements detailed in this policy with regard to facility allocation priority.

Use of Facilities

Facilities must only be used for the purposes stated in the original application. Vessels using facilities must not be used for residential purposes. i.e. no living on board is permitted and boats must not serve as the sole or main residence of any individual or group. Customers are not expected to sleep on board their craft unless that vessel has a suitable manufacturers holding tank for grey water and sewage. Facilities will be withdrawn from those customers who regularly breach this expectation.

Privately owned vessels paying harbour charges as private craft must not operate their craft on a commercial basis. The number of available commercial moorings is restricted under this policy (please refer to the 'Facilities Allocation' section in this document under the heading 'Commercial Moorings – Waiting List').

Owners undertaking maintenance work on their vessel must not allow such activity to damage the property of a third party. In particular vessel owners, or their appointed contractors, should exercise a duty of care when using grinding tools, needle guns,

paint guns or similar appliances. Facilities will be withdrawn from those customers who breach this expectation.

Fuel and Re fuelling

No fuel or combustible material is permitted to be kept on or within the allocated facility save in authorised storage tanks and containers.

No petrol refuelling from cans or containers is permitted on the harbour side, pontoons, steps, slipways, or moorings. The only exception being by way of an approved siphoning/pumping device agreed specifically with the Harbour Master or at Paignton Harbour where petrol refuelling is permitted from cans onto moored vessels when the harbour has dried.

Any fuel spillage must be reported to the Harbour Master

Pollution (Byelaw 91 and Byelaw 102)

Facility holders must not pollute the harbour by spillage, dumping of waste, effluent, human waste, detergent and/or fuel or otherwise deposit refuse or scrap on the harbour estate, in the waters of the harbour or on the harbour bed.

Moorings and Vessel Protection

Fixing (Facility Agreement Condition 16)

Any swivel, riser chain, mooring rope or buoy, not provided by the Council, shall comply with the Council's specification in that behalf and shall only be fitted by a person licensed by the Council to do such work or by the facility holder personally in respect of his/her allocated mooring. The Facility Holder shall as soon as any swivel, riser chain, mooring rope or buoy has become fitted, immediately notify the Harbour Master of the fact. The applicant shall also arrange for regular inspection and maintenance of such equipment not provided by the Council.

Buoyant Rope (Byelaw 98)

No person shall within any enclosed Harbour use buoyant pick-up ropes on moorings.

Removal of Moorings (Byelaw 100)

A mooring, buoy or similar tackle shall as soon as reasonably practicable be removed by its owner or any other person claiming possession of it if the Harbour Master so directs.

Vessel Monitoring

All vessels should be monitored by the owner or owner's agent, on a regular basis, particularly during periods of bad weather.

Propeller Covers (Facility Agreement Conditions 22)

When moored outboard engines in the raised position must have the propeller and skeg covered with a plastic bucket or other approved protective cover in order to prevent damage to other boats.

Provision of Proper Fenders (Byelaw 46)

The facility holder shall ensure that his/her vessel is provided with a sufficient number of fenders adequate for the size of the vessel, and when berthing or leaving, or lying at a quay or against other vessels, the master shall cause the vessel to be fendered off from that quay or those other vessels so as to prevent damage to that quay, those other vessels or other property.

Mooring, Berthing, Anchoring in the Harbour

Vessels to be moored etc as directed

Masters of vessels in the harbour shall moor, anchor, berth and/or cease to moor, berth or anchor and be moved in accordance with directions given from time to time by the Harbour Master.

Vessels not to Anchor in a Fairway (Byelaws 11 & 18)

No person shall anchor so as to obstruct a fairway.

Vessels not to be made fast to unauthorised objects, Navigational Buoys or Seasonal 5 Knot Buoys (Byelaws 13 & 50)

The master of a vessel shall not make fast his/her vessel to or lie against any buoy, beacon or mark used for navigation. No person shall make a vessel fast to or interfere with any post, quay, ring, fender or any other thing or place not assigned for that purpose.

Vessels not to Obstruct Free Passage

The master of a vessel shall not cause or permit the vessel to manoeuvre, come to anchor or be moored or placed so as to intentionally obstruct in any manner whatsoever the passage of vessels in the harbour.

Vessels to be Properly Secured

No vessel shall be insecurely moored or improperly made fast within the harbour.

Vessels Not to Obstruct Steps, Slipways (Byelaw 26)

No person shall allow any vessel to obstruct any pontoons, steps or slipways or to lie at any pontoons steps or slipways without the permission of the Harbour Master.

Reckless Conduct and Disorderly Behaviour

The facility holder shall not use the mooring facility in a reckless manner so as to cause danger to other users of the Harbour or damage to their property.

The facility holder (including any persons on board a vessel on the harbour facility) shall not cause unreasonable noise, nuisance or annoyance to other users of the Harbour.

Compliance with Statute, Byelaws and Directions of the Harbour Master

The facility holder and all persons having control or having charge of or being aboard his/her vessel shall observe and perform all statutory and other obligations relating to the Harbour including all Byelaws and Regulations made by the Council and Directions given by the Harbour Master.

In the event of the holder of the Facility Form Agreement failing to comply with the conditions of the Facility Form Agreement the Council may give notice to remove the vessel. Should this notice not be complied with or the conditions of the Facility Form Agreement not met within fourteen days of the sending of the notice to the last known address of the facility holder the Authority may remove the vessel to any place where so ever. The facility holder shall pay the cost of such removal, storage, mooring or berthing and subsequent replacement to the Authority. Such charges shall be a debt due from the facility holder to the Authority.

Disabled Access

The Harbour Authority provide a range of moorings and other facilities, which by there very nature, have various forms of access. Consideration has been given to providing facilities for disabled persons, wherever this is reasonably practicable, in accordance with the Disability Discrimination Act 1995/2005 (DDA). The Harbour Authority is obliged to make such adjustments as is reasonable to prevent disabled persons from being placed at a substantial disadvantage when compared to others.

Anyone who has a disability should assess the most suitable facility that meets their needs and if necessary join the relevant waiting list. The Harbour Authority staff can provide advice to anyone who is uncertain about which facility would be the most appropriate.

Young People

Young people are encouraged to use the harbour facilities and in certain circumstances they will be eligible for a 50% discount on applicable harbour charges. Please see the current 'Tor Bay Harbour Authority Schedule of Charges, Dues & Fees' for details. Unfortunately it is not lawful for the Harbour Authority to enter into a contract with a minor (under 18 years of age) and the facility form agreement will therefore be in the name of a responsible adult. Please note that this discount is discretionary.

Visitor Moorings

To avoid the abuse of visitor moorings by local vessels, all craft using visitor mooring facilities are normally restricted to a maximum stay of three weeks (21 days) with no return within one week 7 days.

Appendix 1

GENERAL CONDITIONS

DUES, TOLLS, LEVY RENTS, FEES AND OTHER CHARGES ARE ONLY ACCEPTED ON THE FOLLOWING CONDITIONS:

1. All reasonable care will be taken of the applicant's property but whilst precautions will be taken to prevent loss and/or damage all vessels are berthed, moored, launched, moved and hauled out at the risk of the applicant. The applicant is therefore strongly advised to make sure that **his/her** vessel and property are adequately insured against all risks.
2. The applicant shall indemnify the Council, their servants and agents against all actions, claims, costs and demands in respect of any injury or death of any person and any damage to any property which may arise out of the applicant's occupation and use of the harbour facilities including slipways, steps, jetties and staging and for this purpose shall maintain a Public Liability policy against such risks. Failure to maintain the appropriate insurance cover will result in the withdrawal of mooring, launching or other facilities.
3. All applicants using any part of the harbour facilities including slipways, steps, jetties and staging, for whatever purpose in connection with this application and whether by the Council's invitation or not, are expected to have due regard for their own safety and do so at their own risk.
4. The applicant shall at all times be responsible for the safety of **his/her** vessel and shall be liable for any damage occasioned to the Council's property, howsoever caused, during the navigation of any vessel by the applicant or **his/her** servant or agents, or whilst the applicant's vessel is berthed, moored or launched, or by the vessel slipping her berth, mooring or being cast adrift and will pay to the Council on demand any claim for compensation in respect of such damage.
5. The Council's Harbour Master and other authorised officers and servants, whilst acting in the course of their duty, shall not be responsible for any loss or damage which may occur as a result of compliance, or attempted compliance, with any lawful order or directions given by the Harbour Master, or such other officers or servants, nor shall the Council be liable for any loss or damage arising out of compliance, or attempted compliance, with the officers' lawful orders. The Council, its servants, agents or employees shall not be liable for injury to any person, except where such injury arises through the negligence of the Council.
6. The phrase "loss, injury or damage" in these conditions means any loss, injury or damage which may occur to any person, vessel, vehicle or their contents, or to any other goods or things whatsoever.

7. The lawful orders or directions of the Council's Harbour Master and other authorised officers must always be obeyed promptly.
8. The Council may determine this agreement at any time during the period of this contract by giving one month's notice in writing to the applicant at their last known address.
9. The Council will, upon receipt of payment in accordance with this account, allocate a facility to the applicant as described in the Facility Charge Details in a location in Tor Bay Harbour determined at the discretion of the Harbour Master and the Harbour Master may at any time designate to the applicant an alternative location for such a facility, whereupon the applicant will move his/her vessel and/or any other possessions or chattels from the previous location to the appointed new location for such facility forthwith.
10. The Council will, upon the commencement of this agreement, allocate a facility to the applicant but the Harbour Master may at any time designate an alternative facility to the applicant, whereupon the applicant must move his/her vessel to the appointed facility forthwith.
11. Following the determination of this agreement, the applicant shall forthwith remove his/her vessel and any other property from the facility.
12. This facility is personal to the applicant and made available on the basis to which the Applicant hereby agrees that it will not be shared, assigned, transferred, sublicensed or otherwise used by or made available to anyone other than the applicant.
13. The facility made available to the applicant shall not be used other than for the purpose described in the Facility Charge details.
14. No facility granted may be shared or *LOANED* without the prior consent of the Harbour Master in writing.
15. The Council have the right to exercise a general lien upon any vessel, and/or her gear and equipment, whilst in or upon the harbour premises, or afloat, until such time as the monies due to the Council from the applicant in respect of such vessel whether on account of storage or mooring charges or otherwise, shall be paid.
16. Any swivel, riser chain, mooring rope or buoy, not provided by the Council, shall comply with the Council's specification in that behalf and shall only be fitted by a person licensed by the Council to do such work or by the applicant personally in respect of his/her allocated mooring. The applicant shall as soon as any swivel, riser chain, mooring rope or buoy has become fitted, immediately notify the Harbour Master of the fact. The applicant shall also arrange for regular inspection and maintenance of such equipment not provided by the Council.

17. The applicant shall not place a vessel on a mooring prescribed in the mooring scheme prepared by the Council for a vessel of a different size than that applied for, without the applicant obtaining the approval of the Harbour Master in writing.
18. All boats and trailers used within the harbour shall have their **names** clearly displayed and to the satisfaction of the Harbour Master. The applicant should also ensure that the name of the vessel or a mooring number is clearly displayed on any mooring buoy not provided by the Council.
19. The mooring shall be in such a position and of such type as shall be allocated by the Harbour Master.
20. In the event of the applicant selling or otherwise disposing of the vessel authorised to use the mooring, the Harbour Master shall be notified in writing.
21. No attachment (e.g. strops) is to be affixed to the mooring chain provided by the Council without the applicant obtaining the prior approval of the Harbour Master.
22. When moored, outboard engines in the raised position **must** have the propeller and skeg covered with a plastic bucket or other approved protective cover in order to prevent damage to other boats.
23. The applicant shall ensure that the vessel is provided with a sufficient number of fenders adequate for the size of vessel, so as to prevent damage to other vessels, quays or other property.

Appendix 2

WAITING LISTS

TOR BAY HARBOUR

WAITING LIST PROCEDURE AND APPLICATION OF DEPOSITS

- 1) The waiting list deposit is **£25**. On receipt of the appropriate fee, your name will be placed on the relevant list. Please make cheques payable to 'Torbay Council'.
- 2) The waiting list entry will be dated the same day the deposit is received.
- 3) The deposit is **NOT REFUNDABLE OR TRANSFERABLE** but will be credited to the facility charges when a facility is obtained.
- 4) Under normal circumstances the applicant will only be given one offer of a facility.
- 5) When a facility is offered and accepted, it can only be allocated to the person whose name is on the waiting list. The facility is **NOT TRANSFERABLE**.
- 6) When a facility is offered and accepted and no boat is immediately available, then the applicant **must pay the full fee** for the size of facility applied for, and then has three months to place their craft on the facility.
- 7) Often a waiting list will be banded dependent on the size of the facility. It is therefore important that applicants are certain about the size of facility required. The length entered on the waiting list form will not be adjusted up at a later date and an adjustment down in size may result in a transfer to a new list with a new entry date.
- 8) Applicants who live locally will be given priority over those applicants who live outside the Torbay area. (See the Tor Bay Harbour Operational Moorings and Facility Policy)
- 9) Unfortunately applicants who have a disability do not have priority over other people on the waiting list.
- 10) From time to time applicants will be asked to provide written confirmation of their wish to stay on a particular waiting list. The applicant's details will be deleted from our records if written confirmation is **not** provided.
- 11) It is the applicant's responsibility to keep us advised of any change in the applicant's details, especially any **change of address**.

- 12) The terms and conditions of use of any facility are shown on the reverse side of any invoice/facility form agreement and are also found within the Tor Bay Harbour Operational Moorings and Facility Policy.
- 13) Partnerships must have been registered with the Harbour Authority when the facility was first allocated. Any subsequent changes of ownership or partnership buy out **will not be recognised** or count towards facility allocation. The Harbour Authority will not recognise shared ownership beyond one third. i.e. a maximum of three partners inclusive of the applicant. All partners must be over the age of 18 and meet the local residence requirements detailed in this policy with regard to facility allocation priority.

Appendix 3

Mooring Exchange Scheme - Town Dock

Customers with existing berths on the Town Dock may be able to exchange their facility for an alternative sized berth.

Customers with 6 metre, 8 metre, 10 metre and 12 metre may be eligible to exchange, so long as they fulfil the following conditions of exchange.

The 13 metre berths will not feature in this scheme.

Exchanged vessels must be appropriate for alternative lengths of berth

Original Partnerships recognised during first allotment will remain exactly the same and cannot be added to.

Exchanges may only occur when 'pairs' are authorised by the Harbour Office. Customers will be notified when an exchange can be made, followed by any account for adjustment.

Requests for exchanges will be treated on a first come first served basis and each exchange will be appraised by the Harbour Authority to ensure correct use of facility and compatibility of vessels features.

An administration charge of £50 will apply per applicant and will feature in the account adjustment, when the exchange has taken place.

The decision to approve or decline an exchange request will be at the Harbour Master's complete discretion.

Step 1

Complete form for existing berth to *move from*

Step 2

Enter details of preferred facility to *move to* – e.g. 6m 8m 10m or 12m

Step 3

Submit form and wait until a suitable 'pair' is made, then await acknowledgement and further details from the Harbour Office

Step 4

Move your boat as directed by the Harbour Authority, then pay the balance or receive a refund for the new facility (subject to the inclusion of the administration charge).

The Harbour Authority will reserve any right to withhold an 'exchange' especially if customers have found to have been sub-letting, not conforming to the local TQ1-5 post code restriction or have a history of late payment.



Mooring Exchange Scheme – Application

(TOWN DOCK ONLY)

Name:

Boat Name:

LOA

Facility Pontoon..... Number.....

I wish to move to a :- (circle)

6m 8m 10m 12m berth.

Signature

Date

Please return completed form to the Harbour Office



Public Agenda Item: **Yes**

Title: **Annual Review of the Tor Bay Harbour Authority Asset Management Plan**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee**

On: **8 March 2012**

Change to Budget: **No**

Change to Policy Framework: **No**

Contact Officer: **Kevin Mowat**

☎ Telephone: **292429**

✉ E-mail: **Kevin.Mowat@torbay.gov.uk**

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

- 1.1 The Harbour Authority uses a large number of assets on behalf of the Council, as the owning authority, to deliver a safe and sustainable harbour. By maintaining harbour assets and the harbour estate efficiently the Harbour Authority can deliver a service to harbour users. A well managed harbour will also serve the needs of the public and hopefully improve the lives of communities who live and work in the Bay, as well as improving and regenerating Torbay as a place.

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

- 2.1 **That the Tor Bay Harbour Authority Asset Management Plan 2012/13 set out in Appendix 1 to this report be approved.**

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

- 3.1 The Terms of Reference for the Harbour Committee form part of Torbay Council's Constitution.
- 3.2 It is stated within those Terms of Reference that the Harbour Committee is to provide strategic direction in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by the Tor Bay Harbour Authority business unit.
- 3.3 The existence of a Tor Bay Harbour Authority Asset Management Plan will assist the Harbour Committee to provide the strategic direction indicated in 3.2 above.

- 3.4 The 'harbour estate' means the piers, wharves, quays, berths, roads, sheds and other works and conveniences, and the lands, buildings and property of every description, and of whatever nature, which are for the time being vested in or occupied by the Corporation (Council) as harbour authority and used for the purpose of the harbour undertaking. (Tor Bay Harbour Act 1970)
- 3.4 An appropriate asset management plan will help the Harbour Asset Review Working Party to monitor all of the harbour estate and ensure that the assets are fit for purpose. The plan will enable the identification of assets that might be inefficient or a liability in terms of backlog or future maintenance. Consequently the Harbour Committee will be able to provide the necessary strategic advice in respect of harbour assets.
- 3.5 A harbour asset maintenance programme is considered on an annual basis with prioritisation influenced by the results of the condition surveys, which are largely held on the Council's asset register (Torbay Online Asset Database [TOAD]).
- 3.6 As indicated in the Council's Constitution the extent of the harbour estate and any asset purchase and disposal over £25,000, is determined by the Mayor.

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

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

Supporting information

A1. Introduction and history

- A1.1 All of the assets currently managed by the Tor Bay Harbour Authority business unit on behalf of Torbay Council are governed by the Harbour Committee. Many of the assets are critical to the safe operation of the harbour and other assets are essential in terms of the revenue contribution they make to the ring-fenced budget delivered by Tor Bay Harbour Authority for the Harbour Committee. The extent of the harbour estate is fixed by the Council and may be varied from time to time having taken full consideration of the operational requirements of the harbour authority and the Council's policy to deliver a self-funding, financially sustainable harbour service.
- A1.2 In June 2008 the Harbour Committee received Report 169/2008 in connection with the establishment of a Harbour Asset Review Working Party. The Director of Marine Services (now the Executive Head of Tor Bay Harbour Authority) advised Members that the Harbour Committee's Terms of Reference require that the Harbour Committee provide strategic direction in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority. It was suggested that in order to achieve this requirement the Committee should challenge whether all the harbour assets are required, fit for purpose and provide value for money to meet current and future needs. It was also recommended that the Committee should be able to identify under-performing or surplus assets so that it can make recommendations about how such may be rationalised or disposed of. The Harbour Committee felt that to fulfil this role, a Working Party should be established to review those assets managed by the Harbour.
- A1.3 Under Minute No.102 (2008) it was resolved that a Harbour Asset Review Working Party be appointed with the following terms of reference:
- (a) to review all assets within Tor Bay Harbour and the Harbour Estate;
 - (b) to establish how each asset is performing; and
 - (c) to identify any assets that are surplus.

It was also resolved that :-

- (i) the Harbour Asset Review Working Party be asked to report to the Harbour Committee on how each asset is performing and to identify any that are surplus.
- (ii) that the Director of Marine Services (now Executive Head of Tor Bay Harbour Authority), in consultation with the Harbour Asset Review Working Party, be asked to consider the need for a Harbour Asset Management Plan.

Each year since 2008 the Harbour Asset Review Working Party has been re-established with the same Terms of Reference and each year it has discharged its requirements in respect of (a), (b), (c) and (i) above. The first Harbour Asset Management Plan was approved by the Harbour Committee in March 2011 following a recommendation from the Harbour Asset Review Working Party, in fulfilment of (ii) above.

A1.4 From a corporate perspective the Committee is reminded that “capital investment” is described as -

Expenditure on the acquisition, creation or enhancement of “fixed assets”

(Fixed assets are items of land & property which have a useful life of more than 1 year)

“Property” is one of the Council’s major resources alongside “People” and “Pounds”. Improving the management of its land and property assets is key to improving service delivery. The following documents demonstrate how the Council does this within its Corporate Planning process –

- **Capital Strategy** – this is the high level summary of the Council’s approach to capital investment covering all services and expenditure plans for replacement and renewal of land & property, infrastructure, plant & equipment etc. It identifies how the Council prioritises its own resources, supplemented by external funding, to improve its own assets and to support others to provide assets to help deliver Council services.
- **Corporate Asset Management Plan** – this is the overarching plan for managing the Council’s land and property assets. It identifies the Council’s approach to ensuring that its land and buildings are suitable, sufficient and in good condition to support service delivery.

These documents form part of the Council’s Budget & Policy Framework. They require annual review in order to update practices and procedures to seek to improve performance, reflect the latest position on capital resources and the latest demands for investment.

A1.5 In 2009 Princess Pier (structural repairs to the stone structure) was one of the projects deemed the most important for immediate investment from an **Asset Management and Community Plan perspective** (excluding school and Local Transport Plan improvements which in previous years have been separately funded).

A1.6 At a corporate level the Council is seeking to reduce the number of assets it holds in order to concentrate resources and provide a more economical but higher quality service. This Council policy has a two-fold benefit -

- Reduction in running costs resulting from inefficient or poorly maintained assets
- Generation of receipts to fund schemes on the approved Capital Plan or schemes on the Reserve List

A1.7 Due to the level of capital receipts required to support the Council’s capital plan and the uncertainty over future capital funding no change is proposed to the policy of allocating all capital receipts to support schemes on the existing capital plan. Exceptions to this policy are possible as was the case with the recent long lease disposal of the Old Market House at Brixham harbour.

- A1.8 With the expected significant reduction in central government funding for public sector capital schemes the private sector could have a greater role in providing finance for public sector infrastructure, including new harbour assets or an expansion of privately owned infrastructure within harbour limits or on the harbour estate.
- A1.9 In recent years the Council has recognised the significant issue of repair and maintenance of the property portfolio. This position is particularly important given that the harbour authority manages significant marine infrastructure.
- A1.10 An indication of the repair issues are identified within the rolling programme of condition surveys in the Asset Management Plan. Priority continues to be given to Condition D (condition bad – life expired and or serious risk of imminent failure) and Priority 1 works (urgent work that will prevent immediate closure and or address an immediate high risk to the health and safety of occupiers and or remedy a serious breach of legislation) It is hoped to eliminate these works completely over the next few years.
- A1.11 The intention is to eliminate the backlog of maintenance as quickly as budgetary provision allows and to move to a position in Condition C of a 70:30 split of planned to reactive maintenance. This will be done by continuing with the cycle of maintenance surveys and introducing where possible life cycle costing so that future demand can be predicted and budgeted for in advance.
- A1.12 The Council is the freehold owner of Tor Bay Harbour and the harbour estate. Under the Tor Bay Harbour Act 1970 and 1983, the Council is also the harbour authority for the harbour. Under these Acts the Council, as the harbour authority, has a duty to maintain and improve the harbour and the services and the facilities in it and, under the same Acts, the harbour authority is granted the relevant powers to do so.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

- A2.1.1 Failure to deal with urgent structural repair could lead to deterioration of the asset base and additional costs. The identified repair demands in the Plan, although only approximate, are significant and are increasing over time. This is a key challenge given the limited availability of both revenue and capital resources.
- A2.1.2 A risk to the Plan is that it will not be “fit for purpose” i.e. it will not assist the harbour authority to use its resources economically and efficiently in support of its priorities.
- A2.1.3 Unforeseen emergency works could disrupt the repairs and maintenance programme. Over the period of the maintenance plan there will inevitably be some unforeseen works which arise and need immediate attention e.g. storm damage etc. This will require periodic revision of the programme with some works having to be deferred.

A2.1.4 Existing annual maintenance funding is dependent on sustaining the current levels of harbour income. Also, the financial settlement for the public sector in future years is uncertain and may significantly affect the Council's ability to implement the Capital Strategy and the corporate Asset Management Plan.

A3. Other Options

A3.1 It is considered to be best practice for a Harbour Authority to produce an Asset Management Plan and it assists the Harbour Committee to provide strategic direction in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority. This Council has developed processes to demonstrate good asset management and a strategy for capital investment. This results in more efficient and effective use of its assets and capital resources in support of its Corporate Priorities and service objectives.

A3.2 The repair and maintenance budget could be increased further to reduce backlog over a shorter timeframe. This has to be considered with regard to other capital and revenue pressures.

A4. Summary of resource implications

A4.1 The approval of the Tor Bay Harbour Authority Asset Management Plan does not lead to immediate resource implications. The policies and future actions highlighted within the plan will help to inform the harbour budget setting process.

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

A5.1 No negative impacts are expected.

A5.2 Good asset management and a planned approach to capital investment impact on improving the quality of life and creating safer environments for all.

A6. Consultation and Customer Focus

A6.1 The Asset Management Plan is designed to assist the Harbour Authority to deliver its Business Plan priorities alongside, and complementary to, the provision of its statutory functions.

A6.2 The Plan has been developed through officer consultation with support from the Torbay Development Agency. Although this Asset Management Plan broadly follows a corporate template it is expected that further development of the Plan will emerge via the Harbour Asset Review Working Party.

A7. Are there any implications for other Business Units?

A7.1 No.

Appendices

Appendix 1 - Draft Tor Bay Harbour Authority Asset Management Plan 2012/13



Tor Bay Harbour Authority - Service Asset Management Plan 2012/13

1. Service Background and Outcomes

Tor Bay Council is the 'harbour authority' for Tor Bay Harbour. In 2007 Torbay Council made a significant change to the way it manages Tor Bay Harbour and fulfils its function as a harbour authority. As a direct result of the Municipal Port Review, (a joint initiative by the Department for Communities and Local Government and the Department for Transport), the Council now manages Tor Bay Harbour through a dedicated committee called the Tor Bay Harbour Committee. This Committee consists of up to 9 Councillors and 6 External Harbour Advisors who have been selected following a skills audit. Also, appropriate training is now given to each member of the Committee.

The Harbour Committee deals with all matters relating to the strategic management of the Council's function as the 'harbour authority'. It is a committee of the full council and is both open and accountable. In particular this Committee determines the level of harbour charges and fulfils the Council's role as Duty Holder for the purposes of the Port Marine Safety Code. This new fit for purpose Committee sets the budgets for the harbour and, with the assistance of the Tor Bay Harbour Authority business unit, manages Tor Bay Harbour within the framework of Council policy, with special attention being given to the aspirations of the Tor Bay Harbour and Maritime Strategy.

Tor Bay Harbour has existed successfully as a statutory entity since 1970 and it has served the community well. The move, over thirty years ago, to create a new harbour was both brave and visionary and since 1970, Tor Bay Harbour has shown that it can operate successfully, efficiently and economically, and subsequently it has not become a burden on Torbay Council resources.

There is a strong commitment on behalf of Torbay Council both to improve the service provided by the Harbour to its direct users and to develop its role in supporting the local economy and as a focus both for the local community and visitors to the Bay.

Harbour Estate

The 'harbour estate' means the piers, wharves, quays, berths, roads, sheds and other works and conveniences, and the lands, buildings and property of every description, and of whatever nature, which are for the time being vested in or occupied by the Corporation (Council) as harbour authority and used for the purpose of the harbour undertaking. (Tor Bay Harbour Act 1970)

All of the assets currently managed by the Tor Bay Harbour Authority business unit on behalf of Torbay Council, as the harbour authority, are governed by the Harbour Committee. Many of the assets are critical to the safe operation of the harbour and other assets are essential in terms of the revenue contribution they make to the ring-fenced budget delivered by the Tor Bay Harbour Authority business unit for the Harbour Committee. The extent of the harbour estate is fixed by the Council and may be varied from time to time having taken full consideration of the operational requirements of the harbour authority and the Council's policy to deliver a self-funding, financially sustainable harbour service.

The accommodation and property that is under the control of the Harbour Committee and Tor Bay Harbour Authority business unit adequately meets the immediate needs of the service. In recent years investment has been made in new quay infrastructure at Brixham with a new fish market, office building, employment units and soon another new restaurant on the harbour estate. Income derived from property on the harbour estate is critical to the harbour business. The level of rental income received is significantly more than that generated by harbour charges, with the exception of fish toll income.

T Maintenance costs for harbour assets are met from the ring-fenced harbour accounts as per Council policy. The agreed budget for repairs & maintenance for **S** 2012/13 are: £112,000 for Torquay, £41,000 for Paignton and £120,000 for Brixham.

A In 2008 the Harbour Committee approved the establishment of a Harbour Asset Review Working Party. The Director of Marine Services (now Executive Head of Tor Bay Harbour Authority) advised Members that the Harbour Committee's Terms of Reference require that the Harbour Committee provide strategic direction in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Marine Services (now the Tor Bay Harbour Authority business unit). It was suggested that in order to achieve this requirement the Committee should challenge whether all the harbour assets are required, fit for purpose and provide value for money to meet current and future needs. It was also recommended that the Committee should be able to identify under-performing or surplus assets so that it can make recommendations about how such may be rationalised or disposed of. The Harbour Committee felt that to fulfil this role, a Working Party should be established to review those assets managed by the Harbour Authority.

Under Minute No. 77 (June 2011) it was resolved that a Harbour Asset Review Working Party, comprising three members of the Harbour Committee (two Conservative Members and one Liberal Democrat Member) and two of the External Advisors to the Committee (Captain Bob Curtis and Mr Gordon Jennings), be appointed with the following terms of reference:

- a) to review all assets within Tor Bay Harbour and the Harbour Estate;
- b) to establish how each asset is performing; and
- c) to identify any assets that are surplus.

The Harbour Asset Review Working Party held a meeting on 24th February 2012 and has worked in consultation with the Executive Head of Tor Bay Harbour Authority to recommend to the Harbour Committee this Harbour Asset Management Plan.

2. Predicted Service Delivery Changes

In September 2011 the Harbour Asset Review Working Party reported to the Harbour Committee that :-

- All assets within Tor Bay Harbour and the Harbour Estate had been successfully reviewed.
- They were satisfied that they could broadly establish how each asset was performing.
- No assets had been identified as being surplus to the requirements of the Harbour Authority.

In determining this advice where possible each asset was considered against the following performance criteria :-

- corporate asset number (Torbay Online Asset Database System [TOADS])
- operational status
- leased or vacant
- tenure of lease & rental income
- size of premises
- expected repair & maintenance costs for the next 5 years
- condition category (A to D)
- date of last condition survey
- repairing priority (urgent to long term)
- asset valuation
- alternative use

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PRIORITY 1 = Immediate Action

PRIORITY 2 = Action in the Short Term

PRIORITY 3 = Action in the Medium Term

PRIORITY 4 = Action in the Long Term

3. Scope of Service Asset Management Plan

This Asset Management Plan covers all assets managed and occupied by the Tor Bay Harbour Authority business unit.

4. Identification of Current Property Portfolio

This data is captured in the Excel spreadsheet entitled 'List of Tor Bay Harbour Assets', attached as Annex 1.

5. Identification of Property Surveys

This data is captured in the Excel spreadsheet entitled 'List of Tor Bay Harbour Assets', attached as Annex 1.

6. Preferred Options & Action Plan

Appendix 1, entitled 'List of Tor Bay Harbour Assets', shows the current asset/property portfolio under the day to day management of the Tor Bay Harbour Authority business unit, which is subject to strategic advice and direction from Torbay Council's Harbour Committee. The list flags all assets giving their current situation as being Operational (O), Let (L), Empty (MT) or Derelict (D). The Harbour Asset Review Working Party, described in section 1 above, is tasked with reporting to the Harbour Committee on how each asset is performing and identifying any that are surplus. This advice would include indicating what action if any is required to implement any required changes.

7. Implement Audit & Review

Notwithstanding the comments made in sections 2 & 6 above, the following assets have been identified as requiring an ongoing review and/or action.

Asset Ref	Asset Name	Action	Priority Rating	Date for Review
B0082	Brixham Harbour Breakwater	Capital repairs required to the bull-nose end (£150,000) agreed by the Harbour Committee.	1	Underway
B0088AJ	Freshwater Quarry Slipway	Need to determine if this asset is sustainable in an operational state of repair.	1	April 2012
T0004AB	Haldon Pier	Capital repairs commenced in late 2009. Further work is required and this is subject to a flood defence funding bid from the EA.	2 to 3	Underway
P0242	Harbour Lights Building	Fire risk assessment works including fire prevention and detection measures.	1 to 4	Underway
T0006AF	Torquay – Town Dock	Investigation required identifying the causes of minor cracking to the structural steelwork on certain pontoons.	1	Underway
T0503	Princess Pier	Capital repairs are required and this is subject to a flood defence funding bid from the EA.	1 to 4	Underway

Brixham Harbour Breakwater - Remainder	B0082ZZ	O	24450.02		2011	2	£150,000	
Freshwater Quarry	B0088							
Freshwater Garage No.1	B0088AA	MT	14.32		No survey info		£1,000	02/07/08
Freshwater Garage No.2	B0088AB	L	14.46		No survey info		£1,000	
Freshwater Garage No.3	B0088AC	O	14.44		No survey info		£1,000	02/07/08
Freshwater Garage No.4	B0088AD	O	14.17		No survey info		£1,000	
Sea Water Pumphouse	B0088AF	L	25.94	A/B	21/05/08	2 to 4	£375	10/07/08
Freshwater Quarry Steps	B0088AH	O		B	08/11/10	2	£7,000	
Freshwater Quarry Slipway	B0088AJ	O		C	08/11/10	1	£20,000	
Store Blackball Lane	B0097AB	O	529.11	A	New	N/A	£500	02/07/08
Market House Inner Harbour	B0156							
Market House (Ground & First floors)		L	382.75	A	01/09/04	N/A	New Project	26/06/08
Market House - Eating Out Area		L						
Southern Quay	B0164							
Southern Quay Shellfish Kiosk Site	B0164AB	L	6.20	N/A	No survey info	N/A	£0	
Southern Quay - Remainder	B0164ZZ	O	1530.51		No survey info		£5,000	
Land / Foreshore 48/49 Overgang	B0177							
Oxen Cove Car Park	B0177AA	N/A	5053.00					
Oxen Cove Slipway	B0177AF	O		B	08/11/10	3	£1,500	
Oxen Cove Coastal Footpath	B0177AE	O						
Foreshore Compound Oxen Cove	B0177AB	O			No survey info		£0	
Foreshore Compound Oxen Cove (BYC)	B0177AB	L	751.81		No survey info		£0	
New Yacht Club Slipway	B0177AC	L		A	08/11/10	4	£300	
Old Yacht Club Slipway	B0177AD	D	N/A	A - C	08/11/10	N/A	N/A	
Land at Breakwater Beach & Hard	B0370							
Fishermans Store	B0370AE	MT	13.87	D	16/06/08	2	£5,500	
Kings Quay	B0399	O	617.16		No survey info		£5,000	
1 x Iveco 1T Tipper Truck	N/A	O	N/A	N/A	N/A	N/A	N/A	
1 x Forklift Truck (4T SWL)	N/A	O	N/A	N/A	N/A	N/A	N/A	
Signal' - 27 ft Cheverton Harbour Launch	N/A	O	N/A	B to C	2009	2	£5,000	
Lord Haldon' 17 ft Fibreglass Workboat	N/A	O	N/A	Replace	2009	1	£2,000	
Orca' - 28 ft Steel Workboat	N/A	O	N/A	B to C	2009	2	£5,000	
1 x fixed hydraulic crane (4T SWL)	N/A	O	N/A	B to C	2009	1	£3,000	
2 x fish landing fixed davits (250kg SWL)	N/A	O	N/A		N/A		£2,000	
Total							£221,175	

Corporate Asset Number (TOAD)	Type 0 = Operational L = Let MT = Empty D = Derelict	Size (m sq)	Condition Category A to D A = Good D = Bad	Date of last Condition Survey	Repairing Priority 1 = Urgent 4 = Long term	Total R&M required in next 5 years	Date of Water Hygiene Risk Assessment	Date of Asbestos Survey
PAIGNTON HARBOUR ESTATE ASSETS								
Paignton Harbour - General								
P0241AD Former Harbour Masters Office	L	10.43	B to C	01/12/08	1	£1,000		24/07/09
P0241AG Boat Booking Kiosk Site 1	L		N/A	N/A	N/A	£0		
P0241AF Boat Booking Kiosk Site 2	L		N/A	N/A	N/A	£0		
P0241AL Boat Booking Kiosk Site 3	L		N/A	N/A	N/A	£0		
P0241AH Boat Booking Kiosk Site 4	L		N/A	N/A	N/A	£0		
P0241AK Boat Booking Kiosk Site 5	L		N/A	N/A	N/A	£0		
P0241AM Seawater Tank Site	L			No survey info				
P0241AQ Paignton Harbour Storage at 31A	L	39.88	B to C	09/10/08	1 to 3	£3,000	07/10/10	16/09/08
P0241ZZ Paignton Harbour - Remainder	O	13,324.30		No survey info				
Harbour Lights Building								
P0242AA Café Harbour Lights & Shops	L	306.45	A to C	09/10/08	1 to 4	£8,450	07/09/10	16/09/08
P0242AB Storage @ 38 Unit 1	L	34.96	B to D	09/10/08	1 to 3	£1,500	07/09/10	16/09/08
P0242AC Storage @ 38 Unit 2	L	35.28	B to D	09/10/08	1 to 2	£2,000	07/10/10	29/07/08
P0242AD Storage @ 38 Unit 3	L	35.81	A to D	08/05/09	1 to 3	£500	07/10/10	
P0242AE Storage @ 39	L	33.5	A to D	08/05/09	1 to 3	£1,000		
P0242AF Storage @ 40 - First Floor	L	49.71	B to C	09/10/08	1	£500	21/10/10	16/09/08
P0242AG Storage @ 40A - Ground Floor	L	49.71	C	09/10/08	1 to 2	£500	21/10/10	18/08/08
Paignton Harbour Car Park Units								
P0243AA Unit 09 Ground Floor	L	240.62	A to B	30/06/09	2 to 4	£3,530	08/09/10	29/07/08
P0243AB Unit 10 Ground Floor	L	169.48	A to B	30/06/09	3 to 4	£401	07/10/10	29/07/08
P0243AC Unit 11 Ground Floor	L	219.67	B to D	26/11/08	1 to 3	£14,500		29/07/08
P0243AD Unit 12 Ground Floor	L	176.06	A to C	21/04/09	1 to 3	£3,750		29/07/08
P0243AE Unit 13 Ground Floor	L	193.19	B to D	26/11/08	N/A	£0		29/07/08
South Quay Building								
P0244AA Unit 01,02,03 & 14 Ground Floor	L	504.77	B to C	01/12/08	1 to 4	£8,000	08/09/10	08/02/07
P0244AB Unit 01,02 First & Second Floor	L	85.1	B to C	04/12/08	1 to 3	£4,500	10/09/10	16/09/08
P0244AC Unit 03 First Floor	L	36.16	B	26/11/08	N/A	£0		16/09/08
P0244AD Unit 03 Second Floor	L	36.16	A to D	08/05/09	1 to 3	£3,000		
P0244ZZ South Quay Building - Remainder	L	10		No survey info				
East Quay Building								
P0245AA Unit 04 First Floor - Harbour Office	O	38.44	A to B	01/04/08	3 to 4	£1,160	08/09/10	
P0245AB Unit 04 Ground Floor	L	38.44	B to D	01/12/08	1 to 3	£7,000	08/09/10	
P0245AC Unit 5 FF & Units 4,5,6 SF	L	156.18	A to B	20/03/07	2 to 3	£2,330	23/12/02	
P0245AD Unit 05 Ground Floor	L	51.46	B	01/12/08	3	£1,000	08/09/10	
P0245AE Unit 06 First Floor	L	66.28	A to D	08/05/09	1 to 4	£3,270	14/10/10	
P0245AF Unit 6 Ground Floor	L	66.28	A to D	08/05/09	1 to 4	£5,250		
P0245AG Site Of Unit 7	L	72.37	B to C	04/12/08	1	£1,500	14/10/10	24/03/09
P0245AH Site Of Unit 8	L	87.21	B to C	04/12/08	1 to 3	£4,200	14/10/10	
P0245AJ Unit 15	L	196.4	A to D	30/06/09	1 to 4	£66,880	08/09/10	30/09/08
P0245AK Site Of Units 16,17 & 18	L	217.36	D	Awaiting data	1 to 4	£5,750	08/09/10	30/09/08
Toby Jug Café Premises								
P0248AA Paignton Harbour Unit - Old Aquarium	L	45.07	B to C	02/12/08	1 to 3	£5,000		08/02/07
P0248AB Toby Jug Café	L	176.72	B to D	04/12/08	N/A	£0	10/09/10	03/10/08
Paignton Harbour - General								
P0241AR North Quay	O	1,495.64		No survey info				
P0241AS West Quay & Slipway	O	1,384.00		No survey info				
P0241AT South Quay & Slipway	O	1,106.38		No survey info				
P0241AU East Quay	O	3,676.70		No survey info				
P0241AV East Cardinal Navigation Mark	O		A	01/07/10	4	£200		
		Total				£159,671		

TORQUAY HARBOUR ESTATE ASSETS	Corporate Asset Number (TOAD)	Type 0 = Operational L = Let MT = Empty D = Derelict	Size (m sq)	Condition Category A to D A = Good D = Bad	Date of last Condition Survey	Repairing Priority 1 = Urgent 4 = Long term	Total R&M required in next 5 years	Date of Water Hygiene Risk Assessment	Date of Asbestos Survey
	T0004								
Torquay Marina	T0004AA	L	6,263.81	N/A	N/A	N/A	N/A		
Haldon Pier	T0004AB	O	4,261.39	C/D	01/06/07	2 to 3	£6,000,000		
South Pier	T0004AC	O	1,506.60	C/D	Nov-10	1 to 3	£154,000		
South Pier Steps (masonry inner)	T0004AC04	O		B	Nov-10	2 to 3	£1,000		
South Pier Steps (steel outer)	T0004AC05	O		A/C	Nov-10	1 to 3	£10,000		
Crane Compound South Pier	T0004AC01	L	241.34	N/A	N/A	N/A	N/A		
Marine Fuelling Station	T0004AC02	L	193.61		No survey info				16/09/08
North Quay & Old Fish Quay	T0004AD	O	5,782.38		No survey info				
Site Boat Booking Kiosk 1 - Victoria Parade	T0004AE	L	7.78	N/A	N/A	N/A	N/A		
Site Boat Booking Kiosk 3 - Victoria Parade	T0004AF	L	6.48	N/A	N/A	N/A	N/A	15/11/10	
Galley Sandwich Bar Patio - North Quay	T0004AG	L	54.75	N/A	N/A	N/A	N/A		
Inner Harbour Bridge	T0004AH	O	155.18	B to C	Nov-10	1 to 4	£20,000		
Inner Harbour Cill	T0004AQ	O							
South Pier pontoons & Access	T0004AI	O	172.93	A	No survey info	2	£5,000		
The Strand Quay	T0004AM	O							
Inner Harbour Slipway	T0004AJ	O	755.74	C	Nov-10	2	£100,000		
Vaughan Parade Harbour Wall	T0004AL	O							
Victoria Parade Walkway & Planters	T0004AK	O	1,442.42		No survey info	2 to 3	£5,000		
Princess Pier Pontoons	T0004AN	O	394.88	B	Nov-10	3	£2,000		
Princess Pier Pontoons Brow	T0004AR	O		B	Nov-10	1 to 3	£10,800		
	T0006								
Unit 1 (GF & FF) Beacon Quay Car Park	T0006AA01	L	489.67	A to C	25/04/07	2 to 3	£2,000	03/09/10	16/09/08
Unit 2 Beacon Quay Car Park	T0006AA02	L	105.66	A to C	25/04/07	2	£125	03/09/10	
Unit 3 Beacon Quay Car Park	T0006AA03	L	97.54	A	24/04/07	N/A	£0	03/09/10	
Beacon Quay Seating Area o/s Unit 3	T0006AQ	L							
Unit 4 Beacon Quay Car Park	T0006AA04	L	105.41	A to C	25/04/07	2	£500	03/09/10	01/10/08
Beacon Quay Seating Area o/s Unit 4	T0006AK	L	89.05	N/A	N/A	N/A	N/A		
Beacon Quay Seating Area for Café	T0006ZZ01	L	?	N/A	N/A	N/A	N/A		
Unit 5 Beacon Quay Car Park	T0006AA05	L	98.76	A to C	25/04/07	2	£2,000	03/09/10	16/09/08
Unit 6 Beacon Quay Car Park	T0006AA06	L	130.91	A to D	23/08/07	1	£250	03/09/10	16/09/08
Unit 7 Beacon Quay Car Park	T0006AA07	L	133	A to C	16/05/07	2 to 3	£2,250		
Unit 8 Beacon Quay Car Park	T0006AA08	L	33.63	A	16/05/07	N/A	£0	11/11/10	16/09/08
Store 9 Beacon Quay Car Park	T0006AA09	O	172.89	A to C	17/04/07	2	£1,000	11/11/10	
Store 10 Beacon Quay Car Park	T0006AA10	O	137.98	A to B	17/04/07	4	£1,850	11/11/10	
Unit 11 Beacon Quay Car Park	T0006AA11	L	127.86	A to B	16/05/07	2	£500	11/11/10	
Unit 12 Beacon Quay Car Park	T0006AA12	O	26.06	A	25/04/07	N/A	£0	11/11/10	
Unit 13 Beacon Quay Car Park	T0006AA13	L	21.28	A	25/04/07	N/A	£0	11/11/10	
Harbour Masters Office	T0006AA14	O	154.32	A/B	21/03/07	4	£8,310		17/09/08
Compound Store Adjacent Unit 7	T0006AA15		72.5		No survey info				
Site Of Beacon Quay Pub/Restaurant	T0006AC	L	1,173.54	N/A	N/A	N/A	N/A		
D-Day Embarkation Ramps x2	T0006AH	D	1,119.40	D	Oct-10	1 to 4			
Town Dock	T0006AF	O	1,830.97	A	Dec-10	1	£20,000		
Town Dock Brow	T0006AJ	O		A	Oct-10	N/A	£0		
Beacon Quay Embarkation Pontoon	T0006AG	O	140.83	B/C	N/A	2 to 3	£3,000		
Beacon Quay Brow	T0006AL	O		A	Nov-11	4	£500		
Haldon Pier Brow	T0006AM	O		B	Nov-10	2	£550		
Haldon Pier Pontoons (96m)	T0006AN	O	180.38	B	No survey info	2	£5,000		
Beacon Hill Arches	T0006AP	O/L	150.78		No survey info				
Beacon Quay Open Areas	T0006ZZ	O	3,836.54	B	N/A	N/A	New		
	T0007								
Beacon Quay Public Art Ring	T0007AC	O		A	N/A	4	£500		
Beacon Hill Sub-Station Site 866	T0007AA	N/A	47.99	N/A	N/A	N/A	N/A		

	T0010												
Old Coast Guard Lookout Tower	T0010AD	L	7.32	A	New 2009	N/A	£0						
Princess Pier	T0503	O	3,761.49	D	01/08/11	1 to 4	£3,500,000						
Baked Potato Site	N/A	L	N/A	N/A	N/A	N/A	N/A						
Shellfish Kiosk Site	N/A	L	N/A	N/A	N/A	N/A	N/A						
Boat Booking Board Site No. 2	N/A	L	N/A	N/A	N/A	N/A	N/A						
Boat Booking Board Site No. 4	N/A	L	N/A	N/A	N/A	N/A	N/A						
Boat Booking Board Site No. 5	N/A	L	N/A	N/A	N/A	N/A	N/A						
Oscar 4' 7.0m rigid inflatable boat (Ribcraft)	N/A	O	N/A	B to C	2011	2	£7,000						
Our Fortune II' Fibreglass Workboat	N/A	O	N/A	New 2010	N/A	1	New 2010						
1 x Forklift Truck (4T SWL)	N/A	O	N/A	N/A	N/A	N/A	N/A						
1 x Iveco 1T Tipper Truck	N/A	O	N/A	N/A	N/A	N/A	N/A						
			Total				£9,863,135						



Public Agenda Item:

Title: **Tor Bay Harbour – Port Master Plan**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee** On: **8 March 2012**

Key Decision: **No**

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

Contact Officer: **Kevin Mowat**
Telephone: **01803 292429**
E.mail: **Kevin.Mowat@torbay.gov.uk**

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

- 1.1 The aim of this report is to brief the Harbour Committee on the matter of port master plans and seek support for the production of a Port Master Plan for Tor Bay Harbour.
- 1.2 Master planning is not just for the benefit of regional and local planning bodies and local stakeholders but the process of producing a master plan should also benefit Tor Bay Harbour Authority.

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

- 2.1 **That the Harbour Committee approve the need for Tor Bay Harbour to have a Port Master Plan.**
- 2.2 **That the Torbay Development Agency be asked to assist in the production of a Port Master Plan and that the Executive Head of Tor Bay Harbour Authority, in consultation with the Harbour Committee Chairman, be authorised to amend the harbour revenue budget as required to fund such a plan.**

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

- 3.1 This report provides Members with information on the main purposes of port master plans.

- 3.2 The need for a Tor Bay Harbour Port Master Plan was addressed in the 2011/12 Tor Bay Harbour Business Plan and that action has rolled on into the 2012/13 Business Plan.
- 3.3 A number of high profile harbour related aspirations such as the Northern Arm in Brixham, the 'Third' harbour for Torquay, the marina car park redevelopment in Torquay, a boat yard in Oxen Cove, a potential Maritime Centre at Broadsands, together with the Torbay Development Agency's work on Torbay's maritime economy mean that it is both appropriate and timely that the Harbour Committee should now consider the more immediate need for a port master plan.

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

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

Supporting information

A1. Introduction and history

A1.1 In 2010 the Department for Transport (DfT) issued 'Guidance on the preparation of port master plans'. The main purposes of port master plans are to:

- clarify the port's own strategic planning for the medium to long term;
- assist regional and local planning bodies, and transport network providers, in preparing and revising their own development strategies; and
- inform port users, employees and local communities as to how they can expect to see the port develop over the coming years, typically within a 25 or 30 year time horizon.

A1.2 A port master plan achieves its purposes by setting out:

- how the port expects to grow and develop its business over time;
- why this is feasible in the context of wider patterns of supply and demand;
- where changes of land-use are likely to be required to support growth areas;
- what alternative ways of meeting demand have been and will be considered;
- what environmental measures will be taken to ensure that not only are adverse effects mitigated, but as far as possible the port makes a positive contribution to the environment and amenity;
- when individual development proposals will be put forward;
- how people will be consulted — both within the master planning process itself, and beyond; and;
- how the port's development plans integrate, support and inform the regional and local economic, transport and planning policy context as the result of close liaison with local and regional planning bodies during the production of the master plan.

A1.2 Tor Bay Harbour Authority and Torbay Council will benefit from a port master plan in a number of ways :-

- engaging with local and regional planning bodies at an early stage of expansion plans will allow harbour development to be incorporated at various levels of spatial planning and will help to secure the buy-in of these crucial stakeholders;
- keeping local stakeholders informed of the business direction of the harbour will help the harbour to build good working relationships locally;
- being clear and transparent about demand forecasts and expansion plans will raise the profile of the harbour both locally and regionally; and
- strategically considering future developments will reduce the lead-time for individual projects when they come to fruition.

- A1.3 A port master plan is *not* intended to be rigid and inflexible. Ports and harbours operate in a commercial world and it is essential that they should have the flexibility to adapt to changing patterns of demand, and to competitive opportunities. The master plan should therefore present a framework within which such adaptation can occur without undue bureaucracy.
- A1.4 The DfT guidance states that *'smaller ports with modest growth aspirations may consider that the scale of their projected development does not justify the managerial resource input required to produce a good master plan. But there will be exceptions on either side of this threshold: major ports at the smaller end of the range which do not foresee growth, and currently minor ports, or promoters of wholly new facilities, whose aspirations give them a clear interest in securing the buy-in of those who will become engaged, sooner or later, in the planning system. We encourage ports of any size to produce a master plan where they see that it would be beneficial for them to do so'*.
- A1.5 Every master plan will be different depending on the size of a port and the extent of plans for future development. The DfT encourages ports to vary the scale and scope of their master plan in accordance with these factors. In the South West region both Poole Harbour and Falmouth Harbour have recently completed their port master plans.
- A1.6 Critically port master plans should feed into regional and local planning strategies. Close liaison with regional and local planning bodies during the preparation of a master plan benefits the port by ensuring that its development intentions are represented in the appropriate spatial plans. This is very important in Torbay, where coastal land has a very high monetary and amenity value; and a large amount of the marine environment is protected under a Special Area of Conservation.
- A1.7 In the future, a port master plan could also usefully feed into the marine plans proposed under the Marine and Coastal Access Act.
- A1.8 There are some port development activities that do not need approval through the planning system because they fall within the port operator's Permitted Development Rights. Such an activity may be, for example, the erection of warehousing buildings associated with the handling of port cargoes, or change in the configuration of internal roads. It would be useful for the port master plan to outline the port's future intentions for such activities if they are known.
- A1.9 The DfT has given qualified support to the **safeguarding** of dormant port operational land. Any port master plan should set out and briefly justify the port's desired safeguarding strategy and the port should discuss this, as with other aspects of the master plan, with the relevant planning bodies. The master plan should note the extent to which the desired safeguarding is already reflected in regional and/or local planning documents; or is otherwise endorsed with a view to future inclusion.

A1.10 A port master plan should normally include an assessment of the projected economic and social effects of port development. This might include, for example, employment and any regeneration benefits, as well as consideration of any negative effects of development, for example relating to any disruptive effect of HGV traffic on local communities.

A1.11 The port master plan should set out the expected environmental impacts of potential future developments, and should then outline (a) the mitigation measures intended to reduce these impacts and (b) any measures intended to offset the residual impact.

A1.12 There is no legal requirement for a port to produce a master plan.

A2 Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.1.1 There are no significant key risks.

A2.2 Remaining risks

A2.2.1 There is a risk that, in the absence of a port master plan, Tor Bay Harbour Authority and Torbay Council will be unable to clarify their own medium to long term strategic planning for the harbour; and therefore fail to assist regional and local planning bodies in preparing and revising their own development strategies; and also fail to inform harbour users, employees and local communities as to how they can expect to see Tor Bay Harbour develop over the coming years.

A3. Other Options

A3.1.1 There is no legal requirement for a port to produce a master plan.

A4 Summary of resource implications

A4.1 The cost of producing a port master plan for Tor Bay Harbour will need to be met by the Tor Bay Harbour Authority business unit. If the Harbour Authority submits a bid for EU Interreg funding it will include up to £25,000 towards the cost of a port master plan.

A4.3 Resource support for the writing of a port master plan for Tor Bay Harbour has been offered by the Torbay Development Agency (EDC).

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

A5.1 None.

A6 Consultation and Customer Focus

A6.1 Engagement with interested parties including local/regional planning bodies, local stakeholders and the local community, both during the master planning process and once the master plan has been published, will be an essential aspect of an effective master plan.

A7 Are there any implications for other Business Units?

A7.1 A number of other Business Units will need to engage with the process of producing a port master plan for Tor Bay Harbour.

Appendices

None

Documents available in members' rooms

None

Background Papers:

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

Guidance on the preparation of port master plans - Ports Division, Department for Transport (2008 ~ 2010)



Public Agenda Item: **Yes**

Title: **Tor Bay Harbour Business Plan 2012/2013**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee** On: **8 March 2012**

Key Decision: **No**

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

Contact Officer: **Kevin Mowat**

☎ Telephone: **292429**

✉ E-mail: Kevin.Mowat@torbay.gov.uk

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

- 1.1 To draw up and agree a Tor Bay Harbour Business Plan.
- 1.2 Harbour customers and the wider community would expect the harbour authority to have a business plan.
- 1.3 If the Harbour Committee work to an agreed Business Plan it will have a positive impact on our customers.

2. Recommendation(s) for decision

- 2.1 **That the draft Tor Bay Harbour Business Plan 2012/2013 as set out in Appendix 1 be approved.**
- 2.2 **That, subject to the views of the Harbour Committee, the Executive Head of Tor Bay Harbour Authority and the Harbour Committee Chairman agree the final detail of the Tor Bay Harbour Business Plan 2012/2013, and sign the Acceptance Statement in Section 9.**

3. Key points and reasons for recommendations

- 3.1 The Municipal Ports Review recommends that local authority owned ports and harbours should consider producing a business plan that looks at the future prospects of the port/harbour and how it will meet the requirements of stakeholders. The plan should review the strategy of the harbour and present measurable objectives.

- 3.2 Report 28/2007 to the Harbour Committee, dated 8 February 2007, set out the recommendations of the Municipal Ports Review Working Party. The report also set out the way forward for the governance arrangements of Tor Bay Harbour.
- 3.3 Annex 4 of Report 28/2007 contained a Municipal Ports Review – Implementation Schedule. The Schedule indicates that a Tor Bay Harbour Business Plan should be drawn up and agreed by the end of March 2008.
- 3.4 Report 78/2008 presented the Harbour Committee with a draft Tor Bay Harbour Business Plan 2008/2009 on 25 March 2008. Under Minute 623/2008 it was resolved that a workshop be arranged for the Members and Advisors to input into the Tor Bay Harbour Business Plan 2008/2009; and that, following the workshop the Director of Marine Services in consultation with the Harbour Committee Chairman, be authorised to finalise a working Business Plan for 2008/2009. Subsequent Plans, including the Tor Bay Harbour Business Plan 2012/13, attached as Appendix 1, are a product of the many of the changes recommended by the workshop held in 2008.
- 3.5 The Tor Bay Harbour Business Plan 2012/2013 has followed the guidelines set out in the Municipal Ports Review, which also makes reference to *'Modernising Trust Ports: A Guide to Good Governance'*.

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

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

Supporting information to Report xx/2012

A1. Introduction and history

- A1.1 In November 2000, in '**Modern Ports – A UK Policy**', the Department for Transport promised a review of municipal ports management structures and practices to ensure that municipal ports were playing a full and accountable part in the local and regional economy.
- A1.2 In May 2006 the Department for Communities and Local Government and Department for Transport jointly published '**Opportunities for Ports in Local Authority Ownership; A review of municipal ports in England and Wales**'.
- A1.3 In the review they stated that within the current framework for decision-making in local government there is scope for responsive and dynamic management of municipal ports. The key findings identified in the Executive Summary of the review concerned:-
- 1 Accountability and Decision Making
 - 2 Strategy and Business Planning
 - 3 Management and Performance Review
 - 4 Municipal Port Finances
- A1.4 Furthermore the review document states that decisions relating to the Harbour are based on advice from officers who have a clear understanding of the special requirements of the Harbour.
- A1.5 Following a report to the Harbour Committee in June 2006 it was resolved that a Municipal Ports Review Working Party be established to prepare an implementation schedule for review in relation to the review of Municipal Ports.
- A1.6 This Working Party met on five occasions with the last meeting being held on 22 January 2007. The Working Party agreed and recommended that the best way forward to meet the requirements of the Municipal Ports Review is to have a fit for purpose Harbour Committee working for Tor Bay Harbour under new and more detailed Terms of Reference and a Protocol set by the Council, making it effectively a decision-making committee of the Council. Later in 2007 the Council adopted the Working Party's recommendations.
- A1.7 It was a recommendation of the Working Party that the new Committee should be protected against short-term thinking and be subject to a coherent and consistent treatment by the Council. Furthermore they believed the Committee should be apolitical.

A1.8 Once the principle of a Harbour Committee was established a suggested Implementation Schedule was agreed in 2007 and this included the need to draw up and agree a Tor Bay Harbour Business Plan by the end of March 2008.

A1.9 The Municipal Port Review deals with the management of the harbour. It is not a question of ownership as the Council remains the owning authority. It is a matter of what delivers the most appropriate and fit for purpose form of governance that will work best for any particular municipal port.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There is likely to be a reduction in risk by having a Business Plan in place. If the Harbour Authority's governance arrangements did not include an appropriate Business Plan there would be a significant risk that the Council would not have a fit for purpose form of governance that reflects national best practice.

A2.2 Although the Harbour Committee is a decision-making body, the risks associated with the Committee making decisions is minimal as the powers given to it can be revoked at any time by a revision of the Council's Constitution. However, this would be an extreme option as it would go against national best practice.

A2.3 Remaining risks

The only remaining risk is that the Council could be criticised for not adopting a Tor Bay Harbour Business Plan as recommended by the Municipal Ports Review.

A3. Other Options

A3.1 Not to accept the draft Tor Bay Harbour Business Plan.

A3.2 To recommend an alternative layout of the Business Plan with alternative content.

A3.3 Municipal Ports are expected to consider adopting and adapting the recommendations made in '*Modernising Trust Ports: A Guide to Good Governance*'. This sets out the benchmarks in terms of Board composition, appointment, performance and accountability.

A4. Summary of resource implications

A4.1 There are no additional resources implications.

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

A5.1 The Harbour Committee, with its Business Plan, will improve community relations as External Advisors are involved at the heart of the strategic decision-making process for Tor Bay Harbour.

A6. Consultation and Customer Focus

- A6.1 There are a number of stakeholder groups which are used to consult on the quality and performance of the harbour service these are the Brixham Harbour Liaison Forum, the Torquay/Paignton Harbour Liaison Forum, various Community Partnerships, individual Harbour User Groups and the community wide Viewpoint Panel.
- A6.2 All of these stakeholder groups have helped to influence the content of the Tor Bay Harbour Business Plan. In particular harbour staff and the Liaison Forums have been able to comment on a draft version of the plan.

A7. Are there any implications for other Business Units?

- A7.1 No.

Appendices

Appendix 1 Draft Tor Bay Harbour Business Plan 2012/2013

Documents available in member's rooms

None

Background Papers:

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

Opportunities for Ports in Local Authority Ownership: A Review of Municipal Ports in England and Wales – Dept. for Communities & Local Government/Dept. for Transport (May 2006)

Modernising Trust Ports: A Guide to Good Governance – Dept. of the Environment, Transport and the Regions (Jan 2000)

Torbay Council's Constitution - updated and published on 24 August 2011.

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**Tor Bay Harbour - Business Plan 2012/13
Business Unit – Tor Bay Harbour Authority**

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1. Executive Summary
 2. Introduction
 3. SWOT Analysis
 4. Compliance with the Municipal Ports Review
 5. Strategic Objectives and Core Values
 6. Priorities, Outcomes and Actions
 7. Budget and Financial Planning
 8. Targets and Performance Indicators
 9. Business Plan Acceptance Statement
- Appendix 1 - Tor Bay Harbour and Maritime Strategy
- Appendix 2 – Municipal Ports Review
- Appendix 3 – Plan of Tor Bay Harbour

Tor Bay Harbour - Business Plan 2012/13

Business Unit – Tor Bay Harbour Authority

1. Executive Summary

Torbay Council is the 'harbour authority' for Tor Bay Harbour. In 2007 Torbay Council made a significant change to the way it manages Tor Bay Harbour and how it fulfils its function as a harbour authority. As a direct result of the Municipal Port Review, (a joint initiative by the Department for Communities and Local Government and the Department for Transport), the Council now manages Tor Bay Harbour through a dedicated committee called the Tor Bay Harbour Committee. This Committee consists of up to 9 Councillors and up to 6 External Advisors who have been selected following a skills audit. Also, appropriate training is now given to each member of the Committee.

The Harbour Committee deals with all matters relating to the strategic management of the Council's function as the 'harbour authority'. It is a committee of the full council and is both open and accountable. In particular this Committee determines the level of harbour charges and fulfils the Council's role as Duty Holder for the purposes of the Port Marine Safety Code. This fit for purpose Committee sets the budgets for the harbour and, with the assistance of the Tor Bay Harbour Authority business unit, manages Tor Bay Harbour, which includes the harbour estate. This management is undertaken within the framework of Council policy and with special attention being given to the aspirations set out within the Tor Bay Harbour and Maritime Strategy (see Appendix 1).

Given the arrangements described above and the Council's ongoing transformation programme and 'commissioning strategy', the Harbour Authority business unit effectively acts like an internally commissioned service. Torbay Council will examine opportunities to further commission its harbour authority function or improve the governance of Tor Bay Harbour, if appropriate.

There is a strong commitment on behalf of Torbay Council both to improve the service provided by the Harbour to its direct users and to develop its role in supporting the local economy and as a focus both for the local community and visitors to the Bay. In 2012/13, for the first time, the Harbour Authority will pay the Council a cash dividend.

2. Introduction

Torbay Harbour has existed successfully as a statutory entity since 1970 and it has served the community well. For more than 40 years it has been shown that Tor Bay Harbour can operate successfully, efficiently and economically, and subsequently not become a burden on Torbay Council's resources. Maintaining this situation will remain a constant challenge.

Torbay Council's role as a strong maritime local authority is enhanced because the jurisdiction of the Harbour Authority mirrors the Council's land boundaries and it includes the Bay's entire coastline. Appendix 3 has a plan showing the limits of Tor Bay Harbour.

In operational terms it allows control over 22 miles of coastline and 16 square miles of open sea. This control has proved to be invaluable when issues of water safety combined with sound marine management, impact so clearly on the image of the Bay, and can be seen as both crucial and integral to the tourism product and wider economy. The Bay wide harbour controls have allowed regulation of shipping, control over the pollution risk, management of the harbour estate and zoning of small craft activity. Marine operations regularly dovetail effortlessly with beach, coast and environmental issues, often with a common aim.

Tor Bay Harbour - Business Plan 2012/13
Business Unit – Tor Bay Harbour Authority

2009 saw the introduction of the Marine & Coastal Access Act and during 2010 the new Marine Management Organisation became fully operational. These changes are starting to improve and formalise the UK's management of the marine environment and consultation will commence in 2012/13 on areas proposed for Marine Conservation Zones (MCZs). Tor Bay Harbour Authority will play an important role with other stakeholders in managing the coastal zone, especially as Marine Protection Areas are introduced under this new legislation. Related to these policy changes will be the gradual introduction of the concept of marine spatial planning, which implicitly leads to the need for port master planning. This is particularly relevant given the number of quays, piers, buildings and other elements of infrastructure that make up the sizeable harbour estate managed by Tor Bay Harbour Authority.

At a local level Torbay Council has the opportunity to put forward a united front; this is clearly a position of strength. Tor Bay as one harbour is well suited to best serve the needs of all the relevant stakeholders.

The Tor Bay Harbour Authority Vision and Mission Statement are as follows;

Vision - *'to be a high quality service that is committed to improving Tor Bay Harbour and providing a cleaner and safer environment'*.

- ***"Better Facilities – Safer Harbour – Cleaner Environment"***

Mission Statement – *'to offer a quality Service to those who live, work and visit Torbay, by continually striving to improve both Marine and Harbour facilities and ensuring a cleaner and safer environment'*.

To help deliver the vision and mission statement the Tor Bay Harbour Authority business unit is dedicated to providing the best value for harbour and marine users. They will continuously challenge the way harbour services are provided to ensure the most cost effective and efficient approach is adopted. Tor Bay Harbour Authority will continue to work with the private sector, external agencies and other organisations to deliver high quality services. The harbour will provide high quality services by ensuring that all staff are well trained, dedicated and well motivated.

The facilities are provided for residents, tourists, day visitors, clubs, organisations and businesses throughout Torbay. The extent to which individual facilities serve different user groups and individuals is dependent upon the facility type and operation.

The service is responsive to the unique make up of Torbay's resident and visiting population. Torbay has a higher proportion of retired people than the national average and the percentage of the working age population claiming some kind of benefit, is also higher than the national average. In the summer months the total population can swell by over 40% with an influx of tourists and foreign students. Torbay also has areas of serious social deprivation compounded by a decline in the manufacturing industry since 2000.

Our main customers and stakeholders include the following :-

- Fishermen, including those from locally based vessels and vessels from other ports (UK and Europe). These include owners, skippers and crew.
- Fish Merchants & Fish Processors.

Tor Bay Harbour - Business Plan 2012/13
Business Unit – Tor Bay Harbour Authority

- Brixham Trawler Agents.
- Ships visiting Tor Bay, including the owners of the vessels, skippers and crew.
- Owners and users of vessels for private pleasure and recreational purposes.
- Owners, skippers and crew of certified passenger carrying pleasure craft, including chartered angling vessels, dive boats, heritage boats, etc.
- Businesses and organisations with tenancy agreements within the Harbour Estate.
- Tourists visiting the resort of Torbay including its enclosed harbours, waterfront and coastline.
- English Riviera Tourism Company Ltd
- Marina operators at Torquay and Brixham - Marina Developments Ltd.
- Royal National Lifeboat Institution (RNLI)
- Marine Management Organisation (MMO)
- Devon & Severn Inshore Fisheries & Conservation Authority (Devon Sea Fisheries)
- Maritime & Coastguard Agency (MCA)
- Organisations involved in waterborne sports and activities (e.g. Yacht and sailing clubs, training organisations, Scouts, Sea Cadets, divers, rowing clubs, youth groups etc.).
- Torbay and Brixham Shipping Agents (contracted pilotage service provider).
- Charitable and religious organisations, including various individuals and groups providing entertainment and events within the Harbour Estate.
- Various businesses, organisations and individuals conducting their affairs on the Harbour Estate.
- Torbay Town Centres Co. (Business Improvement Districts)
- The general public and residents of Torbay.

Specific partnership understandings exist with the Maritime & Coastguard Agency (MCA), Torbay & Brixham Shipping Agents, UK Hydrographic Office, Marina Developments Ltd, SeaTorbay, the Torbay Coast and Countryside Trust and other external agencies and Voluntary Sector groups.

A record of complaints and compliments, together with the annual Users Survey and a visitor feedback system, all combine to give a good indication of which services are meeting the customers' expectations and those which might be seen as below the quality expected. Survey results are reported to the Harbour Committee each year.

Tor Bay Harbour - Business Plan 2012/13
Business Unit – Tor Bay Harbour Authority

3. SWOT Analysis

STRENGTHS	WEAKNESSES
Dedicated and experienced staff	Overprotection of the natural and physical environment – a reluctance to change
Natural harbour and safe anchorage	Extent of physical infrastructure (exposure to storm damage & climate change)
Fit for purpose Harbour Committee	Transport infrastructure
Statutory legislation ensures control	Method and inconsistency of past harbour governance
Comprehensive harbour byelaws	Resources diverted for provision of public amenity facilities
Support of Torbay Council	Very limited commercial/shipping income
Diversity and richness of natural environment	Operational land not ‘safeguarded’ by the planning system
Extent of and range of property on harbour estate	Ageing infrastructure with a significant repairing liability
Self-financing and policy of ring-fenced harbour accounts	Low profile of harbour authority status
Limited interference in harbour management by Torbay Council	No Harbour Management Plan
Designated sites protecting the natural and physical environment	No Port Masterplan
One of the best race sailing Bays in the UK	
A compulsory pilotage service providing safety and protection	
OPPORTUNITIES	THREATS
Physical environment (Quality of life)	Competition from other ports & harbours
Growing interest in marine based leisure activity	European fishing policies (restrictions with fish quota/depleted fish stocks)
A catalyst for regeneration activity	Climate change – sea level rise
Integrated coastal zone management	Storm damage to quays, piers & breakwaters
Maximise commercial use of assets	Increasing user conflict over a shared and finite resource
Geo-park status	Pollution – especially our sea and coast
Raise external profile and promote success	Change of financial policy (removal of ring-fenced harbour accounts)
Trend for green tourism	Resistance to change i.e. improved governance
External funding opportunities	Loss of operational land to developers
Climate change – sea level rise	Inadequate regional & national ports strategy
Commissioning of Tor Bay Harbour Authority – arms length governance	Too many sites designated for protection in the natural and physical environment
Coastal Partnership – SeaTorbay	New cash dividend to the Council’s general fund becoming too much of a burden
Larger sub-regional marine leisure market opened up by the South Devon link road	Disruption to business caused by major redevelopment of adjacent sites

Tor Bay Harbour - Business Plan 2012/13
Business Unit – Tor Bay Harbour Authority

4. Compliance with the Municipal Ports Review

In 2007 Torbay Council decided to accept the main findings of the Municipal Ports Review (Appendix 2), published the previous year. Consequently the Council made constitutional changes to set up a decision making Committee called the 'Tor Bay Harbour Committee'. The Committee's purpose is to manage and govern Tor Bay Harbour, which includes the enclosed harbours of Brixham, Torquay and Paignton. Although the Committee cannot make decisions outside the Council's policy framework it does set its own budget, determine the level of harbour charges and has a capital spending limit of £25,000.

Fifteen people sit on the Harbour Committee, 9 members of the Council plus up to five external non-voting advisors appointed by the Committee on a four year term (maximum term 8 years) and one non-voting advisor private sector representative of the Board of the Economic Development Company (Torbay Development Agency). Political group leaders have been asked to take account of the geographical spread of members and the need for continuity when making appointments to the Harbour Committee. The external non-voting advisors are selected and appointed following a skills audit. Meetings are held every quarter with additional meetings as required.

The relationship between the Council as the owning authority and the Harbour Committee as the managing body is determined by detailed Terms of Reference and a Protocol, which forms part of the Council's Constitution. In effect the Tor Bay Harbour Authority business unit is an internally commissioned service.

The Harbour Committee, which, when required, reports directly to the full Council, is also the 'duty holder' under the Port Marine Safety Code.

There are two bespoke stakeholder groups set up to give advice on day to day operational matters and to provide a conduit on such matters to the Harbour Committee. The two groups, which have formal constitutions, are known as the Brixham Harbour Liaison Forum and the Torquay/Paignton Harbour Liaison Forum. Both Forums meet quarterly, two weeks prior to the Harbour Committee meetings. The Forum minutes are standing agenda items for the Harbour Committee.

Torbay Council may decide to accept more recommendations from the Municipal Ports Review in years to come but for now it has created an accountable, expert and responsive form of governance and the harbour management has an appropriate level of independence and flexibility.

Although currently working well the Council could improve the governance arrangements set out above by considering other commissioning options for its harbour authority function.

5. Strategic Objectives and Core Values

Links to Corporate and Community priorities and objectives.

There are a variety of different and obvious links between this Plan relating to Tor Bay Harbour and the provision of the Tor Bay Harbour Authority business unit, and the

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Council's overall '**Vision**' for Torbay, which is "**Working for a healthy, prosperous and happy Bay**".

The provision of Tor Bay Harbour Authority, as a statutory function, contributes directly and indirectly to all of the Council's three corporate themes – **A healthy Bay – A prosperous Bay – A happy Bay**. In particular two of the key themes link to the operation of Tor Bay Harbour and these are '**A prosperous Bay**' and '**A happy Bay**'.

Tor Bay Harbour, the waterfront, the three enclosed harbours, the piers and the coastline all form a central part of our built and natural environment. Tor Bay Harbour Authority endeavour to keep the enclosed harbours, the harbour estate and the Bay clean, safe, tidy and attractive and by so doing the service remains crucial to the overall feeling of civic pride endorsed within the **Community Plan**.

Harbour Authority Objectives

- Maintain, expand and improve the harbour facilities
- Enable the safe use of the harbour
- Maintain self-financing accounts
- Invest in the present and the future
- Enhance our self-critical and performance driven culture
- Enable staff to achieve through development and training
- Influence, respond and contribute to the economic, voluntary, community, cultural and environmental agendas

Shared Objectives

- Work towards creating a sustainable and flourishing leisure, culture and tourism sector that is open to residents and visitors.
- Create the right environment for inward investment.
- Make it easier to get around the Bay by developing integrated transport where feasible.

Delivering on our Core Values

- To maintain and improve the quality of service that we provide to our customers.
- Our services will be tailored to meet the changing needs of our customers.
- Marine and harbour facilities will be made available to as many users as possible.
- To develop a professional and caring service, that is fit for purpose.
- We are committed to the courteous and fair treatment of our customers.
- To consult with all relevant user groups and stakeholders.
- To provide an open, accountable and transparent management of Tor Bay Harbour.
- To provide a prompt reply to correspondence (including letters, faxes and e-mails).
- To carry out our duties in a fair and equitable manner.

Overall Objective

To maintain, protect and enhance the harbour whilst at the same time deriving the range of sustainable benefits, environmental, economic and social; as outlined in the Tor Bay Harbour and Maritime Strategy

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6. Priorities, Outcomes and Actions

KEY THEMES – A HEALTHY BAY, A PROSPEROUS BAY AND A HAPPY BAY

PRIORITY No. 1: MAINTAIN SAFETY

The outcomes we want to achieve are:

- To fulfil the Council’s obligations as a statutory and competent harbour authority
- To responsibly manage the safety of navigation and overall harbour safety, through the enforcement of applicable byelaws and appropriate legislation
- To comply with the Port Marine Safety Code through the use of a robust Safety Management System
- A safe haven for all vessels and a safe harbour estate – making people feel safe

ACTIONS	Timescale	Who
Renew the bi-lateral agreement with the UK Hydrographic Office	Annually	Executive Head
Undertake routine maintenance of harbour infrastructure	Ongoing	Harbour Masters
Pass annual audit/inspection from Trinity House and file quarterly reports	Annually/Quarterly	Executive Head
Issue local Notices to Mariners and enforce Harbour Byelaws	As required	Harbour Masters
Lay seasonal 5-knot buoys & navigational marks	May 2012	Executive Head
Manage the seasonal beach/harbour patrol craft	May to September 2012	Harbour Masters
Safety Management System audit completed and improvement plan agreed	December 2012	Executive Head
Safety Management System Improvement Plan (2011/12) implemented	November 2012	Executive Head
Review and improve the Safety Management System software	June 2012	Executive Head
Review and exercise the Tor Bay Harbour Emergency Response Plan	Annually	Executive Head/TBC
Review the delegated powers of the Executive Head of Tor Bay Harbour Authority	March 2013	Harbour Committee
Review of existing harbour powers (every 5 years)	December 2015	Executive Head & Harbour Committee

**Tor Bay Harbour - Business Plan 2012/13
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KEY THEMES – A HEALTHY BAY, A PROSPEROUS BAY AND A HAPPY BAY

PRIORITY No. 2: IMPROVE CUSTOMER EXPERIENCE

The outcomes we want to achieve are:

- **To maintain and improve the quality of service that we provide to our customers**
- **Tailored services that meet the changing needs of our customers**
- **Marine and harbour facilities made available to as many users as possible**
- **Delivery of a professional and caring service, that is fit for purpose**
- **The courteous and fair treatment of our customers**
- **To carry out our duties in a fair and equitable manner**
- **Ensuring equality and diversity in service delivery together with equality of opportunity**

ACTIONS	Timescale	Who
Refresh the Tor Bay Harbour Website	April 2012	DHM Torquay
Supply up to date/live weather and tidal data to the Tor Bay Harbour website	June 2012	AHM Torquay
Undertake a customer satisfaction survey and react to the results	February to May 2012	Executive Head
Continue benchmarking via the British Ports Association, UK Harbour Masters Association, RYA, BMF & SW Regional Ports Association	Ongoing	Harbour Masters
To provide a prompt reply to correspondence (including letters, faxes and e-mails)	Ongoing	All Office Staff
Complete Equality Impact Assessments (Annually)	November 2012	HM Paignton
Implement Equality Impact Assessment Improvement Plans (Annually)	November 2012	Executive Head
Monitor and support staff through induction and appraisal reviews (RADARs)	February 2013	All Managers
Encourage Harbour Masters to fully complete CPD records	Ongoing	Executive Head
Work with the Director of Place & Resources and the Chairman of the Harbour Committee Chairman to consider the impact of the Localism Act and in particular the issues surrounding the 'community right to challenge' – if necessary provide the business case for future service delivery options for Tor Bay Harbour Authority	February 2013	Executive Head, Harbour Committee Chairman & Director of Place & Resources
To review the Tor Bay Harbour Operational Moorings Policy (Annually)	March 2013	Executive Head

**Tor Bay Harbour - Business Plan 2012/13
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KEY THEMES – A HEALTHY BAY, A PROSPEROUS BAY AND A HAPPY BAY

PRIORITY No. 3: STEWARDSHIP OF THE HARBOUR’S BUILT AND NATURAL ENVIRONMENT

The outcomes we want to achieve are:

- **A sustainable approach to harbour management in recognition of climate change**
- **Investment to create high standards in existing and new harbour infrastructure**
- **Increase public awareness of the maritime environment as a valuable environmental, economic and social asset**
- **Minimal environmental impact of harbour activities**
- **A Harbour Management Plan**
- **Improving quality of life by creating a clean and attractive environment that is valued by residents and visitors**

ACTIONS	Timescale	Who
Influence decision making over the management measures of the new Special Area of Conservation in Tor Bay	March 2013	Executive Head & SeaTorbay
Influence decision making over the location of Marine Conservation Zones	March 2013	Executive Head
Attend meetings with other coastal zone stakeholders. (Inshore Fisheries and Conservation Authority (IFCA), Torbay Coast & Countryside Trust, SeaTorbay, Devon Maritime Forum)	Ongoing	Harbour Masters
Assist in the collection of spatial mapping data	Ongoing	Harbour Masters
Distribute information on good practice and regulations to boat owners (Green Blue Initiative) – improve recycling and reduce carbon emissions	Ongoing	Harbour Masters
Help provide appropriate sea/flood defences and raise awareness of sea level rise	Ongoing	Harbour Committee, TBC & EA
Progress plans to replace chain moorings with pontoon berths in Torquay’s inner harbour	March 2013	Executive Head
Continue work on a Coastal Zone Management Plan in consultation with stakeholder groups	September 2012	Executive Head & SeaTorbay
Continue to investigate renewable energy projects for use on the harbour estate	October 2012	Executive Head
Submit plans to improve passenger landing facilities at Torquay & Brixham	April 2012	Executive Head with Transport Planning

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KEY THEMES – A HEALTHY BAY, A PROSPEROUS BAY AND A HAPPY BAY

PRIORITY No. 4: ENGAGE WITH THE COMMUNITY AND HARBOUR USERS

The outcomes we want to achieve are:

- **To consult with all relevant user groups and stakeholders**
- **To provide an open, accountable and transparent management of Tor Bay Harbour**
- **A higher percentage of people who feel they can influence harbour management decisions**
- **Influence, respond and contribute to the economic, voluntary, community, cultural and environmental agendas**

ACTIONS	Timescale	Who
Support the development of a Maritime Centre of Excellence	As required	Executive Head
Hold quarterly meetings with harbour users & stakeholders (Liaison Forums)	Quarterly	Harbour Masters
Continue to encourage young people to engage in marine activities	As required	Executive Head
Support and engage with Coastal Partnership – SeaTorbay	Ongoing	Harbour Masters
To continue to work with and/or participate with relevant voluntary and community organisations (Community Partnerships, Pride in Brixham)	Ongoing	Harbour Masters
Improve understanding of the work of the Harbour Authority through talks, boat trips, open days, etc.	Ongoing	Harbour Masters

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KEY THEMES – A HEALTHY BAY, A PROSPEROUS BAY AND A HAPPY BAY

PRIORITY No. 5: ENCOURAGE LOCAL PROSPERITY

The outcomes we want to achieve are:

- Capitalise on Torbay’s maritime setting
- Support for the local economy and economic growth
- Regeneration of the enclosed harbours of Brixham, Paignton and Torquay
- Enable a strong and sustainable Fishing Industry

ACTIONS	Timescale	Who
Deliver a “Port Masterplan” for Tor Bay Harbour	December 2012	Executive Head & Harbour Committee
By working with stakeholders investigate options to improve the management of the new Fish Market complex	March 2013	Executive Head
Produce a schedule of Maritime Events (Annually)	January 2013	DHM Torquay
Contribute to tourism by working to support event organisers	Ongoing	All Harbour Staff
Work collaboratively with the English Riviera Tourism Company Ltd, especially in respect of marketing and promoting Tor Bay Harbour	Ongoing	Harbour Masters & ERTC
Contribute to tourism by providing visitor mooring facilities (Annually)	Ongoing (May ~ Oct)	Harbour Masters
Work with the Economic Development Company (TDA), the Mayor and the Council on marine and waterfront projects	Ongoing	Executive Head & Harbour Committee
Work with the Economic Development Company (TDA), the Mayor, the Council and the Local Enterprise Partnership (LEP) on maximising the potential benefits of the SW Marine Energy Park	March 2013	Executive Head & Harbour Committee Director of Place & Resources
Agree the Tor Bay Harbour Authority Business Plan (Annually)	March 2013	Harbour Committee

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KEY THEMES – A HEALTHY BAY, A PROSPEROUS BAY AND A HAPPY BAY

PRIORITY No. 6: ACHIEVE FINANCIAL STRENGTH

The outcomes we want to achieve are:

- **Effective financial management of the harbour**
- **To operate ‘ring-fenced’ accounts and remain self-financing**
- **Full occupancy of harbour facilities**
- **100% of harbour estate properties let**
- **Effective management of all harbour assets**
- **Effective management of business risks**

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ACTIONS	Timescale	Who
Keep existing businesses and attract new activities, including direct and indirect marketing and promotion.	Ongoing	Executive Head & Harbour Committee
Monitor variation on budgeted income	Quarterly	Executive Head & Harbour Committee
Monitor variation on budgeted expenditure	Quarterly	Executive Head & Harbour Committee
Produce an Asset Management Plan for the Business Unit (Annually)	March 2013	Executive Head
Review the Risk Register for the Business Unit (Annually)	September 2012	Executive Head
Test and review a Business Continuity Plan for the Business Unit	July 2012	Harbour Masters
Maximise harbour estate lettings occupancy	Quarterly	Executive Head & Harbour Committee
Undertake Energy Audits at each enclosed harbour (linked to Priority 3 above to reduce carbon emissions)	November 2012	Harbour Masters
Set the Tor Bay Harbour Charges and Harbour Budget (Annually)	December 2012	Harbour Committee
Analyse our visitor data and explore marketing opportunities (Annually)	January 2013	Harbour Masters
Review the Audit Plan for Tor Bay Harbour Authority (Annually)	June 2012	Harbour Committee

Key

Executive Head
ERTC
TDA

Executive Head of Tor Bay Harbour Authority
English Riviera Tourism Company Ltd
Torbay Development Agency (Economic Development Co.)

TBC
EA

Torbay Borough Council
Environment Agency

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7. Budget and Financial Planning

TORQUAY and PAIGNTON HARBOURS

PROJECTED OUTTURN 2011/12 AND APPROVED BUDGET 2012/13

Expenditure	APPROVED BUDGET 2011/12 £000	PROJECTED OUTTURN 2011/12 £000	APPROVED BUDGET 2012/13 £000
Operations and Maintenance :-			
Harbour Attendants Salaries and Wages	138	138	136
Repairs and Maintenance	152	157	153
Rent Concessions	2	2	2
Other Operating Costs	108	89	117
Town Docks Costs	23	23	10
Management and Administration :-			
Salaries	181	181	178
Internal Support Services	117	117	119
Other Administration Costs	45	49	46
Capital Charges	169	184	184
Contribution to Bad Debt Provision	5	0	0
Contribution to Patrol Boat Operation	2	2	3
Dividend to General Fund (based on 2.5% of total income)	0	0	23
	942	942	971
Income			
Rents and Rights :-			
Property and Other Rents/Rights	246	246	246
Marina Rental	228	222	222
Operating Income :-			
Harbour Dues	60	60	61
Visitor and Slipway	50	45	41
Mooring fees	59	63	68
Town Dock	240	233	241
Boat and Trailer parking	31	39	34
Other Income	28	28	23
Contribution from Reserve	0	5	0
	942	941	936
Operating Surplus /(Deficit)	0	(1)	(35)

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BRIXHAM HARBOUR

PROJECTED OUTTURN 2011/12 AND APPROVED BUDGET 2012/13

Expenditure	APPROVED BUDGET 2011/12 £000	PROJECTED OUTTURN 2011/12 £000	APPROVED BUDGET 2012/13 £000
Operations and Maintenance :-			
Harbour Attendants Salaries and Wages	250	211	209
Repairs and Maintenance	111	152	120
Rent Concessions	4	4	4
Other Operating Costs	224	249	260
Management and Administration :-			
Salaries	156	156	144
Internal Support Services	92	109	107
Other Administration Costs	40	50	44
Capital Charges	268	300	300
Contribution to Patrol Boat Operation	2	2	3
Dividend to General Fund (based on 2.5% of total income)	0	0	29
	1,147	1,233	1,220
Income			
Rents and Rights :-			
Rents and Rights	189	189	213
Marina Income	169	167	167
Operating Income :-			
Harbour Dues	76	82	84
Visitor and Slipway	15	12	13
Mooring fees	125	136	134
Fish Tolls income	474	600	525
Other Income	49	60	50
Contribution from Reserve	0	17	0
	1,097	1,263	1,186
Operating Surplus /(Deficit)	(50)	30	(34)

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TORQUAY AND PAIGNTON HARBOURS - FUTURE YEARS

	APPROVED ESTIMATE 2011/12 £000	PROJECTED OUTTURN 2011/12 £000	APPROVED ESTIMATE 2012/13 £000	PROVISIONAL ESTIMATE 2013/14 £000	PROVISIONAL ESTIMATE 2014/15 £000	PROVISIONAL ESTIMATE 2015/16 £000
1. EXPENDITURE						
Employees	319	319	314	323	333	341
Maintenance	152	157	153	157	161	165
Rent Concessions	2	2	2	2	2	2
Other Costs	158	138	163	167	171	175
Town Dock excl Cap Financing	23	23	10	10	10	10
Capital Financing	169	184	184	184	184	184
Patrol Boat Deficit	2	2	3	3	3	3
Support Services	117	117	119	119	119	119
	942	942	948	965	983	999
2. INCOME						
Marina Rent	228	222	222	222	222	222
Rent and Other	246	246	246	246	246	246
User Charges	228	240	218	218	218	218
User Charges - Town Dock	240	233	230	230	230	230
	942	941	916	916	916	916
Dividend to General Fund (based on 2.5% of total income)			23	23	23	23
Projected Net Surplus/(Deficit) before charges increases	0	(1)	(55)	(72)	(90)	(106)
<u>Cumulative effects of increasing charges/growth</u>						
User charges 4.0% 2012/13 then 2.5% year on year			9	15	21	27
Town Dock charges 5.5% in 2012/13 then 2.5% year on year			11	17	23	29
Marina rentals 0% year on year			0	0	0	0
Potential Net Surplus/(Deficit)	0	(1)	(35)	(40)	(46)	(50)
<i>Reserve level at Year End (before charges increases)</i>		619	571	508	427	330
<i>Reserve level at Year End (including charges increases)</i>		619	592	561	526	487
<i>Probable Min Reserve Target levels (before charges increases)</i>		436	433	433	433	433
<i>Probable Min Reserve Target levels (including charges increases)</i>		436	437	440	442	444

Tor Bay Harbour - Business Plan 2012/13
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BRIXHAM HARBOUR - FUTURE YEARS

	APPROVED ESTIMATE 2011/12 £000	PROJECTED OUTTURN 2011/12 £000	APPROVED ESTIMATE 2012/13 £000	PROVISIONAL ESTIMATE 2013/14 £000	PROVISIONAL ESTIMATE 2014/15 £000	PROVISIONAL ESTIMATE 2015/16 £000
1. EXPENDITURE						
Employees	406	367	353	364	374	381
Maintenance	111	152	120	123	126	129
Rent Concessions	4	4	4	4	4	4
Other Costs	263	299	304	312	320	328
Capital Financing	268	300	300	300	300	300
Patrol Boat Deficit	2	2	3	3	3	3
Support Services	92	109	107	107	107	107
	1,146	1,233	1,191	1,213	1,234	1,252
2. INCOME						
Marina Rent	169	167	167	167	167	167
Rent and Other	188	189	213	228	238	253
Fish Tolls	474	600	525	485	485	485
User Charges	265	307	271	271	271	271
	1,096	1,263	1,176	1,151	1,161	1,176
Dividend to General Fund (based on 2.5% of total income)			29	29	29	29
Projected Net Surplus/(Deficit) before charges increases	(50)	30	(44)	(91)	(102)	(105)
<u>Cumulative effects of increasing charges/growth</u>						
User charges 4.0% 2012/13 then 2.5% year on year			10	17	24	31
Marina rentals 0% year on year				0	0	0
Potential Net Surplus/(Deficit)	(50)	30	(34)	(74)	(78)	(74)
<i>Reserve level at Year End (before charges increases)</i>		572	535	452	358	260
<i>Reserve level at Year End (including charges increases)</i>		572	546	480	411	345
<i>Probable Min Reserve Target levels (before charges increases)</i>		503	485	480	482	485
<i>Probable Min Reserve Target levels (including charges increases)</i>		503	487	484	487	491

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Cash Dividend to the Council's General Fund

Torbay Council's general fund budget is facing a shortfall of approximately £11m for 2012/13 and all council business units have been asked to make savings and/or look at income opportunities to help reduce the deficit. The Chairman of the Harbour Committee and the Executive Head of Tor Bay Harbour Authority therefore agreed to recommend the contribution of a cash dividend to the general fund from the harbour accounts from 2012/13. On 5th December 2011 the Harbour Committee agreed to contribute a dividend representing 2.5% of harbour income for 2012/13 and the offer was linked to a clear understanding that "support costs" made by the general fund to the harbour account would not, in normal circumstances, rise above the 2011/12 level. Furthermore, it was indicated that the delivery of a fully commissioned harbour authority service could reduce some of the existing support & fixed costs and that such cost reduction and efficiency gains, if they were achieved, would place the harbour authority in a better position to potentially continue paying a cash dividend in future years. i.e. beyond the current financial crisis. In 2007 Torbay Council decided to accept the main findings of the Municipal Ports Review and the principle of paying a dividend to the "owning authority" is clearly established within this review. However, the contribution for 2012/13 amounts to £52k and this has put considerable pressure on next year's Harbour's budget.

Harbour Reserve Funds

The balance on the Harbour Reserve Funds forms part of the Council's overall cash balances which are invested in line with the annual Treasury Management Strategy approved by Council. The strategy sets out assumptions on interest rates and the controls for maintaining security of cash. Since 2006/07 investments have yielded annual returns of 5.80%, 5.50%, 2.64% and 1.30%. The global economic crisis continues to present a challenge to investment yields with an expected return for 2011/12 of 1.28%. Current forecasts indicate investment rates will remain low for some months and a return of 1.31% has been budgeted for 2012/13.

Torbay Council's current Treasury Management Strategy can be found at:-
http://www.torbay.gov.uk/index/council/financial_services/treasurymanagement.htm

The balances of the Harbour Reserve Fund at 1st April 2011 were;

Torquay and Paignton Harbours	-	£ 617,132
Brixham Harbours	-	£ 574,938

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8. Targets and Performance Indicators

The following are a selection of targets and performances indicators that are tracked on the Council's corporate performance management system – SPAR.NET.

Harbour Users Survey – Overall quality of service recorded as either Average, Good or Excellent. Changed for 2009/10 to Good or Excellent only.

Year	Target	Actual	Status
2005/06	90%	84%	Below Target
2006/07	90%	96%	On Target
2007/08	95%	97%	On Target
2008/09	97%	100%	On Target
2009/10	85%	86%	On Target
2010/11	86%	82%	On Target
2011/12	85%	Data not due	Data not due

Brixham Harbour Fish Tolls

Year	Target	Actual	Status
2005/06	£400,000	£412,628	On Target
2006/07	£410,000	£485,952	Well Above Target
2007/08	£450,000	£526,102	Well Above Target
2008/09	£485,000	£465,778	On Target
2009/10	£485,000	£471,248	On Target
2010/11	£485,000	£556,620	Well Above Target
2011/12	£474,000	Final data not due	Well Above Target

Navigation Lights Availability

Year	Target	Actual	Status
2005/06	100%	100%	On Target
2006/07	100%	100%	On Target
2007/08	100%	99%	On Target
2008/09	100%	100%	On Target
2009/10	100%	100%	On Target
2010/11	100%	100%	On Target
2011/12	100%	Data not due	Data not due

Harbour estate lettings occupancy

Year	Target	Actual	Status
2005/06	100%	98%	On Target
2006/07	100%	99%	On Target
2007/08	100%	99%	On Target
2008/09	100%	97%	On Target
2009/10	100%	96%	On Target
2010/11	100%	96%	On Target
2011/12	100%	Data not due	Data not due

9. Business Plan Acceptance Statement

Business Plan Acceptance

Business Unit - Tor Bay Harbour Authority	Business Plan 2012/13
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Signed and accepted by Executive Head Tor Bay Harbour Authority	<i>Print and Sign</i>
Date	

Signed and accepted by Harbour Committee Chairman	<i>Print and sign</i>
Date	

**Tor Bay Harbour - Business Plan 2012/13
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APPENDIX 1

Tor Bay Harbour and Maritime Strategy

Please find a copy at :-

www.tor-bay-harbour.co.uk/index/leisure/harbours/harbourgovernance/harbourpublications.htm

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APPENDIX 2

Municipal Ports Review

“Opportunities for Ports in Local Authority Ownership”

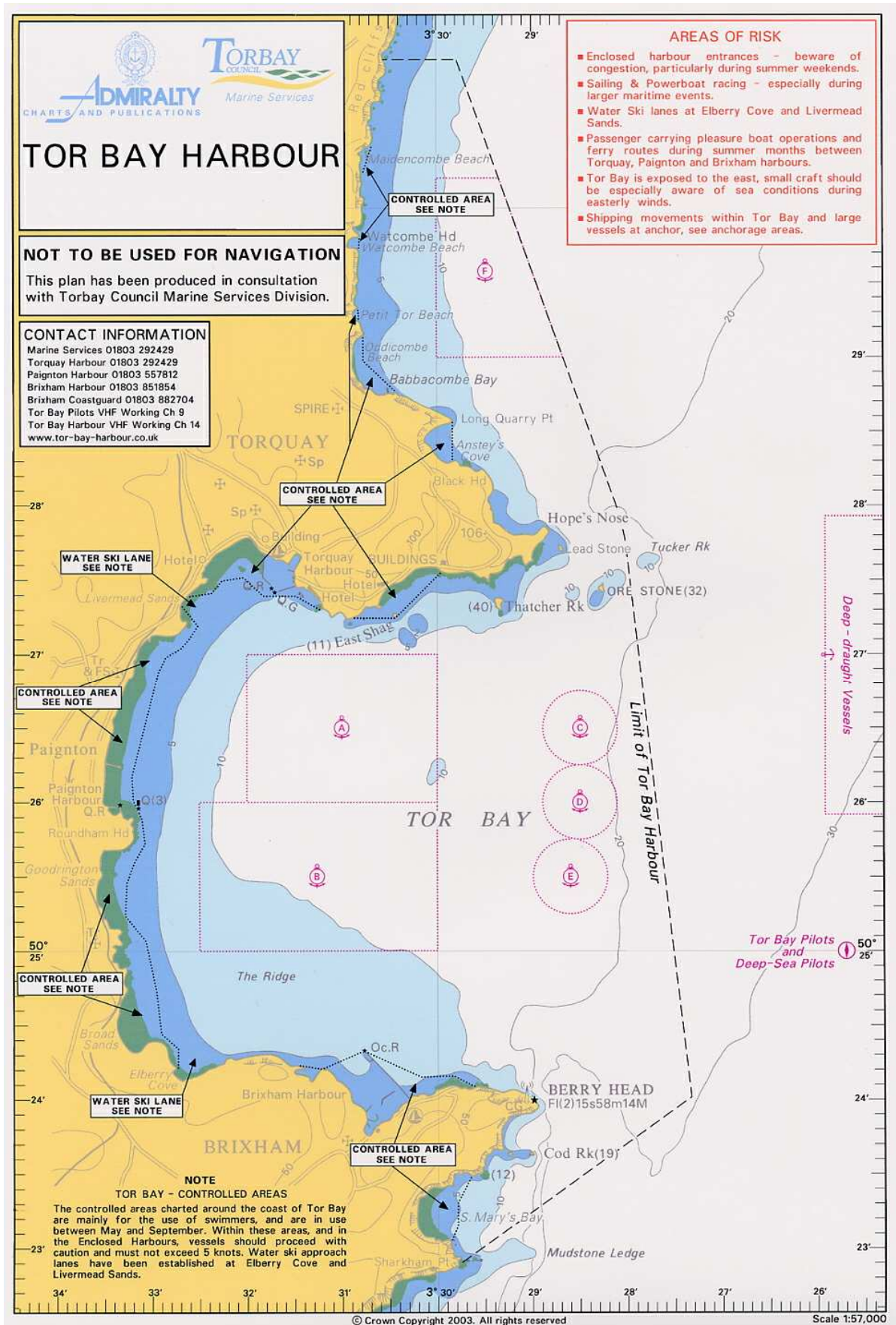
Please find a copy at :-

<http://webarchive.nationalarchives.gov.uk/+http://www.dft.gov.uk/pgr/shippingports/ports/opportunities/>

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APPENDIX 3

Plan of Tor Bay Harbour





Public Agenda Item: **Yes**

Title: **Tor Bay Harbour Authority Income - Internal Audit Report – November 2011**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee** On: **8 March 2012**

Contact Officer: **Kevin Mowat**
Telephone: **01803 292429**
E.mail: Kevin.Mowat@torbay.gov.uk

1. Key points and Summary

1.1 This report provides Members with an overview of the results of the Internal Audit Report of Tor Bay Harbour Authority Income concluded in November 2011.

2. Introduction

2.1 The audit scope had previously been agreed for 2011/12, as taken to the Harbour Committee in June 2011; hence the audit focussed on harbour income and its associated controls. The audit was undertaken based on the following key risk areas bulleted below using previous audit work and input from Harbour staff to ensure that the programme was relevant to the Tor Bay Harbour Authority business unit.

- Loss of Income
- Income data is not reliable and complete
- Income not maximised

2.2 It is entirely appropriate that the Harbour Committee also receives and notes the main findings of the Internal Audit of the Tor Bay Harbour Authority Income as shown in the Executive Summary - Appendix 1.

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

2.5 It is the Audit Report's opinion that improvements are required. The opinion states that there are a number of instances where controls and procedures do not adequately mitigate the risks identified. Existing procedures need to be improved in order to ensure that they are fully reliable. Recommendations have

been made to ensure that organisational objectives are not put at risk.

- 2.6 The findings and recommendations in relation to each of the areas are discussed in the "Detailed Audit Observations and Action Plan" which forms an Appendix to the full report. This Appendix records the action plan agreed by the Executive Head of Tor Bay Harbour Authority to enhance the internal control framework and mitigate identified risks where agreed. The Tor Bay Harbour Authority business unit have already agreed the action plan with the Devon Audit Partnership.
- 2.7 The "Detailed Audit Observations and Action Plan" referred to in 2.6 above has been marked RESTRICTED and therefore does not form part of this report because it contains information or data or documents that should only be shared between a specific group of work staff who have to demonstrate a need to know, because of the sensitive content.
- 2.8 The table below summarises the assurance opinion on specific sections.

Risk Covered	Level of Assurance
Loss of income	Improvements Required
Income data is not reliable and complete	Improvements Required
Income not maximised	Good Standard

- 2.9 Assurance opinion levels are defined as follows :-

Assurance	Definition
High Standard.	The system and controls in place adequately mitigate exposure to the risks identified. The system is being adhered to and substantial reliance can be placed upon the procedures in place. We have made only minor recommendations aimed at further enhancing already sound procedures.
Good Standard.	The systems and controls generally mitigate the risk identified but a few weaknesses have been identified and / or mitigating controls may not be fully applied. There are no significant matters arising from the audit and the recommendations made serve to strengthen what are mainly reliable procedures.

Assurance	Definition
Improvements required.	In our opinion there are a number of instances where controls and procedures do not adequately mitigate the risks identified. Existing procedures need to be improved in order to ensure that they are fully reliable. Recommendations have been made to ensure that organisational objectives are not put at risk.
Fundamental Weaknesses Identified.	The risks identified are not being controlled and there is an increased likelihood that risks could occur. The matters arising from the audit are sufficiently significant to place doubt on the reliability of the procedures reviewed, to an extent that the objectives and / or resources of the Council may be at risk, and the ability to deliver the service may be adversely affected. Implementation of the recommendations made is a priority.

2.10 The recommendations are categorised as follows :-

High	A significant finding. A key control is absent or is being compromised; if not acted upon this could result in high exposure to risk. Failure to address could result in internal or external responsibilities and obligations not being met.
Medium	Control arrangements not operating as required resulting in a moderate exposure to risk. This could result in minor disruption of service, undetected errors or inefficiencies in service provision. Important recommendations made to improve internal control arrangements and manage identified risks.
Low	Low risk issues, minor system compliance concerns or process inefficiencies where benefit would be gained from improving arrangements. Management should review, make changes if considered necessary or formally agree to accept the risks. These issues may be dealt with outside of the formal report during the course of the audit.

2.11 The full report contains 58 recommendations of which 5 are 'High', 49 are 'Medium' and 4 are 'Low'. Some of the agreed actions identified within the Report's Action Plan have already been implemented or are in the process of being implemented. All of the 'High' priority actions will have been taken by April 2012 except one recommendation which was not agreed. This particular risk was accepted by the Executive Head of Tor Bay Harbour Authority because it could not be implemented due to the small size of the administration teams and alternative measures already existed to considerably mitigate the risk.

- 2.12 The Internal Audit Report did not identify any fundamental weaknesses.
- 2.13 However, 'Improvements are required' in respect of the risks associated with the potential loss of income and income data not being reliable or complete. Whereas, on the matter of income not being maximised the Audit Report found that the systems and controls generally mitigate the risk and a 'Good Standard' assurance was issued.

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

Appendices

Appendix 1 Devon Audit Partnership Internal Audit Report – Tor Bay Harbour Authority ~ Income (November 2011) – Executive Summary

Documents available in members' rooms

Not applicable.

Background Papers:

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

Devon Audit Partnership Internal Audit Report – Tor Bay Harbour Authority ~ Income (November 2011) RESTRICTED



Internal Audit Report

Torbay Council

Environment

Tor Bay Harbour Authority – Income

November 2011

Restricted

Devon Audit Partnership

The Devon Audit Partnership has been formed under a joint committee arrangement comprising of Plymouth, Torbay and Devon councils. We aim to be recognised as a high quality internal audit service in the public sector. We work with our partners by providing a professional internal audit service that will assist them in meeting their challenges, managing their risks and achieving their goals. In carrying out our work we are required to comply with the CIPFA code of practice for Internal Audit and other best practice and professional standards.

The partnership is committed to providing high quality, professional customer services to all; if you have any comments or suggestions on our service, processes or standards, the Head of Partnership would be pleased to receive them at martin.gould@devonaudit.gov.uk

Confidentiality and Disclosure Clause

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

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

1 Introduction

Torbay Council as a Harbour Authority operates and manages three enclosed harbours within the statutory harbour of Tor Bay. The statutory responsibilities of a Harbour Authority are numerous and include the provision of moorings and storage for various types of vessels.

A 5 year rolling audit plan was taken to the Harbour Committee and approved in June 2011 separating the various operation and strategic elements of the harbour operation into distinct audit areas; this audit is the first audit from the rolling plan and focuses on Income (refer to section 6, Scope and Objectives).

2 Audit Opinion

Improvements Required - In our opinion there are a number of instances where controls and procedures do not adequately mitigate the risks identified. Existing procedures need to be improved in order to ensure that they are fully reliable. Recommendations have been made to ensure that organisational objectives are not put at risk.

3 Executive Summary

The Harbour Authority are active in effectively determining and setting harbour charges to maximise income whilst demonstrating their commitment to the harbour users through active consultation. Vacancies are managed however it was found that there are inconsistencies in practices between the three offices and opportunities for improvement in existing vacancy management arrangements and in the recharging of services to customers.

Accounts, invoices and transactions relating to income including fish tolls are accurately processed and reconciled. Specific areas for improvement in relation to income processing, reconciliation and recovery are identified within this report. The size and split location of the team have prevented adequate separation of duties in the income related activities and recommendations have been made to provide mitigating controls and reduce the risks.

The income position and the performance against income targets are regularly and accurately reported to the Harbour Committee; the inclusion of additional targets relating to income and details of debt recovery position and debt write off would provide a fuller picture in relation to all income streams.

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

4 Assurance Opinion on Specific Sections

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

Risks Covered		Level of Assurance
1	Loss of income	Improvements Required
2	Income data is not reliable and complete	Improvements Required
3	Income not maximised	Good Standard

The findings and recommendations in relation to each of these areas are discussed in the "Detailed Audit Observations and Action Plan" appendix. This appendix records the action plan agreed by management to enhance the internal control framework and mitigate identified risks where agreed. Management are required to agree an action plan, ideally within three weeks of receiving the draft internal audit report. Written responses should be returned to Lyn Phillips or Lynda Sharp-Woods. Alternatively a meeting to discuss the report and agree the action plan should be arranged with the named auditors.

5 Issues for the Annual Governance Statement

The evidence obtained in internal audit reviews can identify issues in respect of risk management, systems and controls that may be relevant to the Annual Governance Statement.

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

6 Scope and Objectives

The audit scope has previously been agreed for 11/12, as taken to Harbour Committee in June 2011; hence this audit focussed on Income and its associated controls. This audit will be undertaken based on the following key risk areas bulleted below using previous audit work and input from Harbour staff to ensure that the programme is relevant to the organisation.

- Loss of Income
- Income data is not reliable and complete
- Income not maximised

The draft programme was sent with the terms of reference to provide opportunity for the programme to be reviewed, discussed and revised if necessary prior to the commencement of the work.

The objective of the audit is to provide assurance regarding these risk areas and record any necessary improvements to meet the related control expectations.

7 Inherent Limitations

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

8 Acknowledgements

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

The thanks and appreciation extends to BTA who allowed access to their offices and documentation in order that we could provide assurance to the Harbour Authority regarding the accuracy and completeness of fish toll income.

Martin Gould
Head of Audit Partnership

Definitions of Audit Assurance Opinion Levels

Assurance	Definition
High Standard.	The system and controls in place adequately mitigate exposure to the risks identified. The system is being adhered to and substantial reliance can be placed upon the procedures in place. We have made only minor recommendations aimed at further enhancing already sound procedures.
Good Standard.	The systems and controls generally mitigate the risk identified but a few weaknesses have been identified and / or mitigating controls may not be fully applied. There are no significant matters arising from the audit and the recommendations made serve to strengthen what are mainly reliable procedures.
Improvements required.	In our opinion there are a number of instances where controls and procedures do not adequately mitigate the risks identified. Existing procedures need to be improved in order to ensure that they are fully reliable. Recommendations have been made to ensure that organisational objectives are not put at risk.
Fundamental Weaknesses Identified.	The risks identified are not being controlled and there is an increased likelihood that risks could occur. The matters arising from the audit are sufficiently significant to place doubt on the reliability of the procedures reviewed, to an extent that the objectives and / or resources of the Council may be at risk, and the ability to deliver the service may be adversely affected. Implementation of the recommendations made is a priority.

Definition of Recommendation Priority

Priority	Definitions
High	A significant finding. A key control is absent or is being compromised; if not acted upon this could result in high exposure to risk. Failure to address could result in internal or external responsibilities and obligations not being met.
Medium	Control arrangements not operating as required resulting in a moderate exposure to risk. This could result in minor disruption of service, undetected errors or inefficiencies in service provision. Important recommendations made to improve internal control arrangements and manage identified risks.
Low	Low risk issues, minor system compliance concerns or process inefficiencies where benefit would be gained from improving arrangements. Management should review, make changes if considered necessary or formally agree to accept the risks. These issues may be dealt with outside of the formal report during the course of the audit.

Confidentiality under the National Protective Marking Scheme

Marking	Definitions
Not Protectively Marked or Unclassified	Documents, information, data or artefacts that have been prepared for the general public or are for the public web pages or can be given to any member of the public without any exemptions or exceptions to release applying, have the classification NOT PROTECTIVELY MARKED. Some organisations will also use the word UNCLASSIFIED for publicly available information.
Protect	Any material that may cause distress to individuals, breach proper undertakings to maintain the confidence of information provided by third parties, breach statutory restrictions on the disclosure of information, cause financial loss or loss of earning potential, or to facilitate improper gain, give unfair advantage for individuals or companies, prejudice the investigation or facilitate the commission of crime, disadvantage government in commercial or policy negotiations with others should be marked PROTECT.
Restricted	Information or data or documents that should only be shared between a specific group of work staff who have to demonstrate a need to know, because of the sensitive content, then the document must be marked RESTRICTED.
Confidential	Material that is so sensitive that only specific named staff should have access. Special handling rules apply and so CONFIDENTIAL must only be applied to highly sensitive data.
Secret and Top Secret	Information with this sensitivity is unlikely to be available to the Partnership and the Chief Executive of the relevant organisation must make the decision to apply either of these protective markings. These markings are only to be used with information that can only be shared on a strict must know basis, with each party having signed a specific confidentiality agreement.

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

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee** On: **8 March 2012**

Contact Officer: **Kevin Mowat**

Pete Truman

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1. Key points and Summary

- 1.1 This report provides Members with projections of income and expenditure for the year 2011/12 compared with approved budgets.
- 1.2 This report identifies the overall budgetary position for Tor Bay Harbour Authority as at end of January 2012 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels.
- 1.3 The Committee is asked to note the amended outturn positions of the two harbour accounts and the resulting change in reserve movements.
- 1.4 The Committee is asked to note the Executive Head of Tor Bay Harbour Authority's use of delegated powers to make decisions in relation to the budget allocated to Tor Bay Harbour.
- 1.5 Both Harbour accounts are currently expected to show a substantially improved position to the current budget due to a variety of different reasons that are explained further in the "Notes" section of Appendix 1.
- 1.6 The Committee is asked to note the Harbour Master's use of delegated powers to waive certain harbour charges, which this financial year amounts to £18,333.16 ex VAT) and which have been spread across both harbour accounts. No additional charges have been levied.

2. Introduction

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

2.4 The performance against budget is summarised below:

	Original Budget 2011/12	Current Budget 2011/12	Projected Outturn 2011/12
	£000	£000	£000
Torquay and Paignton Harbours Surplus/(Deficit)	0	(1)	56
Brixham Harbour Surplus/(Deficit)	(50)	30	121

2.5 Minute 398 approved the use of harbour reserve funds to make additional payments against the financing charges of capital projects. The Executive Head of Tor bay Harbour Authority will consider applying some or the entire projected surplus at Brixham harbour for this purpose and any repayment will be reported in the Outturn report for 2011/12.

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

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

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

- (iv) The Environment Agency approved a grant of £40,000 to produce a more detailed structural report of the breakwater. Officers have now evaluated this new report and work has started on a bid for further Environment Agency funding from their medium-term capital plan. Unfortunately, the additional wave modelling results and economic appraisal has been delayed by new modelling data. A bid for external funding from the Environment Agency is now expected to be submitted later this year.
- (v) In the meantime the approved £150k capital work has been postponed.
- (vi) Approximately £48k has been earmarked from the Brixham Harbour reserve to fund a 10kw Photovoltaic solar energy system on the new Fish Market roof. This capital spend has already been approved by Torbay Council but the recent announcement regarding a significant reduction in the feed-in tariff rate has meant that the scheme may no longer be viable. Further evaluation is now required to determine a clear business case.

2.7 The Harbour's liability for prudential borrowing is detailed in the following table

Capital Scheme	Amount Borrowed	Start of Repayments	Principal outstanding at 31st March 2012
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£1,144,601
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£983,215
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£4,671,876

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

Kevin Mowat
Executive Head of Tor Bay Harbour Authority

Pete Truman
Principal Accountant

Appendices

Appendix 1 Harbour Revenue Accounts 2011/12

Documents available in members' rooms

None

Background Papers:

None

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HARBOUR REVENUE ACCOUNTS 2011/12

TORQUAY and PAIGNTON HARBOURS

Expenditure	2011/12 Original Budget £ ,000	2011/12 Current Budget £ ,000	2011/12 Profiled Budget £ ,000	2011/12 Actual to Date £ ,000	2011/12 Projected Outturn £ ,000	Notes
Operations and Maintenance :-						
Harbour Attendants Salaries	138	138	114	121	138	
Repairs and Maintenance	152	157	122	138	157	1
Rent Concessions	2	2	1	1	2	
Other Operating Costs	108	89	75	68	77	2
Town Dock Costs	23	23	20	2	7	3
Management and Administration :-						
Salaries	181	181	148	146	176	4
Internal Support Services	117	117	97	80	116	
Other Administration Costs	45	49	41	54	40	5
Capital Charges	169	169	169	168	168	
Depreciation charge contribution	0	15	15	16	16	6
Contribution to Bad Debt Provision	5	0	0	0	0	7
Contribution to Patrol Boat Operation	2	2	0	0	2	
	942	942	802	794	899	
Income						
Rents and Rights :-						
Property and Other Rents/Rights	246	246	219	229	252	8
Marina Rental	228	222	81	81	222	9
Operating Income :-						
Harbour Dues	60	60	55	61	61	
Visitor and Slipway	50	45	43	47	47	10
Mooring fees	59	63	62	63	64	11
Town Dock	240	233	233	233	234	12
Boat and Trailer parking	31	39	39	31	31	13
Other Income	28	28	25	36	39	14
Contribution from Reserve	0	5	0	0	5	15
	942	941	757	781	955	
Operating Surplus /(Deficit)	0	(1)	(45)	(13)	56	

RESERVE FUND		Notes
Opening Balance as at 1st April	617	
Interest Receivable	8	
Net Surplus / (Deficit) from Revenue Account	56	
Withdrawal	(5)	15
Expected Closing Balance as at 31st March	676	

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

HARBOUR REVENUE ACCOUNTS 2011/12

NOTES

TORQUAY & PAIGNTON HARBOURS

- 1 Work on the Torquay Harbour Bridge & Cill, originally planned for 2010/11 has been undertaken this year. Provision was made from the previous years budget with the corresponding funding coming back from the Reserve (see note 15).
- 2 A decision by the Valuation Office to delete the rateable liability for the Harbour Master's offices at both Torquay and Paignton has resulted in a reduction and rebate totalling £19k with an ongoing budget saving of £4.3k.
Further savings are anticipated over a number of headings as a result of strict management control on spending.
- 3 The rating liability for the Town Dock is now combined within the overall Torquay Harbour assessment.
- 4 The anticipated reduction in employee costs due to the waiving of superannuation contributions by some employees is now identified in the Projected Outturn.
- 5 Professional fees have been incurred in achieving the rating reductions identified in note 2. Further savings are anticipated over a number of headings as a result of strict management control on spending.
- 6 Contribution to General Fund asset depreciation charges.
- 7 The current level of bad debt provision is sufficient based on the existing aged debt analysis. A contribution this year is therefore not required.
- 8 A number of rent reviews for properties at Paignton Harbour and the letting of empty units have increased the anticipated income levels.
- 9 Marina income was down in 2010/11 due to continuing difficult economic conditions. These conditions are expected to remain during the current year and as a prudent measure the projected rental has been reduced.
- 10 Visitor and slipway income is down compared with 2010/11 although the position has continued to recover slightly since the September Report.
- 11 Mooring fees continue to show a modest increase over the target level.
- 12 Town Dock earning targets were reduced to reflect 2010/11 income levels.

- 13 It has now been established that the previously reported increased income levels were wrongly categorised. The Projected Outturn has therefore been adjusted back to the Original Budget level.
- 14 General income levels have been boosted by fish landings at Torquay harbour and the sales of arrested boats.
- 15 Funding for the Torquay Harbour Bridge & Cill work (see note 1) provided for from the 2010/11 revenue budget.

HARBOUR REVENUE ACCOUNTS 2011/12

BRIXHAM HARBOUR

Expenditure	2011/12	2011/12	2011/12	2011/12	2011/12 Projected Outturn £ ,000	Notes
	Original Budget £ ,000	Current Budget £ ,000	Profiled Budget £ ,000	Actual to Date £ ,000		
Operations and Maintenance :-						
Harbour Attendants Salaries	250	211	178	151	177	1
Repairs and Maintenance	111	152	116	153	156	2
Rent Concessions	4	4	2	0	4	
Other Operating Costs	224	249	166	209	310	3
Management and Administration :-						
Salaries	156	156	130	112	134	1
Internal Support Services	92	109	65	65	98	4
Other Administration Costs	39	50	39	52	45	5
Capital Charges	268	290	290	290	290	6
Depreciation charge contribution		10	10	10	10	7
Contribution to Patrol Boat Operation	2	2	0	0	2	
	1,146	1,233	996	1,042	1,226	
Income						
Rents and Rights :-						
Rents and Rights	189	189	128	161	184	8
Marina Income	169	167	82	82	167	9
Operating Income :-						
Harbour Dues	76	82	75	85	86	10
Visitor and Slipway	15	12	12	13	13	11
Mooring fees	125	136	131	137	138	10
Fish Tolls income	474	600	421	577	650	12
Other Income	49	60	51	79	92	13
Contribution from Reserve	0	17	0	0	17	14
	1,097	1,263	900	1,134	1,347	
Operating Surplus /(Deficit)	(50)	30	(96)	92	121	15
RESERVE FUND						
Opening Balance as at 1st April					553	
Interest Receivable					7	15
Net Surplus / (Deficit) from Revenue Account					121	14
Withdrawal					(17)	14
Closing Balance as at 31st March					664	15

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

HARBOUR REVENUE ACCOUNTS 2011/12

NOTES

BRIXHAM HARBOUR

- 1 The anticipated reduction in employee costs due to the waiving of superannuation contributions by some employees is now identified in the Projected Outturn. The Projected Outturn for Harbour Attendants reflects a vacant Dockmaster post (see also note 3) and reduced hours for one member of staff. Savings have also been achieved on overtime costs.
- 2 Work on various schemes, originally planned for 2010/11 have been undertaken this year. Provision was made from the previous year budget with the corresponding funding coming back from the Reserve (see note 14). However, a late invoice for preliminary costs relating to the previous mooring contract in 2010/11 will now be met from the current year revenue budget as an overspend. £20k was added to the maintenance budget to meet in year demand but is now expected to be exceeded.
- 3 Contract security costs have been incurred but are offset by the savings in salaries see note 1. The Valuation Office has determined that the rating liability for the New Fish Market rests with Brixham Trawler Agents and this represents a saving to this account. Increased water charges within the new development have further increased the projected outturn but this will be recharged to users (see note 13). Significant additional costs in utilities are being incurred on the fish market operation but fortunately these are offset by the significant increases in fish tolls (see note 12.)
- 4 Internal Support costs have been adjusted upwards to reflect the likely year end charges. The Projected Outturn reflects a reduction in property management costs now charged by the Torbay Development Agency (EDC). In future these costs will be reclassified out of Internal Support Services and recorded within Other Administration Costs.
- 5 Work originally planned for 2010/11 has been undertaken this year. Provision was made from the previous year budget with the corresponding funding coming back from the Reserve (see note 14). External legal costs have been incurred to help successfully defend a third party mooring claim and contractual liability. These costs will now be recovered. Savings are anticipated over a number of headings as a result of strict management control on spending.
- 6 Adjustments to financing of the Brixham Regeneration capital scheme have resulted in a slight increase in capital charges.

- 7 Contribution to General Fund asset depreciation charges.
- 8 Rent income is below forecast due to some rent free periods for new lettings and one new unit remaining unlet.
- 9 Marina income was down in 2010/11 due to continuing difficult economic conditions. These conditions are expected to remain during the current year and as a prudent measure the projected rental has been reduced.
- 10 Additional income has been generated from charges for Private Craft.
- 11 Visitor and slipway income is down compared with 2010/11 although the position has recovered slightly since the September Report.
- 12 Fish Toll income has been further adjusted to reflect current levels.
- 13 General income levels have been boosted by the sale of boats and the recharge of water charges (see note 3).
- 14 Funding for various work (see notes 2 and 5) provided for from the 2010/11 revenue budget.
- 15 Minute 398 approved the use of harbour reserve funds to make additional payments against the financing charges of capital projects. Consideration will be given by the Executive Head of Tor Bay Harbour Authority to apply some or the entire Projected Outturn surplus for this purpose.



Public Agenda Item: **Yes**

Title: **Review of Delegated Powers**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee** On: **8 March 2012**

Key Decision: **No**

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

Contact Officer: **Kevin Mowat**

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✉ E-mail: Kevin.Mowat@torbay.gov.uk

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

- 1.1 To review the powers delegated to the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master as contained within Torbay Council's Constitution.
- 1.2 Harbour customers and the wider community would expect the harbour authority to be fit for purpose and to review the powers delegated to its senior management.

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

- 2.1 **That, having reviewed the powers delegated to the Executive Head of Tor Bay Harbour Authority, as set out in Appendix 1, the Harbour Committee finds no reason to refer any proposed changes to the Council for determination.**

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

- 3.1 The Terms of Reference for the Harbour Committee form part of Torbay Council's Constitution.
- 3.2 It is stated within those Terms of Reference that it is for the Harbour Committee to review annually the powers delegated to the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes.

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

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

Supporting information

A1. Introduction and history

A1.1 In November 2000, in '**Modern Ports – A UK Policy**', the Department for Transport promised a review of municipal ports management structures and practices to ensure that municipal ports were playing a full and accountable part in the local and regional economy.

A1.2 In May 2006 the Department for Communities and Local Government and Department for Transport jointly published '**Opportunities for Ports in Local Authority Ownership; A review of municipal ports in England and Wales**'.

A1.3 In the review they stated that within the current framework for decision-making in local government there is scope for responsive and dynamic management of municipal ports. The key findings identified in the Executive Summary of the review concerned:-

- 1 Accountability and decision making
- 2 Strategy and Business Planning
- 3 Management and Performance Review
- 4 Municipal Port Finances

A1.4 Furthermore the review document states that decisions relating to the Harbour are based on advice from officers who have a clear understanding of the special requirements of the Harbour.

A1.5 Following a report to the Harbour Committee in June 2006 it was resolved that a Municipal Ports Review Working Party be established to prepare an implementation schedule for review in relation to the review of Municipal Ports.

A1.6 This Working Party met on five occasions with the last meeting being held on 22 January 2007. The Working Party agreed and recommended that the best way forward to meet the requirements of the Municipal Ports Review is to have a fit for purpose Harbour Committee working for Tor Bay Harbour under new and more detailed Terms of Reference and a Protocol set by the Council, making it effectively a decision-making committee of the Council. Later in 2007 the Council adopted the Working Party's recommendations.

A1.7 It was a recommendation of the Working Party that the new Committee should be protected against short-term thinking and be subject to a coherent and consistent treatment by the Council.

A1.8 Appendix 1 of this report provides a list of the current powers delegated to the Executive Head of Tor Bay Harbour Authority and Appendix 2 shows the powers as they were when the Committee last reviewed them in March 2011. There has been a reduction in the number of specific powers delegated to Executive Head of Tor Bay Harbour Authority because several powers are generic and they

apply to all Executives Heads. The general powers delegated to the Commissioners and Executive Heads and the limitations on delegations to the Chief Executive, Commissioners, Executive Heads and all other officers, are now listed in Appendix 3.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There is likely to be a reduction in risk by providing the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master with the appropriate level of delegated powers. If the governance arrangements for the harbour did not include an appropriate level of delegated powers there would be a significant risk that the Council would not have a fit for purpose form of governance that reflects national best practice.

A2.2 Although the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master has a significant level of delegated powers, the risks associated with the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master making such decisions is minimal as the powers are governed by restrictions as shown in Appendix 3. Also, the delegated powers can be revoked at any time by a revision of the Council's Constitution, although this would be an extreme option as it would go against national best practice.

A2.3 Remaining risks

The only remaining risk is that the Council could be criticised for not adopting the appropriate level of delegated powers for the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master as recommended by the Municipal Ports Review.

A3. Other Options

A3.1 Not to review the powers delegated to the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master.

A3.2 To recommend further changes to the powers delegated to the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master.

A4. Summary of resource implications

A4.1 There are no additional resources implications.

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

A5.1 Any changes to the powers delegated to the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master could delay or disrupt decision making which could cause a negative impact.

A6. Consultation and Customer Focus

A6.1 There are a number of stakeholder groups which are used to consult on the quality and performance of the harbour service these are the Brixham Harbour Liaison Forum, the Torquay/Paignton Harbour Liaison Forum, various

Community Partnerships, individual Harbour User Groups and the community wide Viewpoint Panel.

A6.2 All of these stakeholder groups have helped to influence the management arrangements in place for Tor Bay Harbour.

A7. Are there any implications for other Business Units?

A7.1 No.

Appendices

Appendix 1 Powers currently delegated to the Executive Head of Tor Bay Harbour Authority - updated and published on 24 August 2011.

Appendix 2 Powers previously delegated to the Executive Head of Harbour and Marine Services – reported to the Harbour Committee on 14th March 2011.

Appendix 3 General Powers delegated to Commissioners and Executive Heads and Limitations on delegations to the Chief Executive, Commissioners, Executive Heads and all other officers - updated and published on 24 August 2011.

Documents available in member's rooms

None

Background Papers:

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

Opportunities for Ports in Local Authority Ownership: A Review of Municipal Ports in England and Wales – Dept. for Communities & Local Government/Dept. for Transport (May 2006)

Modernising Trust Ports: A Guide to Good Governance – Dept. of the Environment, Transport and the Regions (Jan 2000)

Torbay Council's Constitution – Officer Scheme of Delegation (last updated and published on 24 August 2011)

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Appendix 1

Review of Delegated Powers

Description	Responsibility delegated by
8. Delegations to the Executive Head Tor Bay Harbour Authority	
8.1 To serve or receive notices, make orders, authorise any action or the institution, defence or conduct of proceedings and appeals and authorise named employees to enforce specific powers.	
8.2 The following powers in this paragraph are statutory powers which cannot be exercised by any officer other than the Executive Head of Tor Bay Harbour Authority, his/her Deputy or appointed assistants (such appointments being specifically referred to in their job description). Likewise they cannot be withdrawn by the Chief Executive or any other officer.	Statutory delegation
8.2.1 To give general directions to regulate the movement and berthing of ships and the safety of navigation.	
8.2.2 To give directions prohibiting the entry into, or requiring the removal from, the Harbour of any dangerous vessels.	
8.2.3 To prohibit the entry into the Harbour, and to regulate the movement, of any vessel carrying dangerous substances and to control similarly the entry onto the Harbour estate of dangerous substances brought from inland.	
8.2.4 To detain a vessel, if the Executive Head of Tor Bay Harbour Authority has reason to believe that it has committed an offence by discharging oil, or a mixture containing oil, into the waters of the Harbour.	
8.2.5 Only in relation to property forming part of the Harbour Estate and always having first obtained the approval of a fellow or member of the Royal Institute of Charter Surveyors (RICS) as to the value and terms of such disposal :-	

	Description	Responsibility delegated by
8.2.5 Cont.	<ul style="list-style-type: none"> (a) to grant or enter into the terms of leases, sub leases, or licences where the consideration does not exceed £25,000 per annum on any single transaction (or series of linked transactions); (b) To grant or enter into easements, licences, agreements, restrictive covenants or other rights or obligations where the consideration does not exceed £20,000 on any single transaction (or series of linked transactions); (c) To effect freehold disposals of land not required for operational purposes up to £100,000 in value; (d) To renew leases (regardless of the level of rent payable), licences and undertake a review of rents and licence fees when necessary and to agree surrenders, sub-letting and approve assignments; (e) To approve variations to (including the release of) restrictive and other covenants 	
8.2.6	To regulate the time and manner of a ship's entry into, departure from and movement within the Harbour waters and related purposes.	
8.3	<p>To vary (by addition or waiver (in full or as to part)) the approved Schedule of Harbour Charges in such manner as the Executive Head Tor Bay Harbour Authority shall consider reasonable; including for example (without restricting the generality of this power) where:</p> <ul style="list-style-type: none"> (i) the Executive Head Tor Bay Harbour Authority considers the variation to be in the best interest of the Harbour Authority and/or local people; (ii) the Executive Head Tor Bay Harbour Authority considers the variation would fairly reflect actual or part-year usage; 	Council (as part of the budget)

	Description	Responsibility delegated by
8.3 Cont.	<p>(iii) the Executive Head Tor Bay Harbour Authority considers that it would be appropriate where a vessel owner/operator has made use of a facility as a result of what the Executive Head Tor Bay Harbour Authority considers to be extreme or unusual weather conditions, an accident at sea, or other emergency; and</p> <p>(iv) the Executive Head Tor Bay Harbour Authority considers it appropriate to levy a charge above or in addition to those matters contained within the approved Schedule of Charges for anything done or provided by (or on behalf of) the Harbour Authority in accordance with the Harbours Act 1964 and/or Section 24 of the Tor Bay Harbour Act 1970 or any amendments or re-enactments of those Acts.</p>	Council (as part of the budget)

PROVIDED THAT the Executive Head Tor Bay Harbour Authority shall maintain a proper written record of all variations approved under this paragraph and shall, at least twice a year, report to the Harbour Committee the total value of the additional charges levied and the total value of the charges waived under this paragraph.

Updated and published on 24 August 2011

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Appendix 2

Review of Delegated Powers

Description	Responsibility delegated by
13. Delegations to the Executive Head of Harbour and Marine Services	
13.1 To take any decisions (including any Key Decisions) and to exercise all legal powers relevant to the Harbour and Marine services and Harbour Master functions (including determining the terms and conditions of use of the harbour and its facilities).	Council
13.2 This authorisation shall include (but not be limited to) any decisions in relation to the budget for and resources (including employees) allocated to the Harbour and Marine services functions.	
13.3 This authorisation shall also include (but not be limited to) the service or receipt of notices, the making of orders, the authorisation of any action or the institution, defence or conduct of proceedings and appeals and the authorisation of named employees to enforce specific powers.	
13.4 To retain contract staff or appoint consultants on matters related to their areas of responsibility.	
13.5 So far as is lawful, the Executive Head of Harbour and Marine Services may delegate (in writing) matters within the services and functions for which he/she is responsible to employees within the Harbour and Marine services or to any director. Any such delegations may be revoked, varied or subject to such limitations as the Executive Head of Harbour and Marine Services considers appropriate.	
13.6 The Executive Head of Harbour and Marine Services may agree with the relevant member their own criteria for triggering consultation in relation to the Executive Head of Harbour and Marine Services exercise of his/her delegated powers. These criteria will seek to strike an appropriate balance between the relevant member's "need to know" and the avoidance of an excessive volume of detailed information being passed to the relevant member. These criteria may be more or less onerous than outlined in the "Limitations on Delegations" set out in Part 2 of this Scheme of Delegation and may be varied or revoked.	

	Description	Responsibility delegated by
13.7	<p>The Executive Head of Harbour and Marine Services may designate and issue authorisations in writing to officers of the Council to act under those powers delegated to them by all or some of the following legislation and any statutory amendment or replacement thereof having regard to the qualifications and experience of the officer:</p> <ul style="list-style-type: none"> Docks Regulations 1988 Pilotage Act 1987 Dangerous Substances in Harbour Areas Regulations 1987 Aviation and Maritime Security Act 1990 Harbours, Docks and Piers Clauses Act 1847 Harbours Act 1964 (inserted by the Transport and Works Act 1992) Conservation (Natural Habitats &c.) Regulations 1994 Merchant Shipping Act 1995 (as amended) Dangerous Vessels Act 1985 Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 Merchant Shipping (Port State Control) Regulations 1995 Local Government Act 1972 Tor Bay Harbour Act 1970 Tor Bay Harbour (Torquay Marina &c.) Act 1983 Tor Bay Harbour (Oxen Cove and Coastal Footpath, Brixham) Act 1988 	
13.8	<p>The following powers in this paragraph 13.8 are statutory powers which cannot be exercised by any officer other than the Executive Head of Harbour and Marine Services, his/her Deputy or appointed assistants (such appointments being specifically referred to in their job description). Likewise they cannot be withdrawn by the Chief Executive or any other officer.</p>	Statutory delegation
13.8.1	To give general directions to regulate the movement and berthing of ships and the safety of navigation.	
13.8.2	To give directions prohibiting the entry into, or requiring the removal from, the Harbour of any dangerous vessels.	
13.8.3	To prohibit the entry into the Harbour, and to regulate the movement, of any vessel carrying dangerous substances and to control similarly the entry onto the Harbour estate of dangerous substances brought from inland.	

Description	Responsibility delegated by
13.8.4 To detain a vessel, if the Executive Head of Harbour and Marine Services has reason to believe that it has committed an offence by discharging oil, or a mixture containing oil, into the waters of the Harbour.	
13.8.5 To regulate the time and manner of a ship's entry into, departure from and movement within the Harbour waters and related purposes.	
<p>13.9 To vary (by addition or waiver (in full or as to part)) the approved Schedule of Harbour Charges in such manner as the Executive Head of Harbour and Marine Services shall consider reasonable; including for example (without restricting the generality of this power) where:</p> <ul style="list-style-type: none"> (i) the Executive Head of Harbour and Marine Services considers the variation to be in the best interest of the Harbour Authority and/or local people; (ii) the Executive Head of Harbour and Marine Services considers the variation would fairly reflect actual or part-year usage; (iii) the Executive Head of Harbour and Marine Services considers that it would be appropriate where a vessel owner/operator has made use of a facility as a result of what the Executive Head of Harbour and Marine Services considers to be extreme or unusual weather conditions, an accident at sea, or other emergency; and (iv) the Executive Head of Harbour and Marine Services considers it appropriate to levy a charge above or in addition to those matters contained within the approved Schedule of Charges for anything done or provided by (or on behalf of) the Harbour Authority in accordance with the Harbours Act 1964 and/or Section 24 of the Tor Bay Harbour Act 1970 or any amendments or re-enactments of those Acts. 	Council (as part of the budget)

PROVIDED THAT the Executive Head of Harbour and Marine Services shall maintain a proper written record of all variations approved under this paragraph 13.9 and shall, at least twice a year, report to the Harbour Committee the total value of the additional charges levied and the total value of the charges waived under this paragraph.

As reported to the Harbour Committee – 14th March 2011

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Appendix 3

Review of Delegated Powers

Description	Responsibility delegated by
Delegations to Commissioners and Executive Heads	
1.24	Council/Executive
<p>In managing the services and functions for which they are responsible Commissioners and Executive Heads shall be authorised to take any decisions (including any Key Decisions) and to exercise all legal powers relevant to those services and functions except Executive Heads shall not be authorised to take any decisions where they are expressly delegated to a specific Commissioner or Executive Head in this Scheme of Delegation unless so expressly delegated to specifically to them</p>	
1.25a	
<p>This authorisation shall include (but not be limited to) any decisions in relation to the budget for and resources (including employees) allocated to those service/s and function/s for which they are responsible, from time to time.</p>	
1.25b	
<p>This authorisation shall also include (but not be limited to) the service or receipt of notices, the making of orders, the authorisation of any action or the institution, defence or conduct of proceedings and appeals and the authorisation of named employees to enforce specific powers.</p>	
1.26	
<p>Where the areas of responsibility and powers of an employee refer to specific Acts of Parliament, Regulations, Orders or guidance any subsequent re-enactment or amendment of the same shall apply.</p>	
1.27	
<p>To retain contract staff or appoint consultants on matters related to their areas of responsibility.</p>	
1.28	
<p>To make any decisions related to staff matters within their business unit in accordance with Council policy.</p>	
1.29	
<p>So far as is lawful, Commissioners and Executive Heads may delegate (in writing) matters within the services and functions for which they are responsible to employees within their portfolio/business unit or to other Commissioners or Executive Heads. Any such delegations may be revoked, varied or subject to such limitations as the delegating Commissioner or Executive Head considers appropriate.</p>	

	Description	Responsibility delegated by
1.30	Commissioners and Executive Heads may agree with the relevant Executive member any appropriate clarification of the “Limitations on Delegations” below.	
1.31	<p>A Commissioner (following consultation with the Chief Executive and the relevant Executive Head) may (by written notice (including email)) withdraw (either permanently or temporarily) any of the above powers delegated to any Executive Head within his/her portfolio and/or impose restrictions or conditions upon the exercise of any of the above powers by that Executive Head. However, this paragraph shall not apply in relation to the following:</p> <ul style="list-style-type: none"> <li data-bbox="383 761 1197 851">(a) the Council’s Chief Finance Officer when acting in that capacity; <li data-bbox="383 873 1197 963">(b) the Council’s Monitoring Officer when acting in that capacity; <li data-bbox="383 985 1197 1097">(c) the Executive Head Tor Bay Harbour Authority when exercising powers or duties expressly reserved to him/her by law; and <li data-bbox="383 1120 1197 1209">(d) any other officer when exercising powers or duties expressly reserved to him/her by law. 	
1.32	The Chief Executive, all Commissioners and Executive Heads shall delegate matters within their areas of responsibility to ensure that matters are dealt with at the appropriate level to maintain a proper balance between efficiency and control. The Chief Executive, all Commissioners and Executive Heads shall maintain a written record of the delegations they have made and any limitations they have imposed upon such delegations.	
2.	Limitations on delegations to the Chief Executive, Commissioners, Executive Heads and all other officers.	
2.1	No decision shall be taken by any officer under this Scheme of Delegation if any relevant member or the Chief Executive requests that the matter shall be referred to the Council or the Executive (whichever shall be able to take the decision in question) or to the Chief Executive.	

- 2.2 All decisions shall be in accordance with the law. Whether or not any decision is contrary to the Council's Constitution may, if necessary, be determined by the Council. However, no decision or action shall be taken by any employee if the Executive Head Commercial Services reasonably considers it to be contrary to the law.
- 2.3 All decisions shall be in accordance with the Constitution and the Policy Framework of the Council. Whether or not any decision or action falls within the Policy Framework may, if necessary, be determined by the Council. However, no decision or action shall be taken by any employee if the Deputy Chief Executive (in consultation with the Monitoring Officer) reasonably considers it to be contrary to the Policy Framework.
- 2.4 All decisions shall be in accordance with the Council's Budget and Financial Regulations. Whether or not any decision or action falls within the Budget and Financial Regulations may, if necessary, be determined by the Council. However, no decision or action shall be taken by any employee if the Chief Finance Officer reasonably considers it to be contrary to the Budget or Financial Regulations.

Commissioners and Executive Heads may vire resources between their portfolio/business unit budget heads in accordance with the Council's Standing Orders and Financial Regulations. No such virements shall be made without the prior approval of (and subject to any conditions imposed by) the Chief Finance Officer

- 2.5 All decisions relating to the expenditure of unbudgeted additional grant income in excess of £10,000 shall be the subject of a full written report to the relevant member, setting out details of the financial, legal, property, human resources and other material considerations, together with a proper risk assessment and options appraisal.
- 2.6 All decisions shall be in accordance with the Council's Standing Orders. Whether or not any decision or action is in accordance with the Council's Standing Orders may, if necessary, be determined by the Council. However, no decision or action shall be taken by any employee which the Monitoring Officer reasonably considers to be contrary to the Council's Standing Orders.
- 2.7 In relation to the authorisation of the institution, defence or conduct of legal proceedings no decision shall be taken without prior consultation with the Executive Head Commercial Services and no such action shall be taken that is contrary to or not in accordance with any instruction from the Executive Head Commercial Services.
- 2.8 Before exercising (or deciding not to exercise) any delegated powers all employees shall undertake appropriate internal consultation. This consultation shall normally include (but not be limited to) the following:

- 2.8.1 Where the proposal may have implications relating to the Council's Strategic Plan, consultation with all relevant members and the Commissioner of Communities and Local Democracy;
- 2.8.2 Where the proposal may have any policy implications, or any significant service implications, consultation with all relevant members;
- 2.8.3 Where the proposal might reasonably be regarded as unusual or highly contentious, or involve an uncertain outcome, or has been the subject of (or is likely to result in) an allegation of maladministration being made against the Council, consultation with the relevant member and appropriate senior officers;
- 2.8.4 Where the proposal has any legal implications, consultation with the relevant member and the Executive Head Commercial Services;
- 2.8.5 Where the proposal may have significant implications for any particular Ward, consultation with all the members representing that Ward;
- 2.8.6 Where the proposal may have any financial or audit (whether internal or external) implications, or any property implications, consultation with the Chief Finance Officer;
- 2.8.7 Where the proposal may have any constitutional implications, consultation with the Monitoring Officer;
- 2.8.8 Where the proposal may have any implications relating to the Council's insurance policies (or the ability of the Council to obtain insurance at reasonable rates in the future), consultation with the Chief Finance Officer;
- 2.8.9 Where the proposal may have any health and safety implications for the public or employees, consultation with the Executive Head Community Safety;
- 2.8.10 Where the proposal may have any human resources implications, consultation with the Executive Head Business Services;
- 2.8.11 Where the proposal may have any equalities implications, consultation with the Executive Head Business Services;
- 2.8.12 Where the proposal may have any implications for another Council business unit, consultation with the relevant Commissioner and Executive Head;

- 2.8.13 Where any relevant member or Commissioner has expressed opposition to a proposal, consultation with the Chief Executive. Where any Executive Head has expressed opposition to a proposal, consultation with the relevant Commissioner;
- 2.8.14 Where the proposal is similar to a previous matter that has been the subject of consultation with any member (or which a member has expressed a desire to be consulted about), consultation with that member;
- 2.8.15 Where the delegated power is expressly required to be exercised in consultation with one or more Community Partnership, the Community Partnership(s) specified in the decision to delegate;
- 2.8.16 Where the proposal may have significant implications for one or more Community Partnerships, consultation with those Community Partnerships affected; and
- 2.8.17 In any cases of doubt, consultation with the relevant member.
- 2.9 Property acquisitions and disposals may not be authorised where in the reasonable opinion of a fellow or member of the Royal Institute of Charter Surveyors (RICS) the estimated value of the land or property being acquired or disposed of exceeds £50,000 or (if a transaction is linked to another transaction) where the aggregate estimated value exceeds that amount. But this paragraph shall not prevent the Chief Executive and Commissioners authorising land/property acquisitions and freehold disposals where they are in accordance with the Council's Capital Programme or an express Council decision.
- 2.10 The Chief Executive and Commissioners may not authorise leases if, in the reasonable opinion of a fellow or member of the Royal Institute of Charter Surveyors (RICS), the value of the premium exceeds £25,000 or if the rent (including any service charge) should exceed £10,000 per year, or (if a transaction is linked to another transaction) where the aggregate relevant amounts exceeds those limits. But this paragraph shall not prevent the Chief Executive, Commissioners and Executive Heads authorising leasehold disposals where they are in accordance with the Council's Capital Programme or an express Council decision.
- 2.11 The Chief Executive, all Commissioners and Executive Heads may not authorise the acceptance of any tender for goods or services where the estimated or actual (whichever the higher) total contract value exceeds £50,000 or (if a contract is linked to another contract) where the aggregate estimated or actual (whichever the higher) value exceeds that amount unless otherwise specified within the Financial Regulations. But this paragraph shall not prevent the Chief Executive, Commissioners and Executive Heads authorising the acceptance of any tenders for goods or services where they are pursuant to the Council's approved Capital Programme. Where the

estimated or actual (whichever the higher) total contract value falls between £25,000 and £50,000 Commissioners and Executive Heads may not authorise acceptance of the contract unless they have first consulted with the relevant member and that member has indicated that they do not wish the matter to be referred to the Executive (or Council/Committee), as appropriate for determination.

- 2.12 No decisions shall be taken that is contrary to the terms of any specific delegations whether in this Scheme or made by Council (or a Council Committee or Sub-Committee) or the Executive, or an employee of the Council.

Updated and published on 24 August 2011

PIs/Projects 2011/12

Quarterly report for 2011/12, AY2010/11 and 2011

No headings

Filtered by Service: Tor Bay Harbour Authority

Filtered by Flag: Include: Tor Bay Harbour Authority

Key to Performance Status:

Projects:

No Data available	Milestone Missed	On Hold	On Target	Well Behind Target	Behind Target	Ahead of Target	Well Ahead of Target	Completed	Terminated
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Performance Indicators:

No Data	Well Below Target	Below Target	On Target	Above Target	Well Above Target
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Key to +/- Column:

+	Higher figures are better	-	Lower figures are better	OFF	Direction cannot be determined
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PIs/Projects 2011/12

Performance Indicators

Status	Code	Title	+/-	Prev Year End	Annual Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date
On Target	TDAMS01	<u>Harbour estate lettings occupancy</u>	+	95.80%	100.00%	95.80%	95.80%	96.60%		96.60% (3/4)
On Target	TDAMS04	<u>Navigation Lights availability</u>	+	99.35%	100.00%	98.92%	98.64%	99.34%		99.34% (3/4)
Well Above Target	TDAMS07	<u>Brixham Harbour Fish Tolls</u>	+	£556,620.29	£474,000.00	£155,394.39	£310,661.18	£503,407.54		£503,407.54 (3/4)
Data not due	TDAMS08	<u>Harbour Users Survey</u>	+	82%	85.0%	n/a	n/a	n/a		n/a
Data not due	TDAMS09	<u>To monitor and support staff through induction and appraisal reviews</u>	+	100%	100%	n/a	n/a	n/a		n/a
On	THARB02	<u>Help provide appropriate sea</u>	+	Yes	Yes	n/a	n/a	n/a	Yes	Yes

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PIs/Projects 2011/12

Performance Indicators

Status Code	Title	+/-	Prev Year End	Annual Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date
Target	<u>and flood defences</u>								
On Target	<u>To assist in the collection of spatial mapping data</u>	+	Yes	Yes	n/a	n/a	n/a	Yes	Yes
Data not entered	<u>To Produce and Review a Risk Register for the Business Unit</u>	+	Yes	Yes	n/a	n/a	n/a		
Data not due	<u>To produce, promote and reprint the Tor Bay Harbour Guide</u>	+	n/a	Yes	n/a	n/a	n/a		n/a
Well Above Target	<u>Reduce the number of reportable accidents including (RIDDOR)</u>	-	3	6	0	0	4		4 (3/4)
On Target	<u>Maintain the bilateral agreement with the UK Hydrographic Office</u>	+	Yes	Yes	n/a	n/a	n/a	Yes	Yes
On Target	<u>To Provide Visitor Moorings</u>	+	Yes	Yes	n/a	n/a	n/a	Yes	Yes
On Target	<u>Implement the safety management improvement plan</u>	+	95%	95%	n/a	n/a	n/a	91%	91%
Data not due	<u>Test and Review a Business Continuity Plan for the Business Unit</u>	+	No	Yes	n/a	n/a	n/a		n/a
Well Above Target	<u>To Reduce Staff Absence</u>	-	2.42%	2.50%	1.19%	0.97%	1.05%		1.49% (10/12)
Data not due	<u>To keep existing businesses and attract new activities</u>	+	Yes	Yes	n/a	n/a	n/a		n/a
Above Target	<u>% Variation on Budgeted Income - Tor Bay Harbour Authority</u>	+	5.10%	0.00%	0.74%	2.60%	8.09%	12.90%	12.90%

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PIs/Projects 2011/12**Performance Indicators**

Status Code	Title	+/-	Prev Year End	Annual Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date
Below Target	<u>% Variation on Budgeted Expenditure - Tor Bay Harbour Authority</u>	-	-1.20%	0.00%	1.70%	3.40%	4.17%	1.77%	1.77%
On Target	<u>Undertake routine maintenance of harbour infrastructure</u>	+	n/a	Yes	Yes	Yes	Yes		Yes (3/4)
On Target	<u>Issue local Notices to Mariners and enforce Harbour Byelaws</u>	+	n/a	Yes	Yes	Yes			Yes (10/12)
On Target	<u>Safety Management System audit completed and improvement plan agreed</u>	+	n/a	Yes	n/a	n/a	n/a	Yes	Yes
Data not due	<u>Review and exercise the Tor Bay Harbour Emergency Response Plan</u>	+	n/a	Yes	n/a	n/a	n/a		n/a
Data not due	<u>Review the delegated powers of the Executive Head of Tor Bay Harbour Authority</u>	+	n/a	Yes	n/a	n/a	n/a		n/a
Data not due	<u>Review of existing harbour powers</u>	+	n/a	Yes	n/a	n/a	n/a		n/a
Below Target	<u>Refresh the Tor Bay Harbour Website</u>	+	n/a	Yes	No	No	No		No (11/12)
On Target	<u>Continue Benchmarking through relevant trade and professional associations</u>	+	n/a	Yes	Yes	Yes	Yes		Yes (3/4)
Data not due	<u>Complete Equality Impact Assessments</u>	+	n/a	Yes	n/a	n/a	n/a		n/a
Data not due	<u>Implement Equality Impact Assessment Improvement Plans</u>	+	n/a	Yes	n/a	n/a	n/a		n/a

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PIs/Projects 2011/12

Performance Indicators													
Status	Code	Title	+/-	Prev Year End	Annual Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date			
Data not due	THARB42	<u>To review the Tor Bay Harbour Operational Moorings Policy</u>	+	n/a	Yes	n/a	n/a	n/a		n/a			n/a
Below Target	THARB43	<u>Influence decision making over the management measures of the new SAC in Torbay</u>	+	n/a	Yes	No	No	No		No (3/4)			
On Target	THARB44	<u>Influence decision making over the location of Marine Conservation Zones</u>	+	n/a	Yes	Yes	Yes	Yes		Yes (3/4)			
On Target	THARB51	<u>Lay seasonal 5-knot buoys & navigational marks</u>	+	n/a	Yes	n/a	n/a	n/a	Yes	Yes			
Data not due	THARB59	<u>Agree the Tor Bay Harbour Authority Business Plan</u>	+	n/a	Yes	n/a	n/a	n/a		n/a			n/a
Data not due	THARB60	<u>Produce an Asset Management Plan for the Business Unit</u>	+	n/a	Yes	n/a	n/a	n/a		n/a			n/a
Below Target	THARB61	<u>Undertake Energy Audits at each enclosed harbour</u>	+	n/a	Yes	n/a	n/a	n/a		No			No
On Target	THARB62	<u>Set the Tor Bay Harbour Charges and Harbour Budget</u>	+	n/a	Yes	n/a	n/a	n/a		Yes			Yes
On Target	THARB64	<u>Set up an appropriate Audit Plan for Tor Bay Harbour Authority</u>	+	n/a	Yes	n/a	n/a	n/a		Yes			Yes
On Target	THARB65	<u>% of responses who believe Torbay Harbour Authority are properly managing safety in Torbay Harbour</u>	+	n/a	93.0%	n/a	n/a	n/a		95.9%			95.9%

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PIs/Projects 2011/12

Project Code Status	Title	Project End	Last Review Date	Achieved	Missed	Arising
On Target	THARB63 <u>Analyse our visitor data and explore marketing opportunities</u>	31/03/2031 (due)	01/01/2012	Data reviewed and marketing continues in various forms including the ERTC.		
On Target	THARB15 <u>Annual audit/inspection from Trinity House</u>	31/12/2031 (due)	30/09/2011	Inspected by Trinity House on 29th June 2011 last audited on 8th February 2011.		
On Target	THARB41 <u>Business case for future service delivery options for Tor Bay Harbour Authority</u>	30/03/2012 (due)	01/09/2011	Commissioning of Tor Bay Harbour Authority supported by the Mayor & CEO		
On Target	THARB52 <u>Continue to encourage young people to engage in marine activities</u>	31/03/2031 (due)	01/09/2011	50% reduction in harbour charges for young people under 18 years. Foregone rent for youth groups with premises on the harbour estate.		
On Target	THARB56 <u>Contribute to tourism by working to support event organisers</u>	31/03/2031 (due)	01/09/2011	To the end of August - 49 maritime events supported in 2011.		
On Target	THARB54 <u>Deliver a "Port Masterplan" for Tor Bay Harbour</u>	31/03/2013 (due)	01/09/2011	Harbour Committee decision expected in December 2011		
On Target	THARB47 <u>Help to produce a Coastal Zone Management Plan in consultation with stakeholder groups</u>	31/03/2014 (due)	01/09/2011	Work commenced through a partnership with SeaTorbay		
On Target	THARB53 <u>Improve understanding of the work of the Harbour Authority through talks, boat trips, open days, etc</u>	31/03/2031 (due)	01/09/2011	Talk given to the Royal Torbay Yacht Club on 11th March 2011.		
On Target	THARB48 <u>Investigate renewable energy projects for use on the harbour estate</u>	01/04/2013 (due)	01/09/2011	£48k has been earmarked from the Brixham Harbour reserve to fund a 10kw Photovoltaic solar energy system on the new fish market roof at Brixham.		
On Target	THARB30 <u>Manage the seasonal beach/harbour patrol craft</u>	31/10/2015 (due)	01/09/2011	Achieved under a reduced budget but with reduced hours on the water.		

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PIs/Projects 2011/12**Projects**

Project Code Status	Title	Project End	Last Review Date	Achieved	Missed	Arising
On Target	THARB18 <u>Produce schedule of Maritime events</u>	31/03/2031 (due)	21/02/2011	Draft schedule was not uploaded on time but the final version was published on the 28th January 2011, ahead of schedule.		
On Hold	THARB20 <u>Replace chain mooring with pontoon berths in Torquays inner harbour</u>	03/06/2013 (due)	01/09/2011	Project target is now winter 2012/2013		
On Target	THARB31 <u>Review and improve the Safety Management System software</u>	29/03/2013 (due)	01/09/2011	Currently investigating bespoke software options		
On Target	THARB24 <u>Review Equality Impact Assessments for Tor Bay Harbour Authority</u>	31/12/2011	31/12/2011	No issues arising from impact assessments so no further action required		
On Target	THARB14 <u>Review visitor feed back forms</u>	31/03/2031 (due)	01/12/2011	Power and water facilities given a positive feedback. Generally very satisfied with the service.		
On Target	THARB49 <u>Submit plans to improve passenger landing facilities at Torquay & Brixham</u>	29/03/2013 (due)	01/09/2011	Funding bid submitted by Transport Planning colleagues		
Behind Target	THARB36 <u>Supply up to date/live weather and tidal data to the Tor Bay Harbour website</u>	30/03/2012 (due)	30/12/2011		Project delayed due to IT technical issues - end date extended to June 2012.	
Behind Target	THARB50 <u>Support the development of a Maritime Centre of Excellence</u>	31/03/2012 (due)	30/11/2011		Discussions have resumed with the TDA and Visitor & Resident Services regarding a possible development at Broadlands Beach.	
On Target	THARB06 <u>To continue to work with relevant voluntary and/or community organisations</u>	31/03/2031 (due)	01/09/2011	New National Coastwatch station opened in Torquay in August 2011.		
On	TDAMS10 <u>To Encourage Harbour</u>	31/03/2031	01/09/2011	Harbour Masters are members of the UKHMA -		

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PIs/Projects 2011/12

Projects

Project Status	Project Code	Title	Project End	Last Review Date	Achieved	Missed	Arising
Target		<u>Masters to fully complete CPD records</u>	(due)		CPD soon to be web based. Kevin Mowat working on Expert Panel to deliver National Occupational Standards for UK Harbour Masters.		
On Target	THARB07	<u>To hold quarterly meetings with harbour users and stakeholders</u>	31/03/2012 (due)	31/12/2010	Harbour Liaison Forum meetings held on 23rd & 24th November 2010		
On Target	THARB12	<u>To support and engage with Coastal Partnership - Sea Torbay</u>	31/03/2031 (due)	31/12/2011	Last Steering Group attended was 10th January 2012.		
On Target	THARB57	<u>Work collaboratively with the English Riviera Tourism Company Ltd</u>	31/03/2031 (due)	01/10/2011	Currently engaged with the ERTC on a cruise ship initiative. Harbour Committee Chairman meets regularly with ERTC CEO and improved coverage of Paignton Harbour requested for 2012 English Riviera Tourism Guide.		
On Target	THARB58	<u>Work with the Economic Development Company (TDA) on marine & waterfront projects</u>	31/03/2031 (due)	01/10/2011	Thenew "Crab Quay House" restaurant in the new fish market complex - due to open Whitsun 2012. Working with TDA on development of MDL car park at Torquay harbour and exploring the options for a Watersports Centre at Broadsands Beach.		
Behind Target	THARB55	<u>Working with stakeholders to investigate options to improve the manag of the new Fish Market complex</u>	29/03/2013 (due)	01/09/2011		Talks are ongoing with Brixham Trawler Agents but progress delayed while everyone settles into the new development.	

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Harbour Committee Work Programme – 2012/2013

Meeting	Standing items to be considered	Type of Report
11 th June Brixham	<ul style="list-style-type: none"> ▪ To elect a Chairman for the Municipal Year ▪ To appoint of Vice Chairman for the Municipal Year ▪ To review/note the Harbour Committee's Terms of Reference as per the Council's Constitution ▪ To appoint a Harbour Appointments Sub-Committee ▪ To appoint a Harbour Asset Review Working Party ▪ To appoint a Harbour Budget review working Party ▪ To consider the Budget Outturn for previous financial year ▪ To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums ▪ To consider the quarterly Budget Monitoring Report ▪ To monitor the Performance of the Harbour & Marine Services Business Unit (SPAR.Net) ▪ To approve an Audit Plan for the Tor Bay Harbour Authority Business Unit ▪ To approve the Tor Bay Harbour Enforcement and Prosecution Policy 	<ul style="list-style-type: none"> Decision Decision To note Decision Decision Decision To note To note To note To note Decision Decision
17 th September Paignton	<ul style="list-style-type: none"> ▪ To review the Harbour Committee's Appointment of External Advisors (Appointments Sub-Committee) ▪ To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums ▪ To review the Harbour Authority Business Risk Register ▪ To receive recommendations from the Harbour Asset Review Working Party ▪ To consider the quarterly Budget Monitoring Report ▪ To monitor the Performance of the Harbour & Marine Services Business Unit (SPAR.Net) ▪ To consider the results of the Annual Harbour Users Survey ▪ To approve the Tor Bay Harbour Marine Environmental Policy (biennial - 2012) ▪ To approve a Review of the Tor Bay Harbour Pilotage Directions (biennial - 2012) 	<ul style="list-style-type: none"> Decision To note Decision Decision To note To note To note Decision Decision
17 th December Torquay	<ul style="list-style-type: none"> ▪ To consider the Harbour and Marine Services Budget and Setting of Harbour Charges ▪ To consider the Annual Compliance Audit of the Port Marine Safety Code ▪ To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums ▪ To consider the quarterly Budget Monitoring Report ▪ To monitor the Performance of the Harbour & Marine Services Business Unit (SPAR.Net) ▪ Review of the powers conferred by national legislation and the appropriateness of local regulation (5 yrs – 2015) ▪ To approve the Tor Bay Harbour policy statement for Local Port Services (LPS) (biennial - 2012) ▪ To note the accounts of the Arts & Crafts Market located on the Old Fish Market, Brixham 	<ul style="list-style-type: none"> Decision Decision To note To note To note To note Decision To note
18 th March Brixham	<ul style="list-style-type: none"> ▪ To review the delegated powers of the Executive Head of Tor Bay Harbour Authority ▪ To agree the Tor Bay Harbour Authority Business Plan ▪ To review the Operational Moorings Policy ▪ To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums ▪ To consider the quarterly Budget Monitoring Report ▪ To agree the Harbour Committee Work Programme ▪ To monitor the Performance of the Harbour & Marine Services Business Unit (SPAR.Net) ▪ To review and approve the Tor Bay Harbour Asset Management Plan ▪ To approve the Tor Bay Harbour – Port Master Plan 	<ul style="list-style-type: none"> Decision Decision Decision To note To note Decision To note Decision

NB Reports on specific matters requiring a decision or to note will be added to this programme as and when required.
Meeting venues are to be rotated between Brixham, Paignton and Torquay.

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