



Friday, 7 December 2012

HARBOUR COMMITTEE

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

Monday, 17 December 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 Baldrey	Councillor James
Councillor Ellery	Mayor Oliver
Councillor Faulkner (J)	Councillor Richards
Councillor Hytche	

External Advisors

Mr Buckpitt, 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 207026

Email: governance.support@torbay.gov.uk

(i)
THE MJ
2010
Achievement Awards
COMMENDED

HARBOUR COMMITTEE AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 4)
To confirm as a correct record the Minutes of the meeting of the Committee held on 17 September 2012.
3. **Declarations of interest**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent items**
To consider any other items that the Chairman decides are urgent.
5. **Appointment of External Advisor** Verbal
To approve the recommendation for appointment of an External Advisor by the Harbour Appointments Sub-Committee.
6. **Blue Sea Food** (Pages 5 - 11)
Consideration of renewal of landlord's consent.
7. **Harbour and Marine Services Budget Setting and Harbour Charges** (Pages 12 - 43)
To consider a report which provides Members with the opportunity to consider the Harbour and Marine Service Budget Setting and Harbour Charges to be levied by Tor Bay Harbour Authority.

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|-----|---|-------------------|
| 8. | <p>Port marine Safety Code - Annual Compliance Audit
 To consider a report which provides Members with details of the annual Port Marine Safety Code compliance audit undertaken for the Council, as the Harbour Authority, by Nicholsons Risk Management Ltd.</p> | (Pages 44 - 75) |
| 9. | <p>Torquay/Paignton and Brixham Harbour Liaison Forums
 To note the minutes of the Torquay/Paignton and Brixham Harbour Liaison Forums.</p> | To Follow |
| 10. | <p>Quarterly Budget Monitoring
 For members to consider the quarterly Budget Monitoring Report.</p> | (Pages 76 - 86) |
| 11. | <p>Annual Harbour Users Survey
 For members to consider the results of the Annual Harbour Users Survey.</p> | (Pages 87 - 100) |
| 12. | <p>Performance Report
 To monitor the performance of the Harbour and Marine Services Business unit (SPAR.Net).</p> | To Follow |
| 13. | <p>Tor Bay Harbour Policy Statement for Local Port Services (biennial 2012)
 For members to approve the Tor Bay Policy Statement for Local Port Services (LPS) (biennial – 2012).</p> | (Pages 101 - 106) |



Minutes of the Harbour Committee

17 September 2012

-: Present :-

Councillor Ellery (Chairman)

Councillors Amil, Baldrey, Faulkner (J), Hytche and James
and Mayor Oliver (Vice Chairman)

28. Apology

An apology for absence was received from Councillor McPhail.

29. Minutes

The Minutes of the meeting of the Harbour Committee held on 23 July 2012 were confirmed as a correct record and signed by the Chairman.

30. Appointment of External Advisor to Harbour Committee

It was reported that the Harbour Appointments Sub-Committee met on 11 September 2012 to discuss the replacement of Mr Butcher, External Advisor, whose term had come to an end.

A timetable for recruitment was drawn up and the advert, person specification and press release finalised and circulated with a closing date for applications of 15 October 2012, short listing on 29 October 2012 and interviews on the 7 December 2012 with the successful candidate being invited to attend the Harbour Committee on 17 December 2012.

The Chairman and the Committee thanked Mr Butcher for his outstanding contribution to the Harbour Committee over the past five years and presented him with a token of appreciation.

31. Torquay/Paignton and Brixham Harbour Liaison Forums

The Committee received the Minutes of the latest Torquay and Paignton Harbour Liaison Forum and the Brixham Harbour Liaison Forum and noted the contents.

The Chairman and Committee thanked Paul Labistour, Assistant Director, Marine Services, Tor Bay Harbour Authority, for his work with a sunken boat in Brixham Harbour over the past few days.

32. Harbour Authority Business Risk Register

The Committee noted the submitted report which provided them with details of the Tor Bay Harbour Business Risk Register for 2012/13.

It was highlighted that 'Produce an Environmental Management Plan' has been on the Business Risk Register for at least four years.

Resolved:

that the Executive Head of Tor Bay Harbour Authority be requested to look in to resourcing to produce the Environmental Management Plan.

33. Harbour Asset Review Working Party

The Committee noted the report from the Harbour Asset Review Working Party which met on 23 August 2012. All assets were performing satisfactorily and two work boats were identified as being surplus and due to be sold and replaced by one new craft.

34. Tor Bay Harbour Authority Budget Monitoring

The Committee noted a report on the Budget Monitoring which provided members with the overall budgetary position for Tor Bay Harbour Authority as at the end of August 2012.

35. Tor Bay Performance Monitoring

The Committee noted a report outlining the performance of the Tor Bay Harbour Authority Business Unit.

36. Tor Bay Harbour Environmental Policy Statement

The Committee considered a report to review and endorse the Revised Environmental Policy Statement.

It was noted that the Policy had been re-written many times and updated and required a refresh.

Resolved:

- (i) that the Environmental Policy Statement as shown in Appendix 1 of the submitted report be approved; and
- (ii) that the Environmental Policy Statement be revised, with assistance from External Advisor Ms Elaine Hayes, after the Harbour Port Master Plan has been produced.

37. Artificial Reef in Tor Bay Harbour

Mr Rick Parker from the Torbay Reef Restoration Project presented a proposal for an artificial reef to members.

It was noted that since the report was circulated, correspondence had been received and this was read to members. The Torquay Harbour Fishermans Association had written stating that they were opposed to the project but e-mails of support for the project had been received from the Torbay Coast and Countryside Trust and the Brixham Sea Anglers Club. The Crown Estate were also in general support of the project.

A number of issues were raised as to risks, impact on local fishing industry, erosion to coastline, consultation with neighbouring authorities, liability during the first three years and afterwards and possible costs to the Council and the marking of the site with navigation buoys and signage.

Members felt that the project needed more work, research and consultation.

The Harbour Committee resolved that :-

- (i) the Committee agreed in principle with the Torbay Reef Restoration Project, but that more background work was required in respect of stakeholder consultation, a Business Plan and shoreline impact assessment before the following recommendations can be applied; and
- (ii) subject to item (iii) below that the Committee recommends to the Mayor that he authorise the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of the Torbay Development Agency, to accept a new lease, or amend the existing lease, for part of the seabed from the Crown Estate on acceptable terms, and that, in determining the acceptable terms, the Mayor is recommended to seek further legal advice as to the level of the Council's risk exposure at the end of any subsequent sub-lease; and
- (iii) the Committee recommends that the Mayor authorise the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of the Torbay Development Agency, to grant a sub-lease (and if considered appropriate an agreement for that lease) for part of the seabed to a local charitable organisation on acceptable terms; and
- (iv) the Committee recommends that the Mayor authorise the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of Torbay Development Agency, to enter into such other legal documentation on acceptable terms as deemed necessary; and

- (v) that the exact position of the artificial reef within Tor Bay Harbour limits will be determined by the Executive Head of Tor Bay Harbour Authority in his capacity as Harbour Master, following consultation with harbour users and the Harbour Committee

Chairman

Agenda Item 6



Meeting: Harbour Committee

Date: 17th December 2012


Wards Affected: Roundham with Hyde

Report Title: Leased area in front of Units 15 and 16 ~ 18 at Paignton Harbour

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat

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

 **Telephone: 01803 292429**

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

1. Purpose

- 1.1 This report provides Members with the opportunity to consider the future use of the leased area in front of the Blue Sea Food factory on the harbour estate at Paignton Harbour.
- 1.2 The Committee is asked to consider this matter in its capacity as a landlord, with due regard to its responsibility for the safe management of the harbour estate and the overall business of the harbour authority.

2. Proposed Decision

- 2.1 **That the Executive Head of Tor Bay Harbour Authority be instructed not to renew the lease to the Blue Sea Food Company Ltd for the area of land in front of Units 15 and 16 ~ 18, on the harbour estate at Paignton Harbour.**

3. Summary

- 3.1 An area of land on the harbour estate at Paignton Harbour has been used under licence by various tenants of the adjoining factory for the purposes of parking vehicles. More recently in 2010 a 2 year excluded lease was granted to the Blue Sea Food Company to enable the siting of a 40 ft container and blast freezer. The lease contained a requirement for the tenant to comply with all relevant legislation including the need, if applicable, for Planning permission.
- 3.2 When this short term lease was due to expire in April 2012 the Executive Head of Tor Bay Harbour Authority agreed to renew the lease for a further 12 months. Planning consent was still in place at the date of the lease renewal. However, applications to renew this consent were refused by the Council's Development Management Committee in May 2012 and again in August 2012. Following concerns raised about the impact of these decisions the Development Management Committee decided in October 2012 to issue a deferred enforcement notice.

- 3.3 No Planning enforcement action will now be effective before 31st December 2013.
- 3.4 Although the position from a Development Management perspective (Planning) has been well debated, the matters relating to the safe management of the harbour estate and the overall business of the harbour authority now need urgent consideration. To this end it should not be relevant to the Harbour Committee whether or not planning consent has been granted or denied. The Harbour Authority is required to act, as a landlord, in the best interests of Tor Bay Harbour.
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Supporting Information

4. Position

- 4.1 Tor Bay Harbour Authority is the landlord for the harbour estate at Paignton harbour. In March 2010 the Blue Sea Food Company requested permission from the Executive Head of Tor Bay Harbour Authority to site a 40 ft container outside their factory and they also sought retrospective permission for a blast freezer in the same area.
- 4.2 On the 14th April 2010 heads of terms were issued for a 2 year agreement. At the same time the Planning officers indicated that temporary consent would be required but that such was likely to receive support.
- 4.3 A new lease was eventually granted for 2 years from 15th April 2010. Planning permission was also granted but this required removal of both items by the 31st May 2012.
- 4.4 The Blue Sea Food Company were reminded in March 2012 to consider their position regarding the lease and the Planning consent. Consequently on the 27th March instructions were issued to solicitors to re-new the Council's agreement with the Blue Sea Food Company for a further 12 months, it was expected that the tenant would need to renew the Planning consent. At the time, in order to avoid the tenant gaining security of tenure through a protected lease, the Executive Head of Tor Bay Harbour Authority had little choice but to renew the lease on a short term basis pending a decision regarding the Planning consent.
- 4.5 In early April a draft lease had been drawn up and the tenant queried whether the lease could be longer. The tenant was advised that it could only be for 12 months because of the concerns expressed by the Harbour Master regarding the operational impact of the container usage on the safe management of the harbour estate and the overall business of the harbour authority in the longer term.
- 4.6 On the 17th April 2012 the 12 month lease was completed but on the 24th May 2012 Planning permission was refused. The reason for completing the lease in this way was to ensure that the Council retained the ability to have sole control over the site (see Para 4.4 above).
- 4.7 On the 25th July 2012 a new Planning application was submitted but this was again refused.

4.8 In October 2012 the Development Management Committee considered a report regarding proposed enforcement action against the Blue Sea Food Company. The Committee decided to issue a deferred enforcement notice with the compliance date delayed until the 31st December 2013. However, the blast freezer was to be removed by the end of October (this has now taken place).

5. Possibilities and Options

5.1 To allow the Blue Sea Food Company to keep their 40 ft container on the harbour estate at Paignton until the end of December 2013. This option will mean that Paignton harbour will have to endure another summer season with the impacts that relate to this additional processing capacity. These impacts include traffic disruption caused by heavy vehicles and forklift truck activity in a relatively small and restricted area. Other undesirable impacts for the Harbour Authority, as landlord, include smell and waste contamination.

5.2 To terminate the lease on 14th April 2013.

6. Preferred Solution/Option

6.1 To terminate the lease on 14th April 2013.

7. Consultation

7.1 The additional processing capacity has caused a number of concerns amongst harbour stakeholders and these have been discussed at harbour users meetings and at the Harbour Liaison Forum. Both the Harbour Master and the Chairman of the Harbour Committee have objected to the various requests for planning consent.

7.2 The Development Management Committee has acknowledged that there are 'local objections and understandable concerns'.

8. Risks

8.1 There is a risk to public safety due to higher levels of vehicular traffic both in terms of size and frequency. Several youth groups operate in close proximity to these commercial operations, although usually at different times of the day.

8.2 There is a risk to the income received from the use of the slipway and this is already in decline. It is difficult to determine what the exact cause for this falling revenue is but the Blue Sea Food Company situation may well be a contributory factor. Consequently there may well be a reputational risk with regard to people's perception of Paignton harbour.

8.3 It is understood that there might be an impact on jobs at the Blue Sea Food Company if the container is removed. The decision to issue a deferred enforcement notice may well have been taken to safeguard any jobs which were allegedly under threat. Members are reminded that the Blue Sea Food Company will still have a factory at Paignton harbour and premises elsewhere in Paignton.

Appendices

Appendix 1 Heads of Terms for Lease to the Blue Sea Food Company Ltd

Appendix 2 Plan of Leased area in front of Units 15 and 16 ~ 18 at Paignton Harbour

Additional Information

Agenda Item 6

Appendix 1

Appendix 1

Heads of Terms

- Premises: Area of Land at Paignton Harbour as shown edged red on attached plan.
- Form of Document: New Lease
- Tenant: The Blue Sea Food Company Ltd, South Quay, The Harbour, Paignton, TQ4 6DT
- Rent: £[REDACTED]pa, plus VAT.
- Lease Length: 12 months subject to termination by either party at any time on 3 months prior notice Lease ends 14/4/13
- 1954 Landlord and Tenant Act: The lease is excluded from the Security of Tenure provisions of the Landlord and Tenant Act 1954.
- Rights: As per the main lease of the adjoining premises.
- Rent Review: None
- Alienation: The lease can only be assigned in relation to any assignment of adjoining premises which are let to the same tenant.
- No sub-letting will be permitted.
- Repairs: The tenant shall maintain any container, portacabin or similar structure or matter brought onto the land, in good repair and condition, and shall if destroyed by fire, remove all remains thereof from site.
- Permitted Use: To use the land for:
1. Parking of taxed motor vehicles and lorries used in connection with the business of The Blue Sea Food Company Ltd and/or
 2. The siting of a temporary blast freezer in the location shown on the attached plan and/or
 3. The siting of a temporary container in the location shown on the attached plan.
- but for no other purpose.
- Alterations: Not to make any alterations to the Premises, or to connect with any services located on the Premises or the landlord's adjoining land or discharge into any service media located on the Premises or on the landlord's adjoining land without providing details, including drawings relating thereto for the approval of the landlord, such approval not to be unreasonably withheld or delayed.
- Insurance: To keep any containers, portacabins etc. situated on the premises adequately insured.

Outgoings: The tenant shall be responsible for the payment of all outgoings relating to the use of the premises or anything brought thereon.

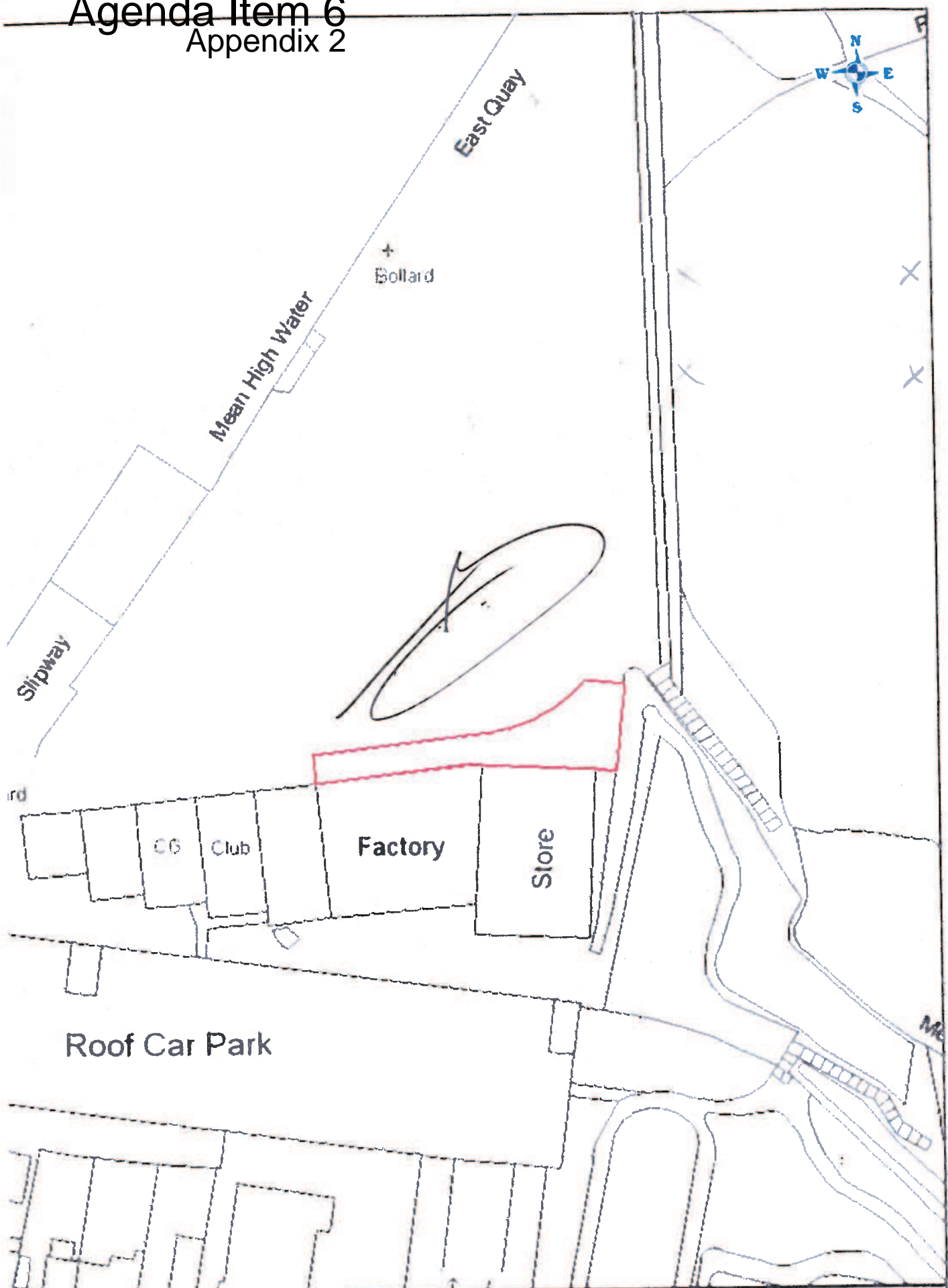
Other matters

1. No vehicles whether belonging to staff or visitors, or those unloading from or loading to the premises shall be parked otherwise than on the premises.
2. The tenant will use all reasonable endeavours to ensure that deliveries are made before 9am or after 6pm.
3. The tenant will use all reasonable endeavours to ensure that the movement of large vehicles, including, without prejudice to the generality of the foregoing articulated lorries, visiting the premises are adequately controlled and co-ordinated, including where appropriate the use of banksmen.
4. The tenant shall comply with all relevant Statutory requirements, including without prejudice to the generality of this clause, Environmental Health and Planning.
5. The tenant shall be responsible for the payment of the landlord's reasonable legal costs in this matter, whether or not the same proceeds to completion.

Agenda Item 6

Appendix 2

1



Area of land at Paignton Harbour.

EM Plan No: EM2061
Asset No: P0241AU
Date: 9th April 2010
Scale: 1:500



TORBAY DEVELOPMENT AGENCY - ESTATES SERVICE

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Meeting: Harbour Committee

Date: 17th December 2012


Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Authority Budget and Harbour Charges 2013/14

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat

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

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Pete Truman

Principal Accountant

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1. Purpose

- 1.1 This report provides Members with the opportunity to consider the level of harbour charges to be levied by Tor Bay Harbour Authority, on behalf of the Council as the Harbour Authority, in the next financial year and to consider the Tor Bay Harbour Authority budget for 2013/14. This is being considered at this time to enable implementation and payment to be made in advance of the granting of facilities for the coming financial year.
- 1.2 The Committee is required to approve the level of harbour charges for Tor Bay Harbour for 2013/14, having considered the budgetary implications set out in this report.
- 1.3 The Committee is further asked to approve the 2013/14 budget for Tor Bay Harbour Authority.

2. Proposed Decision

- 2.1 **That, having had regard to the opinions expressed by the Harbour Liaison Forums, Members consider the recommendation from the Harbour Committee's Budget Working Party, to increase the harbour charges for 2013/14, by a representative average increase of 2.8% and approve the schedule of harbour charges set out in Appendix 1.**

- 2.2 That the Tor Bay Harbour Authority budget for 2013/14, based on a 2.8% representative average increase in harbour charges (as set out in Appendix 2, to this report) be approved.**
- 2.3 That during 2013/14 the Tor Bay Harbour Budget Working Party should continue to review the full range of harbour charges, monitor the revenue budget, and recommend a budget for 2014/15.**
- 2.4 That, as recommended by the Harbour Committee's Budget Working Party, the Executive Head of Tor Bay Harbour Authority should consider using the harbour reserve funds to make additional repayments against the financing charges of capital projects, provided that the minimum reserve fund level is maintained and such budget adjustments are approved by the Harbour Committee Chairman and reported to the Harbour Committee through the budget monitoring reports.**
- 2.5 That, as recommended by the Harbour Committee's Budget Working Party, each harbour reserve fund is split with 20% of budgeted turnover ring-fenced to meet any deficit in the revenue budget or winter storm damage and the balance ring-fenced to fund harbours related capital projects.**

3. Summary

- 3.1 The provisional Harbour Estimates for 2013/14, together with the Original Approved Estimate for 2012/13 and Projected Outturn for 2012/13 are attached at Appendix 2 and reflect the likely operating position for the two harbour accounts for next year assuming a representative increase of 2.8% in Harbour Charges and 3.8% for Torquay Town Dock facilities.
- 3.2 It will be noted from Appendix 2 that there is the likelihood of a £19,000 deficit on the Torquay/Paignton Harbour account and a deficit on the Brixham Harbour account of £15,000 for the 2013/14 financial year.
- 3.3 Appendix 3 provides a projection of future year's budgets and forecasts a deficit position with depleted reserves for both harbour accounts before any growth in the income base. It also shows the position of both accounts after applying the cumulative effects of potential increases in user charges but without any growth in marina rental income.
- 3.4 As an indication of how much revenue can be generated by an increase in harbour charges the following table shows how much additional annual income is derived from a 1% increase.

	1% increase in charges
Torquay and Paignton Harbours	£5k
Brixham Harbour	£3k

- 3.5 The Harbour Committee's Budget Working Party held meetings on the 13th August 2012, 1st October 2012 and 12th November 2012 and this report represents the findings and recommendations of that group. The Budget Working Party is recommending that Harbour Charges be increased, on average, by 2.8% as shown at Appendix 1.
- 3.6 A continued outcome of the Budget Working Party is the recommendation that harbour reserve funds could be used to make additional repayments against capital financing costs to reduce interest charges over the longer term, provided always that the minimum reserve fund levels are maintained.
- 3.7 Furthermore the Budget Working Party decided to continue to recommend to the Harbour Committee that each harbour reserve fund should be split into two with one part ring-fenced to meet any deficit in the revenue budget, or winter storm damage, and the other part set aside for harbour capital projects.
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Supporting Information

4 Introduction and history

- 4.1 The Harbour Committee's Budget Working Party, which was formed on 14 September 2009, has continued to scrutinise the approved Tor Bay Harbour Authority budget for 2012/13 and they have made recommendations for a proposed budget for 2013/14. Membership of the Budget Working Party was agreed as Councillors Ellery, Hytche and Baldrey with External Advisors Ms Hayes and Mr Jennings, supported by relevant officers.
- 4.2 Torbay Council's general fund budget is facing a significant shortfall for 2013/14 and all council business units have been asked to make savings and/or look at income opportunities to help reduce the deficit. The Harbour Committee Budget Working have therefore agreed to recommend an increase in the level of contribution of the cash dividend to the general fund from the harbour accounts in 2013/14 equivalent to 6% of turnover.
- 4.3 The Chairman of the Harbour Committee and the Executive Head of Tor Bay Harbour Authority have continued to indicate 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 2013/14 amounts to £140k and this has put considerable pressure on next year's Harbour's budget

4.4 The most recent meeting of the Harbour Committee’s Budget Working Party was held on the 12th November 2012. In 2009 the Working Party established the following guidelines:

- that the Harbour Committee should establish a set of accounting principles;
- that the annual Budget Report should include details of planned capital spending;
- that details should be provided, in pie-chart format, showing the breakdown of internal support service charges;
- that the budget forecast details should show a column with the percentage variation between the previous year’s original budget and the proposed budget;
- that the annual Budget Report should clearly indicate which budget lines are under pressure and more likely to be at risk to variation, complete with the reasons why.

4.5 Before charges are reviewed Provisional Estimates indicate that the balances of the Harbour Reserve Funds as at 31 March 2014 could be in the region of:

Account	Revenue Deficit Reserve (minimum level)	Projects Reserve	Total Reserve
Torquay and Paignton Harbours	£197,000	£366,000	£563,000
Brixham Harbour	£271,000	£239,000	£510,000

A list of proposed reserve-funded projects is regularly reported to the Harbour Committee through the budget monitoring process.

4.6 There is uncertainty over future levels of income and expenditure as outlined in paragraph 9.3 below and this will put significant pressure on the Harbour accounts over the coming years. It is therefore important that as well as keeping pace with rising costs, income levels from user charges, rent and other sources, are sufficient to mitigate these pressures and provide the ability to maintain the appropriate reserve levels.

4.7 The table below indicates the increase in charges in recent years, compared with the retail price index (RPI) taken at the April point of the previous year. In the last five years increases of 4.0 %, 2.5%, 5%, 5%, and 7% have been applied. The table further illustrates the balance of the combined reserves at 1 April of the previous charges year.

Charges Year	Overall Increase	Actual RPI	Combined Reserve Levels
2012/13	4.0%	3.5%	£1,169,408
2011/12	2.5%	5.3%	£958,671
2010/11	5%	-1.2%	£913,342
2009/10	5%	4.2%	£867,793
2008/09	7%	4.5%	£1,194,717

4.8 Capital Plan/Budget

The items identified in the table below are currently in the Council's Capital Plan/Budget relating to the Harbour Authority.

Capital Item	Project Year or Reserve List	Total Budget £000	Actual to Date (including prior years) £000	Projected Outturn £000
Environment Agency grant funding for Torquay Harbour – Haldon & Princess Piers	2011	1,300	248	1,300
Brixham Harbour – Various Repairs	2006 to 2008	640	647	649
Fish Market Roof – PV Panels	2012	48	0	48
Brixham Harbour - Breakwater Repairs	Reserve List Band 1	150	0	150
Torquay Harbour - Haldon Pier (Phase 2)	Reserve List Band 1	5,000	0	5,000
Torquay Harbour – Princess Pier	Reserve List Band 1	3,500	0	3,500
Torquay Harbour – Inner Harbour Pontooning	Reserve List Band 1	800 – 1,000	0	800 – 1,000
Torquay/Brixham Harbour – Passenger ferries pontoon facilities	Reserve List Band 1	600	0	600
Torquay Harbour – replacement crane	Reserve List Band 3	45	0	45

4.9 Harbour Accounts – Financial Principles

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

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

4.10 Significant variations to harbour charges

This report recommends that Harbour Charges be increased, on average, by 2.8%. However, certain charges have not increased and others are subject to a more significant variation. The key charging issues are set out below :-

- Slipway and visitor charges, up to 7 metres in length, have been increased by 50p (max 5.5%), these have been fixed for the past 2 years.
- Some charges have been rounded up or down (around 2.8%) for ease of collection.
- New charges have been introduced for canoe/kayak launching (£5.00) and a Paignton harbour mooring licence fee (£5.00).
- Cruise ship passenger landing fees have not been increased.
- Daily and weekly trailer parking charges have not been increased.
- Annual Jet Ski pod charges have been reduced and seasonal charges deleted.
- Fishing vessel alongside/pontoon charges at Torquay and Paignton are in the second year of a staged increase to the same level as private vessel charges. For Paignton fishing vessels this is a 3 year staged increase which will be completed by April 2014. Fishing vessels at Torquay need to close a larger gap and the staged increase will be over 5 years, completing in April 2016. The cost of providing the service is the same regardless of the end user.
- The 15 metre to 50 metre visitor charge has been deleted.

- A specific visitor charge has been introduced for catamarans.
 - Torquay harbour Town Dock pontoon charges have increased by 3.8%. These services continue to enjoy high demand.
 - An adjustment has been made to bunkering charges to deter smaller deliveries and address the potentially higher risk of such operations.
 - A new South Pier inner harbour pontoon charge has been introduced at a level midway between the existing inner harbour chain mooring charge (including harbour dues) and the Town Dock charge.
 - Passenger vessels berthed on the Town Dock in Torquay harbour have reached the second year of a 3 year staged increase to the same level (when combined with passenger vessel harbour dues) as Town Dock private vessel charges and this increase will be completed by April 2014. The cost of providing the facility is the same regardless of the end user.
 - New charges have been introduced for salt water extraction and the sale of tide tables.
- 4.11 In 2009 the Harbour Committee agreed that private vessel harbour dues at Paignton/Brixham should be increased to the same level as private vessel harbour dues at Torquay and that the increase should be staged between April 2010 and April 2012. However, in 2011 the Harbour Committee's Budget Working Party recommended that the staged increase should be halted and that officers should consult further with stakeholders at Brixham and Paignton harbours. This consultation should aim to determine and agree the differences between the three enclosed harbours, in respect of harbour dues, and identify a factor to be applied in future years. The Harbour Committee's Budget Working Party has asked officers to work and consult with harbour users to provide a clear proposal for Paignton/Brixham private vessel harbour dues, so that it is seen to be fair in comparison to the level set for private vessel harbour dues at Torquay. Any subsequent change could be implemented over a 10 year period.

5 Possibilities and Options

- 5.1 Increase Harbour Charges in 2013/14 by an average inflationary increase of 2.8% and increase the dividend to the General Fund to 6% of income as per recommendations in section 2 and as outlined in paragraph 4.2.
- 5.2 Make no change to the level of harbour charges and accept increased operational deficits for 2013/14 and future years in contradiction of the Harbour Accounts – Financial Principles (see Para 4.9).
- 5.3 Do not agree to the recommended cash dividend of 6% of income to the Council's general fund and therefore do not contribute to reducing the Council's overall budget deficit.

6 Preferred Solution/Option

6.1 See the recommendations in section 2.

7 Consultation

7.1 Consultation with the Brixham Harbour Liaison Forum and the Torquay/Paignton Harbour Liaison Forum commenced in September 2012 and continued in November 2012. The responses from both the Torquay/Paignton Harbour Liaison Forum and the Brixham Harbour Liaison Forum will be circulated prior to the meeting in the form of minutes of the meetings. The Torquay Harbour Users Association meeting accepted the idea of an average increase in harbour charges in line with RPI/CPI. The Paignton Harbour Users reached a similar view regarding an inflationary increase. A meeting has not been held with users at Brixham harbour.

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

Harbour Authority	% Increase in Charges 2012/13	% Increase in Charges 2013/14
Truro & Penryn	4.98	2.9
Teignmouth	4.0	6.0
Torbay	4.0	2.8
Salcombe	2.0	2.0
Weymouth	2.5	3.0
Cattewater	3.0	2.0
Langstone	5.2	2.2
Chichester		5.0

8 Risks

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

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

- 8.3 If the Council continues to request an increase in the level of the cash dividend payable to the General Fund there is a significant risk that the Harbour Authority will be unable to remain self funding. In that situation the Harbour Authority would require a precept from the General Fund and this scenario would be contrary to government best practice for the management of municipal ports.
- 8.4 Specific risks and budget line pressures are explained in the table below when read in conjunction with Appendix 2.

Key	Risk and/or pressure to budget line
A	A reduction in outturn costs is possible due to the waiving of superannuation contributions by some employees but any saving cannot be relied upon until year end because employees are entitled to join the scheme at any stage.
B	The Repair and Maintenance budget for Torquay/Paignton shows negligible growth and although the Brixham repairs and maintenance budget has been reduced back to base level but remains prone to overspend.
C	Internal support services costs should at least be held at 2012/13 levels, or reduced.
D	Capital finance charges may increase if further borrowing is required to fund repairs to critical infrastructure i.e. Haldon/Princess Piers. Financing costs are recharged to the Harbour Account on the basis of Torbay Council's low average borrowing rate (currently 4.31%) and flexibility exists for the Harbour Account to make additional repayments without penalty.
E	An increase in the cash dividend to the General Fund is being recommended, from 2.5% of total income to 6% of total income (see Para 4.2).
G	Marina rental income is unpredictable due to the uncertain economic climate. No change has been assumed from the 2011/12 outturn until new operating figures are received.
H	Income from harbour dues and mooring fees is difficult to forecast as occupancy levels could drop due to the uncertain economic climate and increased charges.
J	Brixham energy costs are currently difficult to predict due to the uncertain level of MFV refit work and an unproven recharging system. Similarly Brixham water costs are difficult to forecast due to the introduction of sewerage charges and an unproven recharging system.
K	New rental streams generated by the redeveloped Fish Quay building are reflected in the 2013/14 figure but the figure does not anticipate full occupancy.
L	Visitor income fell in 2012 and remains unpredictable due to the uncertain economic climate.
M	There is always uncertainty over the future levels of fish toll income because of the Common Fisheries Policy, quota allowances, etc.
N	This assumes that additional income will be generated by recharging electricity and water to fishing vessels/tenants.
Q	Interest rates are forecast to remain low.

Appendices

- Appendix 1 Schedule of Tor Bay Harbour Charges 2013/14 showing a representative average increase of 2.8%.
- Appendix 2 Provisional Harbour Estimates for 2013/14 & Original Estimates for 2012/13 with an average 2.8% increase in Harbour Charges.
- Appendix 3 Projected Harbour Estimates for Future Years to 2016/17
- Appendix 4 Torquay & Paignton Harbour Account - Estimated Internal Support Service Charges 2013/14
- Appendix 5 Brixham Harbour Account - Estimated Internal Support Service Charges 2013/14

Additional Information

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

Schedule of Tor Bay Harbour Charges 2012/13

Tor Bay Harbour Act 1970

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

Minutes of Torquay & Paignton Liaison Forum – November 2012

Minutes of Brixham Harbour Liaison Forum – November 2012

TOR BAY HARBOUR AUTHORITY



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SCHEDULE OF CHARGES, DUES & FEES 2013 – 2014

VAT Registration No. GB 142 2082 11

For the period commencing 1st April 2013
until 31st March 2014

REFERENCES

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

PUBLICATIONS

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

CONTENTS

PART 1	Introduction	Page 1 - 4
PART 2	Harbour Dues	Page 5 - 7
PART 3	Visitor Charges	Page 8 - 9
PART 4	Tor Bay Harbour Authority Moorings Berths & Facilities	Page 10 - 13
PART 5	Tor Bay Harbour Authority Services and Other Charges	Page 13 - 16
PART 6	Pilotage	Page 16 - 17

Part 1 – Introduction

1.1 General

- 1.1.1 All charges, dues and fees are subject to the appropriate rate of Value Added Tax (20%) which is included in the price, except as indicated.
- 1.1.2 Annual charges relate to the period 1st April to 31st March following and any part thereof. Certain charges may be levied at either 75% or 50% of the annual rate if no latent demand exists for the facility and three or six months of the annual charging period has elapsed.
- 1.1.3 Seasonal charges, only where applicable, relate to the periods:
- | | | |
|-----------------------------|---|--------|
| 1st April to 30th September | - | Summer |
| 1st October to 31st March | - | Winter |
- 1.1.4 All accounts are to be paid promptly and within the time specified. Payment of the charges listed may be required in advance of the service being taken up. Credit and debit card facilities are available for payments made at the Harbour Offices or via telephone.
- 1.1.5 Penalty for evading payment of charges – Section 30 Tor Bay Harbour Act, 1970
“The owner of any vessel or goods or any other person who eludes or evades or attempts to elude or evade payment of, or refuses to pay, a charge payable by such owner or person to the harbour authority at the time when the same becomes due and payable shall be liable to pay to the harbour authority, in addition to the charge, a sum equal to the amount thereof, which sum shall be a debt due to the harbour authority and shall be recoverable by them in any court of competent jurisdiction.”
- 1.1.6 Failure to notify the harbour office of arrival, or departing the harbour without paying harbour charges, will be taken as an attempt to evade the payment of harbour charges.
- 1.1.7 Visiting vessels of special interest and/or vessels owned by Registered Charities to be eligible for a 50% concession on applicable Harbour Charges at the discretion of the Harbour Master.
- 1.1.8 Any person claiming the return of the whole or part of any charges paid to the Authority shall make such claim and produce all documents and give all information required by the Authority in proof of such claim within twenty four months from the time of payment and, in default thereof, the claim shall cease to be enforceable. (Section 31 Torbay Harbour Act 1970). Refunds would normally only apply in exceptional circumstances and will incur an administration charge (see 5.7)
- 1.1.9 All lengths referred to are overall lengths which in the context of these charges includes bowsprit, pushpit, stern davit, and/or bumpkin etc. etc. as determined by the Harbour Master if required.
- 1.1.10 Any person who without reasonable cause fails to provide information which is reasonably required for the purpose of the harbour undertaking shall be liable on summary conviction to a fine not exceeding level three on the standard scale. (Section 18 Tor Bay Harbour (Torquay Marina &c.) Act 1983).
- 1.1.11 Application for and acceptance of a mooring, quay berth, boat park space, pontoon berth or other facility, implies acceptance of the rate of charge currently in force and of the conditions of issue including that the Authority and its staff are indemnified against any claims arising from or in connection with such berth or facility, save only as the Authority may be liable under the Unfair Contracts Terms Act 1977.
- 1.1.12 Vessels directed into the harbour by the Secretary of States Representative (SOSREP) or by any other person legally entitled to direct vessels into a harbour are required to pay one months harbour dues in advance as a condition of entry. If using a mooring facility, they will also be required to pay one months mooring fees in advance as a condition of entry. These charges are in addition to any charges

incurred for pilotage, tugs, berthing the vessel or for the provision of any other service supplied by the Authority.

- 1.1.13 The lawful orders or directions of the Council's Harbour Master and other authorised officers must always be obeyed promptly.
- 1.1.14 No facility granted may be shared, assigned or sub-let without the prior consent of the Harbour Master in writing and further charges may apply (Tor Bay Harbour Byelaw no 38 & 41).
- 1.1.15 The Council have the right to exercise a general lien upon any vessel, and/or her gear and equipment, whilst in or upon the harbour premises, or afloat, until such time as the monies due to the Council from the applicant in respect of such vessel whether on account of storage or mooring charges or otherwise, shall be paid.
- 1.1.16 No person shall place a vessel on a mooring prescribed in the mooring scheme prepared by the Council for a vessel of a different size than that applied for, without the applicant obtaining the approval of the Harbour Master in writing (Tor Bay Harbour Byelaw no 40).
- 1.1.17 In the event of the applicant selling or otherwise disposing of the vessel authorised to use the mooring, the Harbour Master shall be notified in writing (Tor Bay Harbour Byelaw no 33).
- 1.1.18 These charges will be applied in a fair and equitable manner, to reflect, as reasonably as possible, the service provided. However, for the avoidance of doubt, the Harbour Master may interpret this Schedule in such a manner as to maximise income to the Council as the Harbour Authority.
- 1.1.19 The Harbour Master may vary these charges and/or levy additional charges in respect of anything done or provided by (or on behalf of) the Harbour Authority in accordance with the Harbours Act 1964 and/or Section 24 of the Tor Bay Harbour Act 1970 (or any amendments or re-enactments of those Acts) and all powers delegated to the Harbour Master by Torbay Council.
- 1.1.20 The owner of any vessel using Tor Bay Harbour shall indemnify the Council, their servants and agents against all actions, claims, costs and demands in respect of any injury or death of any person and any damage to any property which may arise out of the owner's occupation and use of the harbour facilities including slipways, steps, jetties, pontoons and staging and for this purpose shall maintain a Public Liability policy against such risks. Failure to maintain the appropriate insurance cover will result in the withdrawal of mooring, launching or other facilities.

1.2 Definitions

1.2.1 Limits of the Harbour

The limits of the Harbour shall comprise the areas as set out in Parts I and II of Schedule 1 of the Tor Bay Harbour Act, 1970, and are as follows;

PART I

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

PART II

The area below the level of high water enclosed by;

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

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

The description Enclosed Harbour means:

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

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

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

1.2.2 **Recreational Vessels**

Any vessel, less than 50m LOA, used solely for the purpose of recreation. All vessels owned and operated by a registered charity for the purpose of training people at sea for recreational purposes. Any vessel that meets the definition of a Passenger Vessel in 1.2.3 below, shall not be considered a Recreational Vessel.

1.2.3 **Passenger Vessels**

An MCA Class V, VI or VIA vessel, or an MCA coded vessel, or, where applicable a vessel licensed by Torbay Council to carry fare-paying passengers. Any vessel that meets this definition shall not be considered a recreational vessel.

1.2.4 **Motor Fishing Vessels**

A registered Motor Fishing Vessel based in and working from a Tor Bay Harbour, the owner/master of which is engaged in commercial fishing, whose sole or main income is derived from selling fish on the Brixham Fish Market or landing fish for sale at Brixham, Torquay or Paignton Harbours and paying Fish Tolls to the Torbay Council. (Income from Fish Landings must total at least £5,000 in the previous year to meet the sole or main income test)

1.2.5 **Commercial Vessels**

Recreational vessels of 50m LOA and over and all other vessels, including naval vessels, workboats and pilot boats used for any purposes other than recreation with the exception of, licensed passenger vessels, fishing vessels, or training vessels as defined in 1.2.2, 1.2.3 and 1.2.4 above.

1.2.6 **Vessel**

Means every description of vessel however propelled or moved. Under Tor Bay Harbour byelaws a 'power boat' is defined as a small vessel propelled by machinery and which is ordinarily capable of a speed exceeding 17 knots.

1.2.7 **Passenger**

Any person carried that is not essential to the running of the vessel or any person who has paid to be transported, accommodated or trained on the vessel on which they are embarked.

1.2.8 **Work Within The Harbour**

The loading, discharging, transport, carriage, storing or accommodation of goods, cargo, dry, liquid or gaseous commodities, livestock or passengers. The carrying out of any project for any purpose including but not limited to photographic, film or other artistic work on or by any vessel. Capital dredging; diving support; pile driving or pile removal; laying or recovering an under water cable or pipeline; laying, maintenance, survey or recovery of mooring anchors, ground tackle, risers or buoys; surveying, scientific research, water sampling or core sampling; and drilling into the river bed for any purpose. Any other project resulting in the construction or removal of any structure or the alteration of the harbour bed or infrastructure. Operations carried out by HM Customs, immigration officers, police and fisheries patrols but excluding fire fighting and search and rescue operations.

1.2.9 **Further Definitions**

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

PART 2 – Harbour Dues

2.1 General

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

2.2 Commercial Vessels

- 2.2.1 This section applies only to commercial vessels (as defined in 1.2.5) not normally moored within the harbour that are, have been or will be carrying out work within the harbour at any time except laid up vessels that will be charged as per 2.2.5. Prices are exclusive of VAT.
- 2.2.2 Charges in this section include mooring/quayside charges where applicable. (vessels over 50 metres only, otherwise see section 3.1)
- 2.2.3 **Vessels visiting an enclosed harbour for up to 7 days**
£2.93/m/LOA/day
- 2.2.4 **Vessels remaining in an enclosed harbour more than 7 days**
For every week or part thereof during which a vessel (not being a vessel to which paragraph 2.2.5 or 2.2.7 of this Part of the Schedule applies) remains in the Harbour after the expiration of seven days from the date of entry when arranged and agreed in advance.
£ 13.29/m/LOA/week

- 2.2.5 **Vessels laid up - Un-laden (and gas-free if applicable) and not working within the Harbour**
 For every month or part thereof during which a vessel is laid up (in lieu of the rates mentioned in paragraphs 2.2.3 & 2.2.4 above when arranged and agreed in advance).
 To be determined by the Harbour Master
- 2.2.6 **Vessels entering the enclosed harbours of Tor Bay to take on or discharge fuel oil or supplies**
 For vessels which are not normally moored in the harbour (maximum stay 24 hours)
 £1.22/M/LOA/Day
- 2.2.7 **Floating docks**
 For every year or part thereof during which a floating dock remains in the Harbour (in addition to harbour dues applicable to each vessel docked)
 To be determined by the Harbour Master
- 2.2.8 **Vessels at anchor in Tor Bay other than those seeking shelter**
 £110.00per day
- 2.2.9 **Vessels at anchor in Tor Bay for underwater survey, hull cleaning, repairs or associated activity**
 £220.00 for first 48 hours or part (in addition to the above charge)
- 2.2.10 **Vessels undertaking fish and cargo transhipments**
 For the transhipment of fish, cargo, personnel or other goods whether at anchor or underway within Tor Bay Harbour limits.
 To be determined by the Harbour Master

2.3 Non Commercial Vessels

- 2.3.1 This section applies to Torquay, Paignton and Brixham harbours. Charges are levied per metre per annum or part thereof expiring 31st March following. Prices are inclusive of VAT, except where specified. For daily rates see part 3.
- 2.3.2 Payment of Annual Harbour Dues must be signified by the display of the Harbour Authority 'Plaque' which will be issued when payment is made. Failure to display a 'Plaque' may result in daily charges being applied as detailed in part 3. Tenders must be registered with the Harbour Authority to obtain their tender 'plaque'. The display of any 'Plaque' issued in respect of another vessel will be taken as an attempt to evade the payment of harbour dues. Such attempts may be subject to payment of twice the amount of set harbour dues (section 30 Tor Bay Harbour Act 1970) (see section 1.1.5).
- 2.3.3 Motor Fishing Vessel charges only apply to vessels bona fide engaged in fishing. Registered fishing vessels employed as pleasure craft and carrying passenger for reward are to pay the appropriate passenger vessel charge for the period so employed.

Torquay Harbour Recreational Vessels, Commercial Vessels under 50m LOA not undertaking work within the harbour and Commercial Vessels normally moored within the harbour regardless of whether they are carrying out work or not (other than passenger vessels).	£52.72/m/LOA/year or part
Paignton & Brixham Harbour Recreational Vessels, Commercial Vessels under 50m LOA not undertaking work within the harbour and Commercial Vessels normally moored within the harbour regardless of whether they are carrying out work or not (other than passenger vessels).	£39.43/m/LOA/year or part
Passenger Vessels under 16.5m LOA or carrying 12 passengers or less	£52.72/m/LOA/year or part
Passenger Vessels over 16.5m LOA and carrying more than 12 passengers	£76.78/m/LOA/year or part
Motor Fishing Vessels based in and working from Tor Bay Harbour (Exclusive of VAT)	£8.18/m/LOA/year or part

2.4 Goods, Cargo and Passenger Dues

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

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

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

Cargo Dues (Exclusive of VAT)	
General Cargo/Other Commodities	To be determined by the Harbour Master
General Ships Stores/Spares etc	£1.65 per tonne
Waste Bins (1,100 litres)	£2.19 per unit
STS Transfer Hoses	£110.00 per transfer
STS Transfer Fenders	£110.00 per transfer

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

PART 3 – Visitor Charges

3.1 Launching and Recovery Fees and Visitor Charges

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

Daily Visitor Charges (per night or over 2 hours)	
Up to 4 metres (13ft)	£9.50 per day
Over 4 metres up to 5.5 metres (14ft-18ft)	£10.50 per day
Over 5.5 metres up to 7 metres (19ft-23ft)	£11.50 per day
Over 7 metres (23ft)	£1.85 m/per day
Motor Fishing Vessels not working regularly from Tor Bay Harbour up to 4 days (Exclusive of VAT)	£1.42 m/per day
Passenger vessels	£2.04 m/per day
Tri-Marans	£2.77 m/per day
Catamarans	£2.31 m/ per day

Weekly Visitor Charges	
Up to 4 metres (13ft)	£41.00 per week
Over 4 metres up to 5.5 metres (14ft-18ft (per day)	£47.00 per week
Over 5.5 metres up to 7 metres (19ft-23ft) (per day)	£52.00 per week
Motor Fishing Vessels not working regularly from Tor Bay Harbour over 4 days (Exclusive of VAT)	£5.92 per m/per week or part

Slipway Charges	
Up to 4 metres (13ft)	£9.50 per day
Over 4 metres up to 5.5 metres (14ft-18ft (per day)	£10.50 per day
Over 5.5 metres up to 7 metres (19ft-23ft) (per day)	£11.50 per day
Over 7 metres (23ft) up to 15 metres (50ft)	£1.85 m/per day
Canoes/Kayaks/Paddle-Boards	£5.00 per day

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

Annual Charges	
Launching and recovery pass for private use of Tor Bay Harbour slipways.	£35.16 per m
Launching and recovery pass for commercial use of Tor Bay Harbour slipways.	£48.11 per m
MCA Coded and MCA class V, VI, VIA Passenger Vessels and EU classes visiting Tor Bay Harbour (combined charge)	£263.18

3.2 TRAILER PARKING

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

Daily trailer parking	£5.00 per day
Weekly trailer parking	£20.00 per week
Annual trailer parking (only available with private annual launch & recovery pass)	£56.52 per year or part

3.3 PERSONAL WATERCRAFT (JET SKIS)

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

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

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

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

4.1 General

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

4.2 Visiting Commercial Vessels

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

4.3 Visiting Non Commercial Vessels

- 4.3.1 See section 3.1 (combined charge applicable)

4.4 Use of Tor Bay Harbour Authority Landing/Embarkation Facilities

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

Visiting Passenger Vessels	
MCA coded vessels and MCA Class V, VI, VIA vessels and EU classes	£2.44p per passenger per visit
MCA coded vessels and MCA Class V, VI, VIA vessels and EU classes – over 15grt (VAT Exempt)	£2.04 per passenger per visit
Other Passenger Vessels	To be determined by the Harbour Master

Passenger Vessels - Annual Compound Charges	
MCA coded vessels up to 24m LOA	£35.80 per annum
MCA class V, VI, VIA vessels, EU classes and coded vessels of 24m and over	£1.49 per passenger

4.5 Quayside Charges

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

Quayside Berth Daily Charges	
Vessels carrying out repairs inclusive of harbour dues (where a bookable facility exists)	£2.63 per m LOA/per day
Vessels carrying out repairs exclusive of harbour dues (where a bookable facility exists)	£2.53 per m LOA/per day
Resident vessels with moorings and paying harbour dues lying alongside the quays pontoons or each other (for visitors see section 3.1).	£1.58 per m LOA/per day
Use of Grids inclusive of harbour dues	£3.82 per m LOA/per day
Use of Grids exclusive of harbour dues	£3.75 per m LOA/per day
Use of slipway/beach to dry out/repairs	£3.09 per m LOA/per day
Annual Charges for Vessels Lying Alongside the Quay, Pontoon or Each Other.	
Torquay Harbour (for MFV's please see charge below)	£62.54 per m LOA
Paignton Harbour (for MFV's please see charge below)	£48.44 per m LOA
Brixham Harbour (for MFV's please see charge below)	£48.44 per m LOA
Registered MFV's (see definition 1.2.4) Torquay only	£41.70 per m LOA
Registered MFV's (see definition 1.2.4) Paignton only	£41.59 per m LOA
Torquay Inner Harbour South Pier Pontoon	£161.32 per m

Torquay Outer Harbour Town Dock	
Private Vessels - per year	£210.29 per m berth
Jet Ski Pods – per year	£700.00 per pod
Passenger Vessels under 16.5m LOA or carrying 12 passengers or less	£132.45 per m LOA
Passenger Vessels over 16.5m LOA and carrying more than 12 passengers	£116.41 per m LOA

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

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

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

Boat & Trailer Parking, Storage on Quays	
Boat parking – single hull vessels (includes racks at Torquay)	£61.90 per m LOA/per annum
Boat parking – multi hull vessels (occupying more than one space)	£79.89 per m LOA/per annum
Boat parking – Haldon Pier only (Summer season only)	£30.95 per m LOA/per season
Boat trailers only (subject to availability)	As per single hull boat parking
Boat storage on the Quay (on or off a trailer) (subject to availability)	£2.53 per m LOA/per day
Commercial boat parking on Haldon Pier (subject to availability)	£122.53 per m LOA/per annum
Dinghy/tender rack	£33.344 per rack per year
Use of courtesy tenders, subject to availability	£33.34 per year
Paignton horizontal racks, subject to availability (max, length 3.7m)	£153.40 per rack/per year
Kayak/Canoe rack (only available at certain harbours)	£100.00 per year or part
Paignton Harbour West Quay Parking	£130.00 per year or part
Paignton Harbour South Quay Parking	£265.00 per year or part
Reserved car parking space on Beacon Quay	£455.00 per year or part

4.6 Annual Mooring Charges

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

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

Mooring Charges	
Brixham Inner Harbour trot mooring (no risers provided)	£46.09 per m loa /per annum
Brixham Registered MFV's trot mooring (no risers provided)	£46.09 per m loa /per annum
Brixham Outer Harbour swinging mooring	£82.03 per m loa /per annum
Brixham Registered MFV's Outer Harbour swinging mooring	£82.03 per m loa /per annum
Brixham outhaul mooring (not exceeding 4.88m) (no tackle provided)	£19.00 per m loa /per annum
Paignton trot mooring (no risers provided)	£46.09 per m loa /per annum
Paignton outhaul mooring (not exceeding 4.88m) (no risers provided)	£37.23 per m loa /per annum
Mooring Licence Fee (Paignton Harbour only)	£5.00 per annum
Torquay Inner Harbour trot mooring	£59.62 per m loa /per annum
Torquay outhaul mooring (not exceeding 4.88m)	£37.23 per m loa /per annum

4.7 Winter Storage

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

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

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

- 4.7.4 Accommodation is let for the period 1st October to 31st March only, subject to availability. This charge applies for the whole or any part of the above period and no reduction will be allowed for any lesser period. Any craft that remains in storage after 31st March may attract a further charge of £2.53 per metre per day.

Winter Storage Charge	
Uncovered storage at Brixham or Paignton Harbours	£46.69 per m LOA
Lifting Charge (Brixham Harbour only)	£19.03 per m LOA/per lift

PART 5 – Tor Bay Harbour Authority Services and Other Charges

5.1 Utilities

- 5.1.1 Electricity cards for electricity only, are available in the following denominations for the respective price (prices listed are inclusive of 5% REDUCED RATE VAT)
- 5.1.2 These utility charges are applicable only where a recharging facility exists, e.g. card/token meters or sub meters. Also these charges are linked to the relevant energy prices at any given time (See 2.4.2 for MFV charges when paying fish tolls)

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

- 5.1.4 For water taken by small vessels in quantities of less than one tonne there is no charge other than where a recharge facility exists.
- 5.1.5 For water supplied from the Council's standpipes other than in 5.1.4 above the following charges apply.

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

5.2 Crane, Labour and Equipment Hire Charges

- 5.2.1 The Brixham Harbour crane has a safe working load of 4 tonnes maximum.
- 5.2.2 Use of mobile commercial cranes and/or other lifting appliances (including Hiabs) on Harbour Property/Estate is at the discretion of the Harbour Master and prior notification must be provided for each operation. Prior notification in respect of cranes on Beacon Quay must be provided 48 hours in advance.

Crane Charges	
Crane per lift (other than boat lifts) e.g. masts engines etc.	£74.43 per hour or part
Boat lift (minimum charge £74.43)	£9.60 per m
Lift out and re-launch same day before 1600 hours (Monday - Friday)	Charge as 1½ lifts
Hang in slings over 4 hours	£20.75
Block-up charge	£3.73 per m LOA
Block up charge, twin keel	£1.56 per m LOA
Storage on quay, per day or part per metre LOA (See 4.5)	£2.53 per day or part/m LOA
Site rental for mobile crane at Torquay Harbour	To be determined by the Harbour Master
Use of mobile commercial crane and/or Hiab on Harbour Property/Estate up to 4 hours. (Inclusive of Launch Fee)	£37.42 per crane
Use of mobile commercial crane and/or Hiab on Harbour Property/Estate over 4 hours. (Inclusive of Launch Fee)	£73.00 per crane/per day

- 5.2.3 Enhanced rates will be charged, out of ordinary working hours, where overtime is required to be worked. If staff have to be called out, a minimum of 2 hours overtime will be charged (per person).
- 5.2.4 Tor Bay Harbour Authority personnel and equipment (subject to availability) are charged out at the following rates all including VAT. Hire of these facilities are at the Harbour Masters discretion.
- 5.2.5 Towing and water taxi services are provided at the discretion of the Harbour Master.
- 5.2.6 Use of forklifts on harbour property/estate is at the discretion of the Harbour Master.
- 5.2.7 Fork lift truck services to Ship's Agents, includes labour up to 30 minutes and minimal storage up to 1 week. Storage charges (subject to capacity) after 1 week are at £1.82 per pallet per day. (Exclusive of VAT).
- 5.2.8 The boat pressure washing service includes the provision of an operative.

Labour and Equipment Hire Charges	
Labour charge (during normal working hours) per staff member	£22.50 per hour or part
Hire of workboat including skipper and crew	£130.00 per hour or part
Hire of workboat including skipper and crew	£650.00 per day, 0900-1700 hours
Water taxi service to or from vessel in enclosed Harbour, including crew	£12.50 per single trip or per round trip if no waiting
Towing within enclosed harbour	£20.00 per ½ hour or part
Towing outside enclosed harbour to nearest enclosed harbour within Tor Bay	£26.00 per ½ hour or part
Pumping out of vessels within the enclosed harbours	£42.00 per hour or part
Hire of fork lift truck without driver (Requires qualified driver)	£72.00 per half day
Hire of fork lift truck with driver	£40.00 per hour or part
Fork lift truck services to Ship's Agents (Exclusive of VAT)	£18.00 per pallet
Boat pressure washing service (minimum charge £42.00)	£9.61 per metre LOA

5.3 Storage Space

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

Unleased quay areas for fish boxes, fishing gear, cargo containers etc.	£1.00 per m ² /per day
Storage of beams. on unleased quay areas	£3.00 per set/per week
Storage of waste bins (1,100 litres)	£2.50 per bin per day
Storage of loaded pallets on unleased quay areas	£2.90 per pallet/per week
Lock-up storage (ship stores only) (Equipment removal and transportation costs at applicable hourly rate)	To be determined by the Harbour Master
Storage lockers at Paignton Harbour (subject to availability)	£170.00 per annum

5.4 Licences (Exclusive of VAT)

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

Fish salesmen's licence	£245.00 per annum
Fish buyer's licence	£245.00 per annum
Self-drive pleasure boats	£5.00 per boat/per annum
Artists' Licence (street trading option)	As per Council's Street Trading Consent Fee.
Fishing permit	To be determined by the Harbour Master

5.5 Bunkering Charges (Exclusive of VAT)

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

For fuel oil delivered to vessels from tankers on shore or afloat up to 4,000 litres	£0.02p per litres per vessel
For fuel oil delivered to ships from tankers on shore or afloat over 4,000 litres (minimum charge £20.00)	£0.97p per 500 Litres
For fuel oil delivered to ships from tankers afloat in Tor Bay	To be determined by the Harbour Master

5.6 Waste Charges

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

Transportation to the Council refuse tip, Including attendants and use of Council transport etc.	£90.00 per truck load or part load
Council tipping charge.	As per weighbridge load

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

5.7 Miscellaneous Charges

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

Administration Charge (This charge is at the discretion of the Harbour Master)	£30.00 Minimum
Officer Charge (this charge applies when time has been spent by officers in preparing reports or supervising work that is not the responsibility of the Harbour Authority)	To be determined by the Harbour Master
Parking of Exhibition Vehicle on Harbour Estate	£64.00 per day or part
Replacement Swipe Card or Fob for controlled access areas	£7.00 per card
Vessels of exceptional construction or methods of propulsion, or not otherwise covered.	Such charges as may from time to time be fixed.
Contractors Pass (for Tradesmen working on the harbour estate) Exclusive of VAT	£240.00 per year or part
Daily Contractors Pass Exclusive of VAT	£7.50 per day or part
Advertising Charges	To be determined by the Harbour Master
Salt Water Extraction Charge (Use of quays to pump water for commercial purposes) (At the Harbour Masters discretion)	£20.00 per day or part £240.00 per year or part
Facilities for visiting Fishing Vessels at Brixham Harbour	
Use of showers	£2.00 per shower
Use of washing/drying machine	£2.00 per wash/dry
Tide Tables (Subject to availability)	To be determined by the Harbour Master

PART 6 – Pilotage

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

6.1.1 Extract from Tor Bay Harbour Pilotage Directions

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

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

From sea to Brixham or Torquay Harbours	£60.00 per metre draught
From Brixham or Torquay Harbours to sea	£55.00 per metre draught
Shift berth within Torquay or Brixham Harbours	£32.00 per metre draught
From sea to Tor Bay Harbour anchorage	£25.00 per metre draught
From Tor Bay Harbour anchorage to sea	£18.25 per metre draught
Sea to Tor Bay Harbour & Tor Bay Harbour to sea – surcharge for vessels over 150m LOA	£1.04 per metre for each metre over 150m
Minimum charge (with or without a Pilot on board)	£90.00
Detention, after 1 hour	£55.00 per hour or part
Pilot Boat Charges (Shipping or Landing a Local Pilot)	Levied by Torbay & Brixham Shipping Agents Ltd.

6.2 Charges for Pilotage Exemption Certificates

6.2.1 Pilotage Exemption Certificate, per issue £100.00

Agenda Item 7

Appendix 2

Appendix 2

HARBOUR REVENUE ACCOUNTS 2013/14 (including a proposed increase on Harbour Charges of 2.8%)

TORQUAY and PAIGNTON HARBOURS

Expenditure	2011/12	2012/13	2012/13	2013/14	Change 2012/13 to 2013/14 (Col B to Col D)
	Outturn £ ,000	Original Budget £ ,000	Projected Outturn £ ,000	Provisional Budget £ ,000	
Operations and Maintenance :-					
Harbour Attendants Salaries and Wages	137	136	136	144	A 5.9%
Repairs and Maintenance	150	153	153	153	B 0.0%
Rent Concessions	1	2	2	2	0.0%
Other Operating Costs	82	117	117	105	(10.3%)
Town Dock Costs	8	10	5	5	(50.0%)
Management and Administration :-					
Salaries	174	178	178	181	1.7%
Internal Support Services	118	119	105	105	C 5.0%
External Support Services		0	19	19	0.0%
Other Administration Costs	42	46	73	48	4.3%
Capital Charges	183	184	178	178	D (3.3%)
Contribution to Patrol Boat Operation	2	3	5	3	0.0%
Dividend to General Fund (based on 2.5%/6% of total income)	0	23	24	59	E 156.5%
	897	971	995	1,002	3.2%
Income					
Rents and Rights :-					
Property and Other Rents/Rights	246	246	260	260	(5.7%)
Marina Rental	222	222	222	222	G 0.0%
Operating Income :-					
Harbour Dues	64	61	64	79	H (29.5%)
Visitor and Slipway	48	41	43	41	H 0.0%
Mooring fees	65	68	58	69	H (1.5%)
Town Dock	234	241	250	250	(3.7%)
Boat and Trailer parking	32	34	37	37	(8.8%)
Other Income	44	23	28	25	(8.7%)
Contribution from Reserve	5	0	27	0	0.0%
	960	936	989	983	(5.0%)
Operating Surplus /(Deficit)	63	(35)	(6)	(19)	
Early repayment of Prudential Borrowing	(63)	0	0	0	
Net Deficit to Reserve	0	(35)	(6)	(19)	

RESERVE FUND	2011/12	2012/13	2013/14
Opening Balance as at 1st April	617	621	572
Interest Receivable	9	8	8
Net Surplus / (Deficit) from Revenue Account	0	(6)	(19)
Withdrawals/Contributions	(5)	(51)	
Closing Balance as at 31st March	621	572	561

Note: In line with Harbour Committee minute 398 (5) the minimum Reserve level at year end 2013/14 is £197k based on 20% of budgeted turnover to meet any deficit in the revenue budget or winter storm damage. The balance is earmarked for harbour related capital projects.

HARBOUR REVENUE ACCOUNTS 2013/14
(including a proposed increase on Harbour Charges of 2.8%)

BRIXHAM HARBOUR

Expenditure	A	B	C	D	Change	
	2011/12	2012/13	2012/13	2013/14	2011/12 to 2012/13	
	Outturn £ ,000	Original Budget £ ,000	Projected Outturn £ ,000	Provisional Budget £ ,000	(Col B to Col D)	
Operations and Maintenance :-						
Harbour Attendants Salaries and Wages	177	209	178	228	A	9.1%
Repairs and Maintenance	215	120	180	120	B	0.0%
Rent Concessions	4	4	4	4		0.0%
Other Operating Costs	313	260	311	352	J	35.4%
Management and Administration :-						
Salaries	135	144	144	148	A	2.8%
Internal Support Services	103	107	88	88	C	(17.8%)
External Support Services	0	0	19	19		17.8%
Other Administration Costs	43	44	102	37		(15.9%)
Capital Charges	300	300	291	291	D	(3.0%)
Leased properties	20	0	0	0		0.0%
Contribution to Patrol Boat Operation	2	3	5	3		0.0%
Dividend to General Fund (based on 2.5% of total income)	0	29	31	81	E	179.3%
	1,312	1,220	1,353	1,371		12.4%
Income						
Rents and Rights :-						
Rents and Rights	179	213	207	215	K	(0.9%)
Marina Income	162	167	162	162	G	3.0%
Operating Income :-						
Harbour Dues	90	84	86	87	H	3.6%
Visitor and Slipway	13	13	11	13	L	0.0%
Mooring fees	142	134	135	138	H	(3.0%)
Fish Tolls income	739	525	650	650	M	(23.8%)
Other Income	115	50	69	91		(82.0%)
Contribution from Reserve	17	0	111	0	N	0.0%
	1,457	1,186	1,431	1,356		14.3%
Operating Surplus /(Deficit)	145	(34)	78	(15)		
Early repayment of Prudential Borrowing	(145)	0	0	0		
Net Surplus/(Deficit) to Reserve	0	(34)	78	(15)		

RESERVE FUND			
Opening Balance as at 1st April	553	543	491
Interest Receivable	7	7	6
Net Surplus / (Deficit) from Revenue Account	0	78	(15)
Withdrawals/Contributions	(17)	(137)	0
Closing Balance as at 31st March	543	491	482

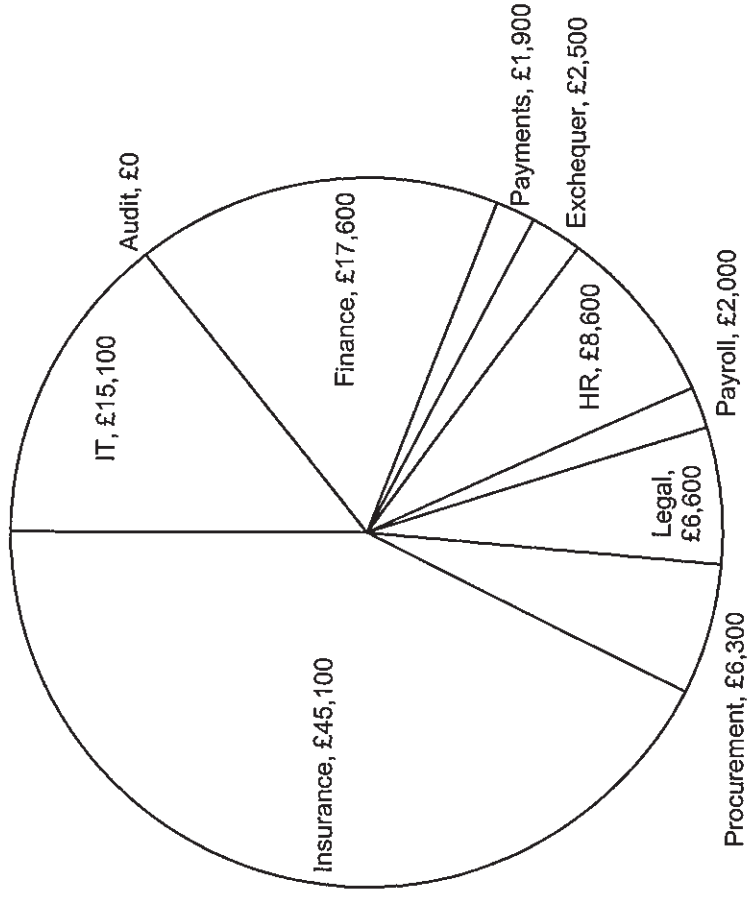
Note: In line with Harbour Committee minute 398 (5) the minimum Reserve level at year end 2013/14 is £271k based on 20% of budgeted turnover to meet any deficit in the revenue budget or winter storm damage. The balance is earmarked for harbour related capital projects.

HARBOUR ESTIMATES 2013/14 AND FUTURE YEARS

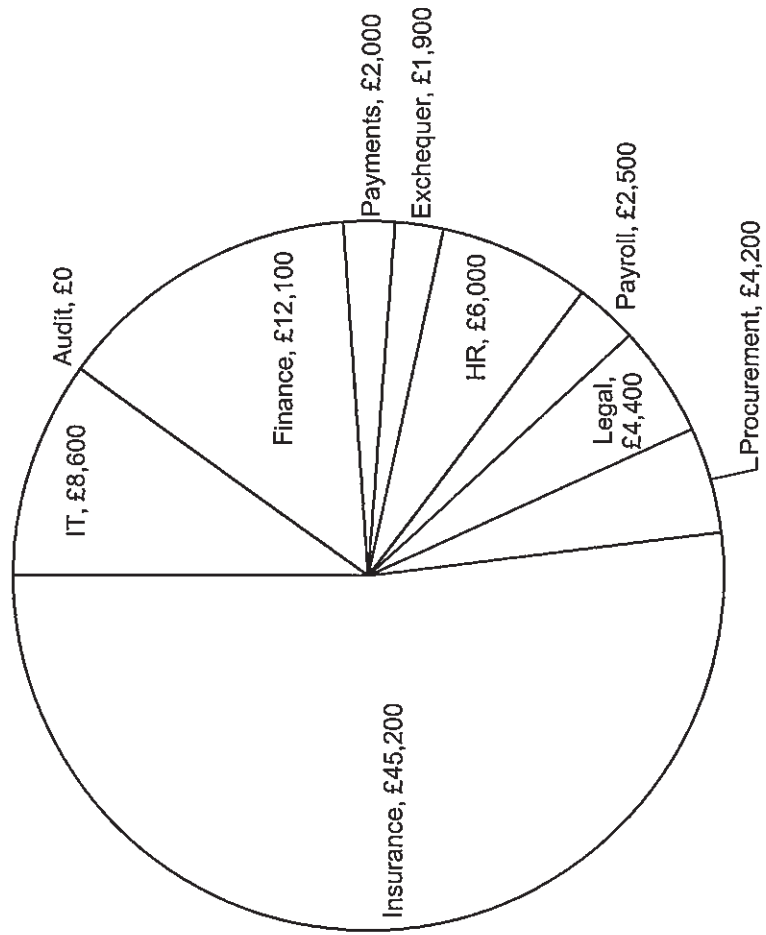
	TORQUAY AND PAIGNTON										BRIXHAM				
	OUTTURN 2011/12 £000	APPROVED ESTIMATE 2012/13 £000	PROJECTED OUTTURN 2012/13 £000	PROVISIONAL ESTIMATE 2013/14 £000	PROVISIONAL ESTIMATE 2014/15 £000	PROVISIONAL ESTIMATE 2015/16 £000	PROVISIONAL ESTIMATE 2016/17 £000	OUTTURN 2011/12 £000	APPROVED ESTIMATE 2012/13 £000	PROJECTED OUTTURN 2012/13 £000	PROVISIONAL ESTIMATE 2013/14 £000	PROVISIONAL ESTIMATE 2014/15 £000	PROVISIONAL ESTIMATE 2015/16 £000	PROVISIONAL ESTIMATE 2016/17 £000	
1. EXPENDITURE															
Employees	311	314	314	325	330	334	341	312	353	322	376	382	387	395	
Maintenance	150	153	153	153	157	161	165	215	120	180	120	123	126	129	
Rent Concessions	1	2	2	2	2	2	2	4	4	4	4	4	4	4	
Other Costs	124	163	209	172	176	180	185	376	304	432	408	418	428	439	
Town Dock excl Cap Financing	8	10	5	5	5	5	5	0	0	0	0	0	0	0	
Capital Financing	183	184	178	178	178	178	178	300	300	291	291	291	291	291	
Patrol Boat Deficit	2	3	5	3	3	3	3	2	3	5	3	3	3	3	
Support Services	118	119	105	105	108	111	114	103	107	88	88	90	92	94	
	897	948	971	943	959	974	993	1,312	1,191	1,322	1,290	1,311	1,331	1,355	
2. INCOME															
Marina Rent	222	222	222	222	222	222	222	162	167	162	162	162	162	162	
Rent and Other	246	246	260	260	260	260	260	179	213	207	215	225	235	235	
Fish Tolls	0	0	0	0	0	0	0	739	525	650	650	650	650	650	
User Charges /Other	258	227	257	251	251	251	251	377	281	412	329	329	329	329	
User Charges - Town Dock	234	241	250	250	250	250	250	0	0	0	0	0	0	0	
	960	936	999	983	983	983	983	1,457	1,186	1,431	1,356	1,366	1,376	1,376	
Dividend to General Fund		23	24	59	59	59	59		29	31	81	81	81	81	
Projected Net Surplus/(Deficit) before charges increases	63	(35)	(6)	(19)	(35)	(50)	(69)	145	(34)	78	(15)	(26)	(36)	(60)	
Cumulative effects of increasing charges/growth															
User charges 2.5% year on year				6	6	12	19					8	16	24	
Town Dock charges 2.5% year on year				6	6	12	19								
Marina rentals 0% year on year				0	0	0	0					0	0	0	
Potential Net Surplus/(Deficit)	63	(35)	(6)	(19)	(23)	(25)	(31)	145	(34)	78	(15)	(18)	(20)	(36)	
Revenue Deficit Reserve level at Year End (maintained at minimum level)	191	198	198	197	199	201	204	269	269	286	271	275	278	280	
Capital Projects Reserve level at Year End *	430	375	375	366	350	333	312	274	274	232	239	226	213	187	
Value of planned projects*		115	36	36	210	250			44	44	264	127	150		
Total Reserve level at Year End	621	573	573	563	549	534	516	543	543	518	510	501	491	467	

* Use of capital Projects Reserve subject to Harbour Committee/Council approval.
A reserve list of capital schemes is reported to Harbours Committee on a quarterly basis.

Appendix 4
Torquay and Paignton Harbour Account
Estimated Internal Support Service Charges 2013/14



Appendix 5
Brixham Harbour Account
Estimated Internal Support Service Charges 2013/14





Meeting: Harbour Committee

Date: 17th December 2012

Wards Affected: All wards in Torbay

Report Title: Port Marine Safety Code - Annual Compliance Audit

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat

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

 **Telephone: 01803 292429**

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

1. Purpose

- 1.1 This report provides Members with details of the annual Port Marine Safety Code compliance audit undertaken for the Council, as the Harbour Authority, by Nicholsons Risk Management Ltd.
- 1.2 The Harbour Committee, on behalf of the Council, is the 'Duty Holder' under the Port Marine Safety Code (PMSC) and Nicholsons Risk Management Ltd are the appointed 'Designated Person'.
- 1.3 The Committee is asked to note the PMSC Compliance Statement for 2012, attached as Appendix 1.
- 1.4 The Committee is asked to note the contents of the PMSC Compliance Audit Report for 2012, including the actions identified for implementation during 2013, attached as Appendix 2.
- 1.5 A table of Accident/Incident Statistics for 2012, as recommended in the PMSC Audit Report 2008, is attached as Appendix 3.
- 1.6 The Committee is asked to note the contents of the revised Tor Bay Harbour Committee Safety Management System, as attached as Appendix 4.

2. Summary

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

- 2.2 The Port Marine Safety Code serves as a framework for the preparation of policies and plans relevant to the issues of concern in the code. In essence the code requires Harbour Authorities to ensure they maintain corporate governance over the activities entailed in the powers and duties they discharge.
-

Supporting Information

3. Position

- 3.1 The Code states that ***“it is fundamental to an effective safety management system that each harbour authority should assign the functions of a ‘designated person’ to provide independent assurance to the ‘duty holder’ that the safety management system is working effectively and to audit the authority’s compliance with the Code”.***
- 3.2 Nicholsons Risk Management Ltd has been appointed the Designated Person to review the Tor Bay Harbour Safety Management System and annually report on compliance with the Port Marine Safety Code.
- 3.3 The last Port Marine Safety Code Compliance Audit Report was dated 19th & 22nd November 2011 and was presented to the Harbour Committee on 5th December 2011.

Appendices

Appendix 1 - Port Marine Safety Code Compliance Statement for 2012

Appendix 2 - Port Marine Safety Code Compliance Audit Report for 2012

Appendix 3 – Table of Accident/Incident Statistics 2012

Appendix 4 – Tor Bay Harbour Committee Safety Management System – Issue 11

Additional Information

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

The Port Marine Safety Code – October 2009 (DfT)
www.dft.gov.uk/mca/pmsc_oct_2009.pdf

A Guide to Good Practice on Port Marine Operations – September 2009 (DfT)
www.dft.gov.uk/mca/gtgp_aug_2009.pdf



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REPORT

To Tor Bay Harbour Committee.

As the independent designated person appointed by Tor Bay Harbour Committee, we have reviewed compliance during the past year with the Safety Management System, Issue 10, dated 19 November 2011 and conclude that in our opinion Tor Bay Harbour has complied with the Port Marine Safety Code.

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

We have reviewed this updated Safety Management System, Issue 11, dated 28 November 2012. In our opinion there is now in place a safety management system which complies with the requirements of the Port Marine Safety Code and enables the Tor Bay Harbour Committee to continue to set out their safety policies, their organisation which can put them into practice and their procedures for a planned and systematic approach to policy implementation.

Nicholsons Management Limited

30th November 2012

Agenda Item 8

Appendix 2

Appendix 3 - Table of Accident/Incident Statistics 2012

	Year to Dec 2008	Year to Dec 2009	Year to Dec 2010	Year to Dec 2011	Year to Dec 2012
Number of recorded accidents/incidents	75	63	62	86	89

Type of Accident/Incident					
Fatalities	1	1	2	0	3
Hospitalisation	3	7	6	12	7
Navigational	10	12	9	21	15
Fire	0	0	1	0	1
Abuse or antisocial behaviour afloat or ashore	9	6	3	6	8
Pollution	1	3	0	3	1

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

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

28 November 2012

ISSUE 11

TOR BAY HARBOUR COMMITTEE
SAFETY MANAGEMENT SYSTEM

in compliance with
The Port Marine Safety Code

THE TOR BAY HARBOUR COMMITTEE (TBHC) :-

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

ADVISORS :-

- Mr David Buckpitt
- Capt. Robert Curtis
- Mr Gordon Jennings
- Ms Elaine Hayes

OFFICERS :-

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

DESIGNATED PERSON :-

- Peter Nicholson - Nicholsons Risk Management Ltd

SAFETY MANAGEMENT SYSTEM

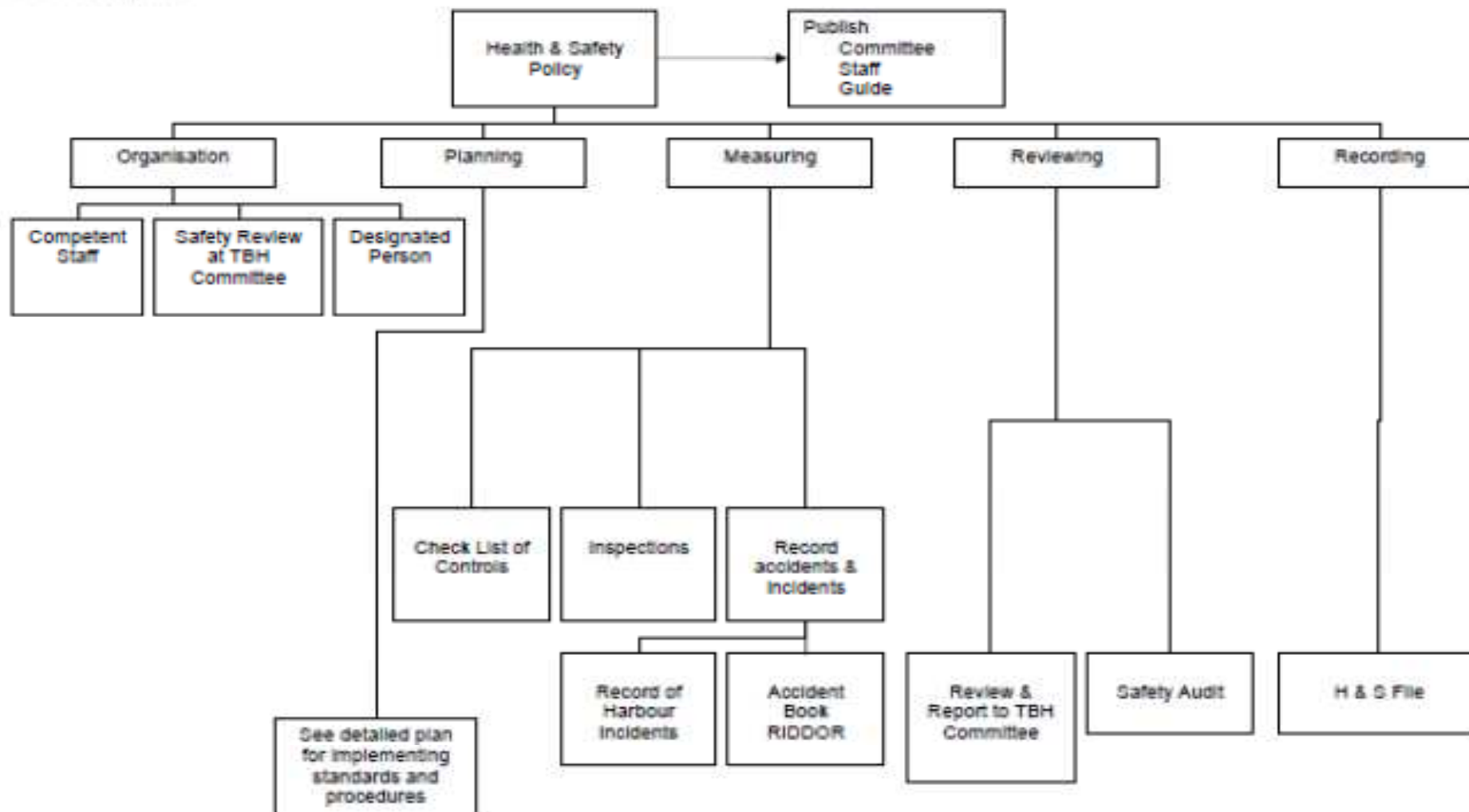
OVERVIEW		PAGE
	Diagram of Safety Management System	4
	Diagram of Planning and Procedures	5
	Tor Bay Harbour Committee (TBHC) have, after consultation with harbour users, drafted risk assessments and adopted a Safety Management System comprising the following 6 elements:-	
1) Policy	Adopting a health and safety policy which contributes to business performance while meeting responsibilities to people and the environment in a way which fulfils both the spirit and the letter of the law.	6 - 8
2) Organisation	Establishing a positive organisation and culture which puts the policies into effective practice	9
	Organisation Chart, "Family Tree"	10
	Training	11
3) Planning	Assessing risk and then adopting a planned and systematic approach to policy implementation. Risk assessments will be the key to judge what safety plans are needed	12
	3.1 Risk Assessments and Risk Register	13-14
	3.2 Risk Control Procedures	15
	3.2.1 Emergency plans	16
	3.2.2 Conservancy	17
	3.2.3 Environment	18
	3.2.4 Management of Navigation	19 - 20
	3.2.5 Pilotage	21
	3.2.6 Marine Services	22 - 23
4) Measuring	Measuring health and safety performance against predetermined standards.	24
5) Reviewing	Auditing, monitoring and reviewing the performance so that lessons are learned from all the relevant experience and are effectively applied. Training and education are implicit as part of good safety management. Consultation is a continuing process through the Harbour Liaison Forums	25 - 26
6) Recording	What has been done? Safety controls and responsibilities. Maintaining a record of due diligence.	27

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

TOR BAY PMSC SAFETY MANAGEMENT SYSTEM



TOR BAY PMSC SAFETY MANAGEMENT SYSTEM

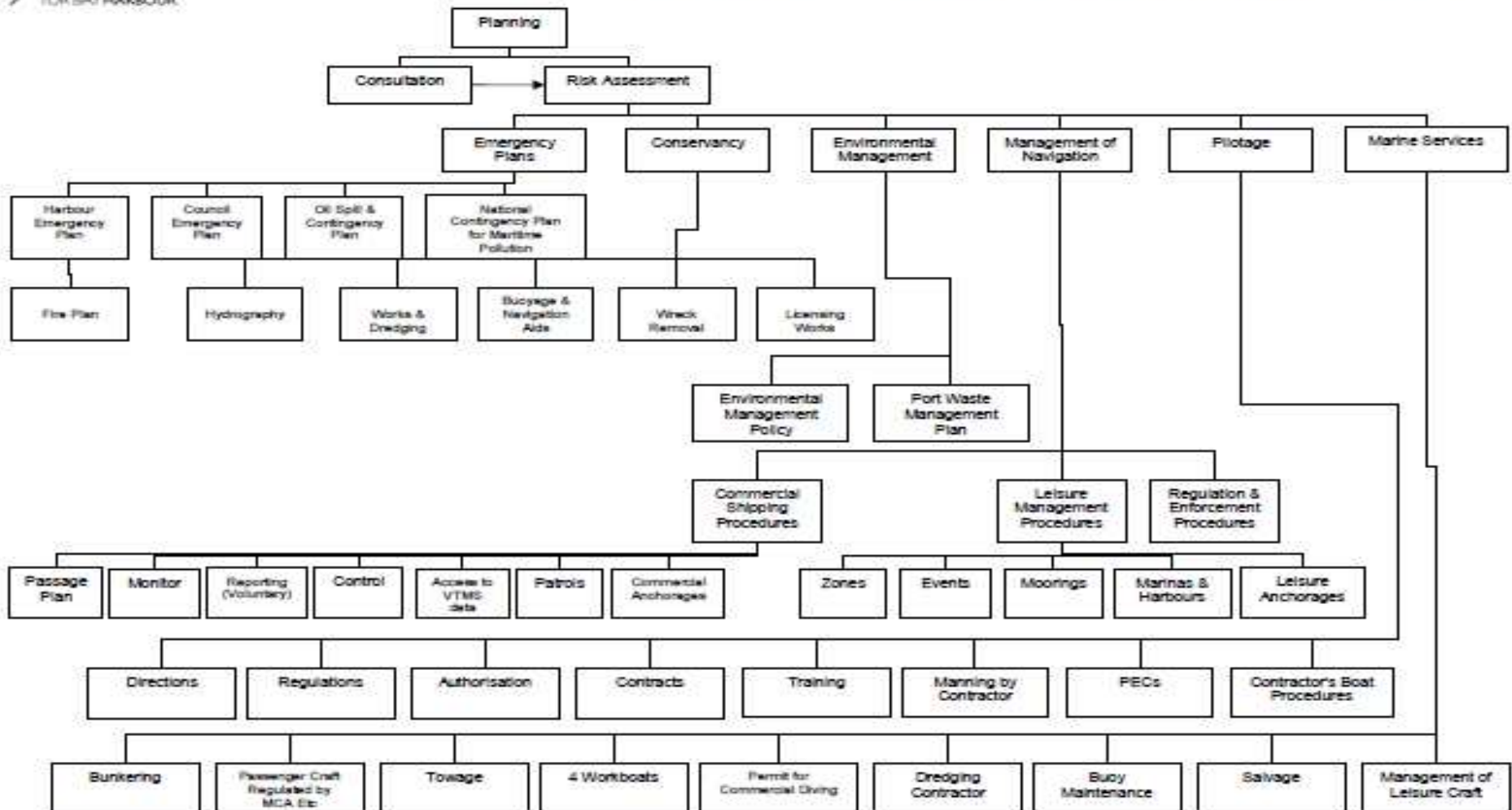


OUTLINE CHART OF SAFETY MANAGEMENT SYSTEM

PLANNING AND PROCEDURES



TOR BAY HARBOUR PLANNING FOR PMSC



1. Tor Bay Harbour Safety Policy

Health and Safety Management System;

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

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

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

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

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

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

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

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

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

All employees have a duty to:

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

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

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

Nominated Harbour Safety Officers

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

Emergencies in the Harbour

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

Reporting of Accidents Incidents and Near Misses

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

Adopted by Torbay Council's Harbour Committee - December, 2012

2. Tor Bay Harbour Authority (TBHA) Organisation

Torbay Council is the statutory harbour authority for Tor Bay Harbour. The Council has set up a sub-committee, Tor Bay Harbour Committee (TBHC), to advise on all matters relating to strategic management of the Council's function as harbour authority. The TBHC performs the Council's role of Duty Holder as required under the Port Marine Safety Code. Members of the Tor Bay Harbour Committee are, jointly, the Duty Holder in accordance with the PMSC. They are collectively and individually responsible for the safe management of the harbour and they cannot assign or delegate their accountability for compliance with the Code on the grounds they do not have particular skills.

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

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

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

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

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

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

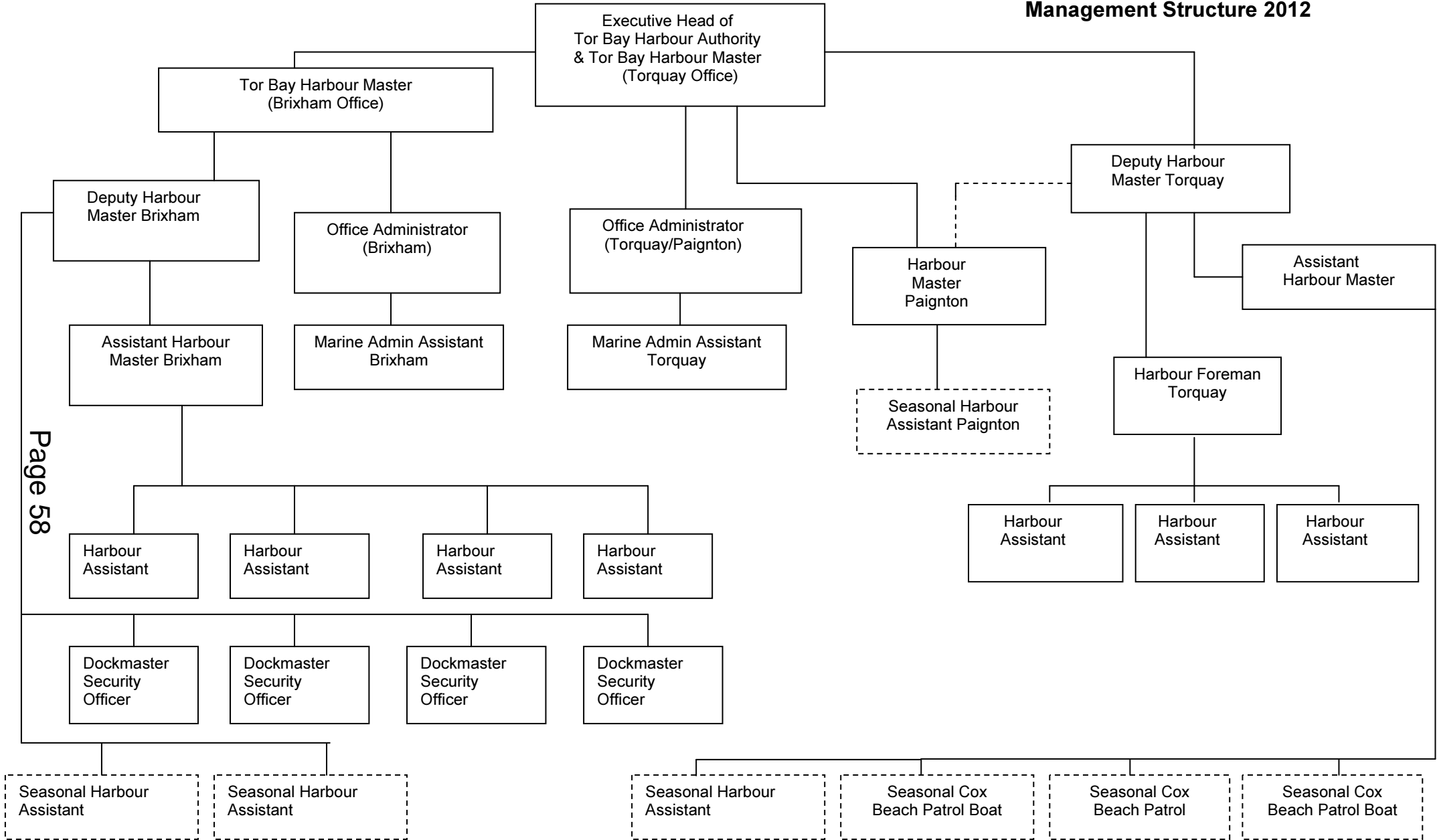
The pilots, contracted through Torbay and Brixham Shipping Agents Ltd, are responsible for safe pilotage of large vessels within the waters of Tor Bay Harbour and for reporting marine risks, incidents and near misses to the Harbour Master.

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

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

All staff are suitably qualified, have job titles and descriptions. A family tree is set out on the next page.

Tor Bay Harbour Authority Management Structure 2012



Training

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

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

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

Training Matrix

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

Training Plan Responsibilities

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

3. Tor Bay Harbour Safety Planning

Planning Policy

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

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

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

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

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

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

Organisation of Annual Reviews

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

3.1 Tor Bay Harbour Committee Risk Assessments

Risk Assessment Policy:

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

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

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

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

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

The level of risk was determined after considering the risk to Life, to the Environment, to Port Operations and to Port Users.

There is a preferred hierarchy of risk control principles :-

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

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

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

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

1. Structural Improvement

Structural improvement plans are in hand for :-

- Haldon Pier & Princess Pier
- Brixham Breakwater
- North Arm Breakwater at Brixham (Business Plan)

2. The Slipway at Paignton

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

3. Promote Safe Seamanship

Regularly review how IT developments can improve communications with customers. Consider using Facebook and Twitter. Continue to seek ways of informing and educating harbour users on safety issues, such as wearing lifejackets (automatic ones being the lifejacket of choice), life jacket maintenance, don't drink and drown and the dangers of being unaware of ignoring weather forecasts. There is a need to maintain, refresh, improve and emphasise the advice already being given through notices, brochures, emails, the website, in person by harbour staff and through sea schools.

4. Passenger Pier at Brixham

Install the twin bar barriers and paint clear lines at the Brixham Passenger Pier to keep passengers away from the quay edge where fishermen may be loading or unloading.

5. Standard/Safe Operating Procedures

Draw up a comprehensive set of harbour specific Standard/Safe Operating procedures. These would consolidate the existing 19 procedures, 3 codes of practice and 3 SMS guidelines with examples of procedures adopted in other harbours.

6. Training Matrix

Training records are to be expanded to include in house training of the procedures relevant to each employee's work.

7. LPG Store

Make the Brixham LPG canister store safe or remove the canisters.

8. Brixham Yacht Club's Dinghy Slipway

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

9. Pilotage Service

Obtain from the pilotage contractors answers to questions in Section 9 of the Aide Memoire for investigating MCA officers.

10. Hydrographic Survey Programme

Set a programme for hydrographic surveys, in line with the Code of Practice of the Hydrographic Office.

11. Ferry Berth (Torquay)

If a ferry berth is required at Tor Bay, find one that is not in close proximity to the slipway for launching used by sailors who are amateur and of all ages and ability.

12. Accident & Incident Reporting

Provide a report summarising accidents and incidents for the quarterly Committee Meetings, with any incident require to be reported to the MCA or to the HSE.

13. Induction Process

Review and improve the induction process for harbour staff.

14. Annual Report

Consider preparing an Annual Report to promote the identity of Tor Bay Harbour Authority.

3.2 Tor Bay Harbour Committee Risk Control Procedures

3.2.1 Emergency plans

3.2.2 Conservancy

3.2.3 Environment

3.2.4 Management of Navigation

3.2.5 Pilotage

3.2.6 Marine Services

3.2.1 Emergency plans

Emergency Policy:

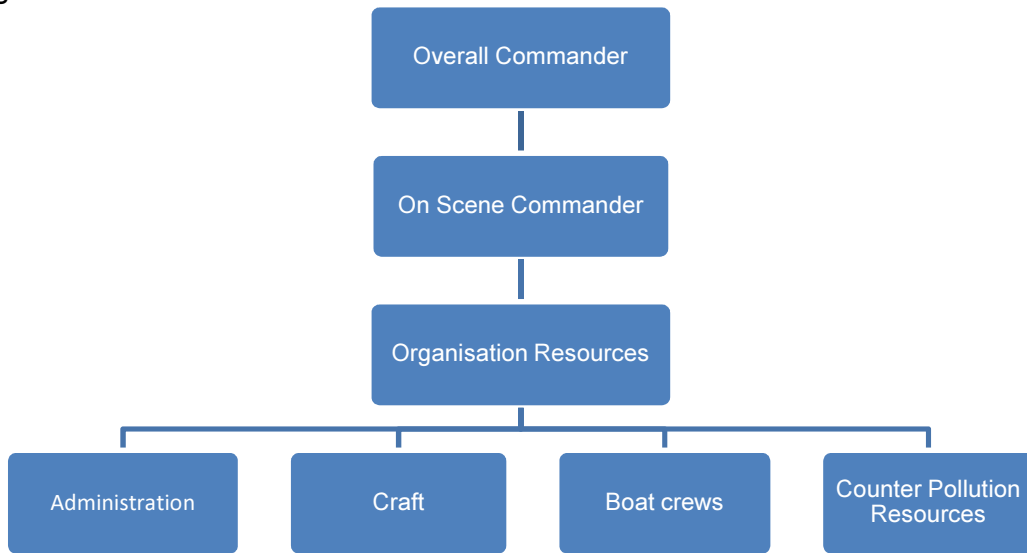
The safety management system shall include preparations for emergencies – and these should be identified as far as practicable from the formal risk assessment. Emergency plans need to be published and exercised.

Emergency Organisation and Management Responsibility

Review of Emergency and Oil Pollution Plans

Harbour Master

Emergency Organisation



Emergency Plans and Procedures

TBHA/ P / 002 Emergency Procedure

Tor Bay Harbour Emergency Plan – January 2008

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

All officers trained to Tier 2 Response

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

The MAIB web site is used to see if lessons can be learnt from accidents investigated at other harbours.

3.2.2 Conservancy

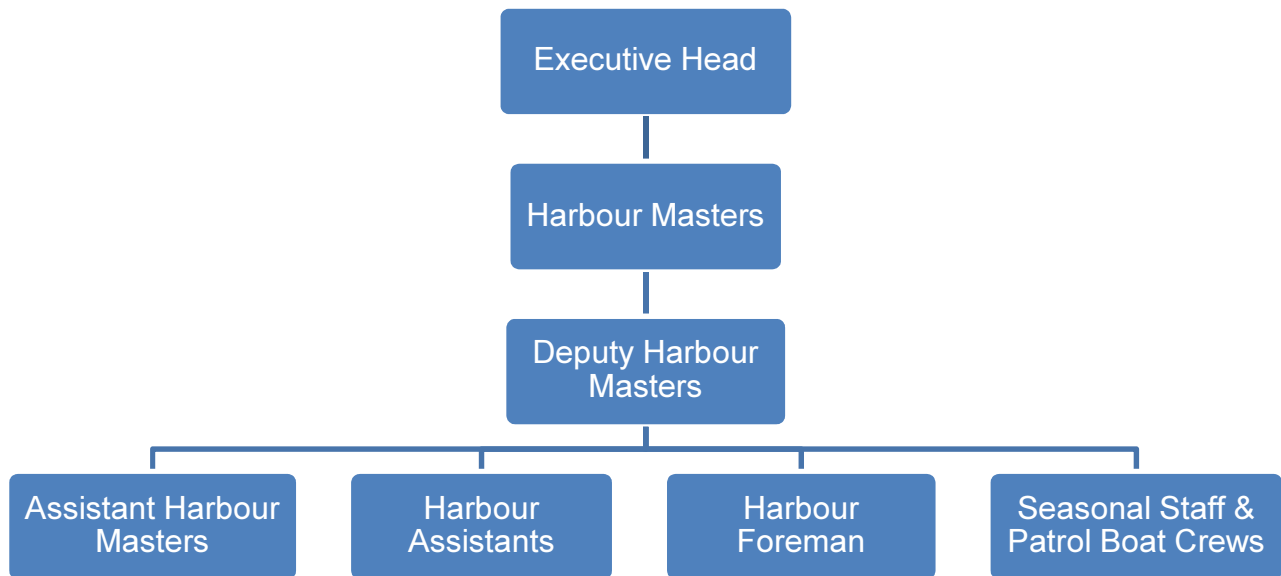
Conservancy Policy:

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

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

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

Conservancy Organisation and Management Responsibility



Conservancy Procedures

Hydrography

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

Dredging

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

Buoyage and Navigational Aids

The provision of aids to navigation is based on risk assessment. Trinity House has issued standards for reliability and maintenance of navigation aids and reserves the right to undertake inspections to ensure that these are met. PANAR reports are submitted quarterly.

Wreck Removal

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

Licensing of Work

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

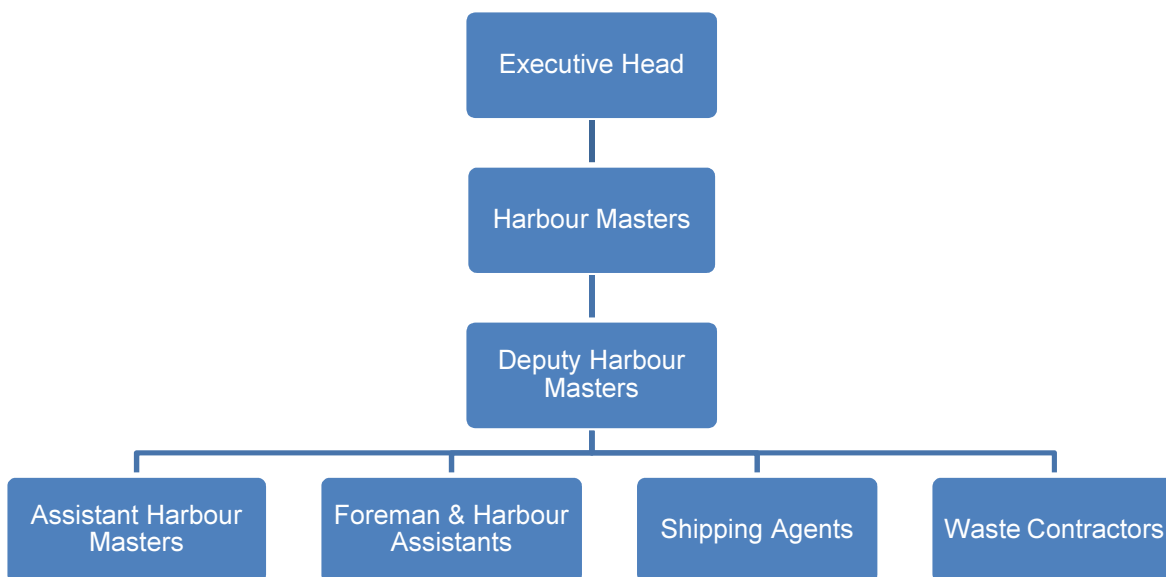
3.2.3 Environment

Environment Policy:

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

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

Environment and Port Waste Management Plan Organisation and Responsibility



Environment Policies, Plans & Procedures

Environmental Policy Statement, Tor Bay

Port Waste Management Plan - Under review

Guide to Good Practice on Port Marine Operations

Natural England's Advice

SeaTorbay Membership (Coastal Partnership)

TBHA/ P / 008 New Harbour Developments

3.2.4 Management of Navigation

Policy for Management of Navigation:

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

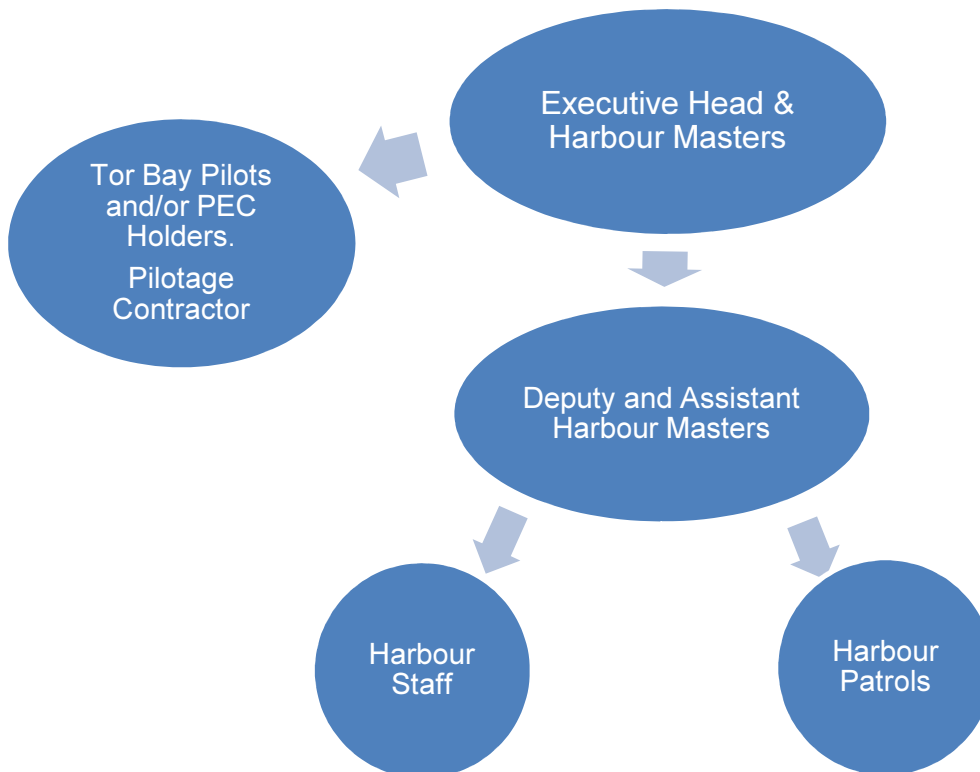
Torbay Council and its Harbour Master recognise their duty to assess risk and make proper use of powers to make byelaws, and to give directions (including pilotage directions), to regulate all vessel movements in their waters.

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

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

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

Management of Navigation Organisation and Management Responsibility



Procedures for Management of Commercial Navigation

Passage Plans

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

Monitor

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

Reporting

Reporting is mandatory, as Tor Bay Pilotage Directions.

Control

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

Access to Vessel Traffic Management System (VTS) data

After the assessment of risk it has not been considered necessary to have a VTS system & Local Port Services (LPS) are provided. The harbour authority has AIS monitoring software. To the extent that there are Local Port Services these include information in the Admiralty Sailing Directions, Channel Pilot, in Reeds Almanac, in the Local Notices to Mariners and on the Tor Bay Harbour web site.

Patrols

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

Bunkering

Other than at an approved harbour fuel station, the Harbour Master's approval is required before bunkering operations take place. The Harbour Authority issues procedures for bunkering. For any bunkering at anchor or cargo vessels alongside, or vessels taking bunkers direct from road tankers - there is a checklist.

Cargo Transfer

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

Commercial Anchorages

Anchorages are specified for large vessels.

Procedures for Leisure Management

Zones

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

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

Events

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

Moorings

Moorings are allocated by TBHC.

Marinas

There are 2 marinas in Tor Bay Harbour. It is considered that both these marinas are managed safely.

Enclosed Harbours

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

Leisure Anchorages

Anchorages are specified for large vessels. Controlled areas with a 5 knot speed limit are provided to safeguard swimmers. Water ski approach lanes have been established at Elberry Cove and Livermead Sands

Procedures

TBHA/ P / 002 Navigation and Pilotage

TBHA/ P / 002 Emergency Procedure

Tor Bay Harbour Authority Emergency Plan – April 2011

3.2.5 Pilotage

Policy for Pilotage:

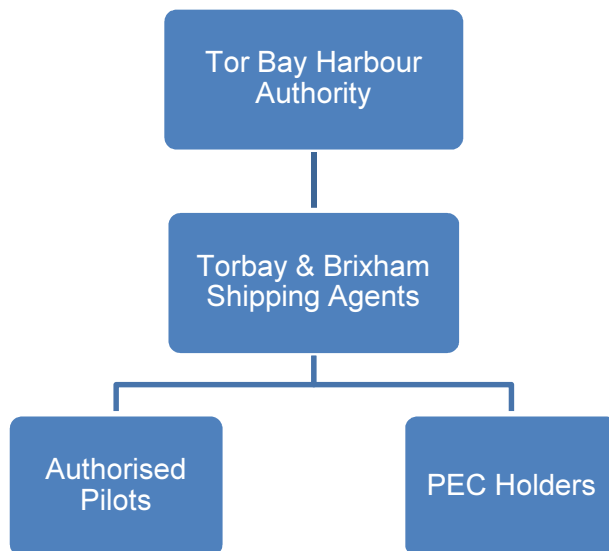
Torbay council, through its TBHC, is the competent harbour authority and accountable for the duty to provide a pilotage service; and for keeping the need for pilotage and the service provided under constant and formal review.

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

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

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

Pilotage Organisation and Management Responsibility



Procedures, Plans, Codes and Guides for Pilotage

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

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

Tor Bay Harbour Emergency Plan – April 2011

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

3.2.6 Marine Services – Harbour Operations

Policy for Marine Services:

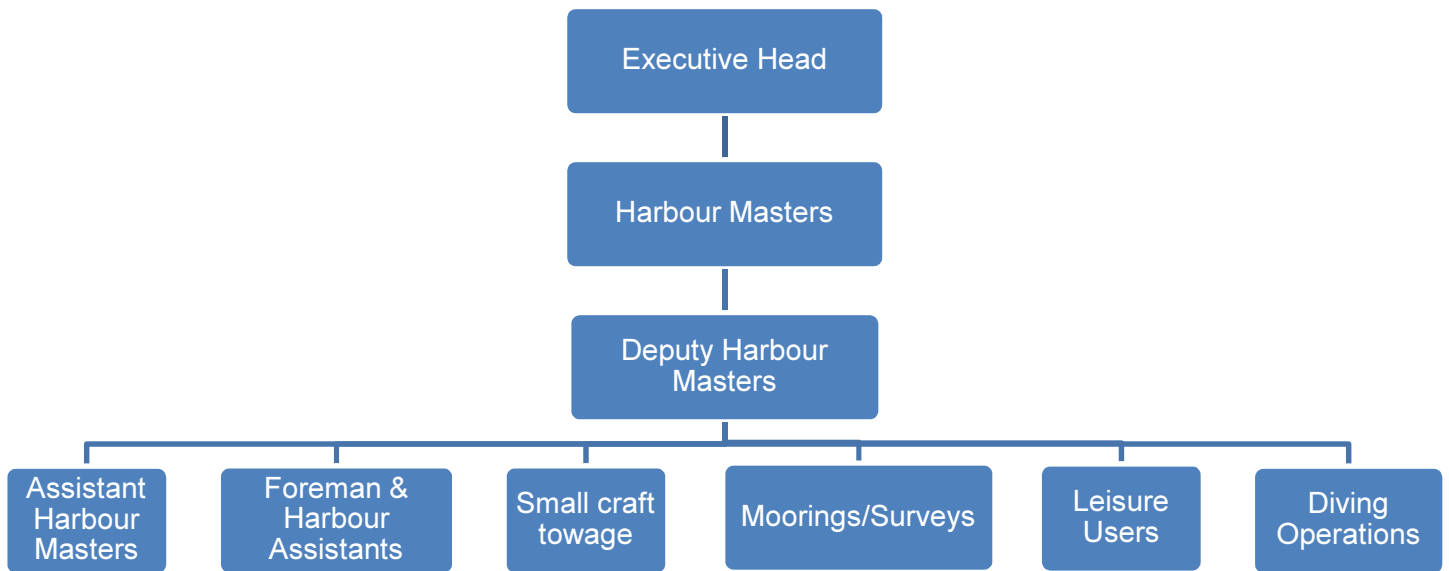
TBHC’s safety management system shall cover the use of harbour craft and the provision of moorings.

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

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

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

Harbour Operations Organisation and Management Responsibility



Marine Services Procedures

Bunkering

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

The Harbour Authority issues procedures for bunkering.

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

Cargo Transfer

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

Craft Regulation

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

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

Towage

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

Work Boats

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

Commercial Diving

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

Dredging

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

Moorings/Buoy Maintenance

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

Salvage

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

Procedures

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

Procedures adopted in 2010 :-

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

4. MEASURING OF PERFORMANCE

Measuring Policy

TBHC will measure health and safety performance against predetermined standards.

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

Appropriate performance indicators will be set.

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

Management of Standard Setting

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

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

Performance indicators are to include the following :-

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

5. REVIEWING

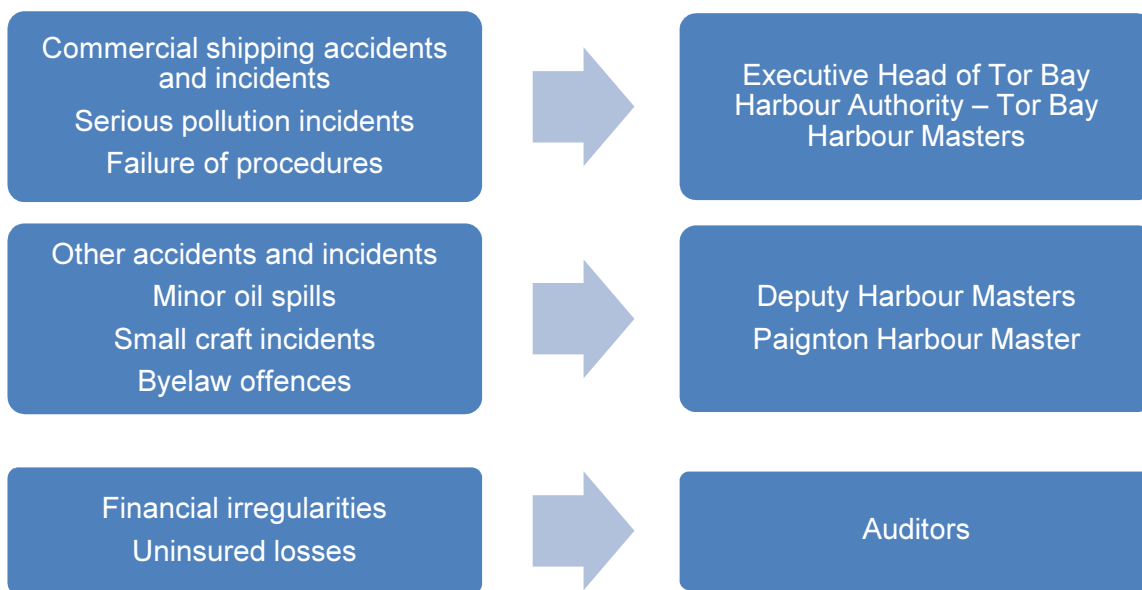
Reviewing Policy

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

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

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

The responsibility for investigations and reports is assigned as follows:



Procedure for Reviews

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

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

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

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

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

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

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

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

6. RECORDING

Recording Policy

TBHC will maintain records of what has been done

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

Publication of Plans and Reports

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

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



Meeting: Harbour Committee

Date: 17th December 2012


Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Authority Budget Monitoring 2012/13

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat

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Tor Bay Harbour Master**

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Pete Truman

Principal Accountant

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1. Purpose

- 1.1 This report provides Members with projections of income and expenditure for the year 2012/13 compared with approved budgets.
- 1.2 This report identifies the overall budgetary position for Tor Bay Harbour Authority as at end of November 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 shown in Appendix 1.
- 1.4 The Committee is asked to note the Executive Head of Harbour Tor Bay Harbour Authority's use of delegated powers to make decisions in relation to the budget allocated to Tor Bay Harbour.
- 1.5 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 £2488.77 (ex VAT) and which have been spread across both harbour accounts. No additional charges have been levied.

2. Summary

- 2.1 The Tor Bay Harbour Authority budget was approved by the Harbour Committee on 5th December 2011.

- 2.2 This is the third budget monitoring report presented to the Harbour Committee for the financial year 2012/13.
- 2.3 Both Harbour accounts have benefitted from lower Capital Charges following a partial repayment of borrowing. Although reductions are expected in Marina and rental income at Brixham Harbour, the account is showing a surplus due to the higher than expected income from Fish Tolls, which have improved further since the last monitoring report. Although mooring income has reduced, additional operational income (especially property rents) over target level has further reduced the projected deficit for Torquay & Paignton harbours.

Supporting Information

3. Position

- 3.1 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.
- 3.2 The performance against budget is summarised below:

	Original Budget 2012/13	Current Budget 2012/13	Projected Outturn 2012/13
	£000	£000	£000
Torquay and Paignton Harbours Surplus/(Deficit)	(35)	(15)	(6)
Brixham Harbour Surplus/(Deficit)	(34)	30	78

- 3.3 The current progress of Harbour capital schemes is detailed below:

	Total Budget	Actual to Date (including prior years)	Projected Outturn	Notes
	£000	£000	£000	
Environment Agency grant funding for Torquay Harbour – Haldon & Princess Piers	1,300	248	1,300	(i)
Brixham Harbour – Various Repairs	640	647	649	(ii)
Brixham Breakwater Repairs	150	0	150	(iii)
Fish Market Roof – PV Panels	48	0	48	(iv)

- (i) 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 commenced in the autumn of 2011 and further work will follow this autumn/winter. Work towards a further bid of approximately £7m of external funding from the Environment Agency is now underway and is expected to be submitted in April 2013.
- (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) 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 in April/May 2013. In the meantime the approved £150k capital work has been postponed.
- (iv) 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.

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

Capital Scheme	Amount Borrowed	Start of Repayments	Principal outstanding at 1st April 2012
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£1,144,601
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£920,515
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£4,526,876

3.5 The Tor Bay harbour Authority debt position at the end of November 2012 is set out in the table below:-

	Corporate Debtor System		HMS	
	Unpaid by up to 60 days	Unpaid over 60 days	Unpaid by up to 60 days	Unpaid over 60 days
Debt at 3 rd December 2012	£12k	£16k	£18k	£36k
Bad Debt Provision	£17k		N/A	N/A

The Harbour Management System (HMS) debt does not have a separate bad debt provision because the income is not credited until it is received. However, following the recent internal audit report the Executive Head of Torbay Harbour Authority has determined that the overall debt position should be shown to the Harbour Committee on each budget monitoring report.

- 3.6 Under the Council's Scheme of Delegation the Harbour Master can vary (by addition or waiver (in full or as to part)) the approved Schedule of Harbour Charges in such manner as shall be considered reasonable. However, the Harbour Master shall maintain a proper written record of all variations approved using the delegated powers and shall, at least twice a year, report to the Harbour Committee the total value of the additional charges levied and the total value of the charges waived (see paragraph 1.5).
- 3.7 Harbour Committee minute 398 (5) from December 2011 states the following :-

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

Consequently the Executive Head of Tor Bay Harbour Authority, in consultation with the Chairman of the Harbour Committee, has produced a list of Harbour Reserve Fund projects attached as Appendix 2. The Committee is asked to note this list and the obvious ongoing need for a healthy Harbour Reserve Fund.

Appendices

- Appendix 1 Harbour Revenue Accounts 2012/13
Appendix 2 Harbour Reserve Fund Project List

Additional Information

None

HARBOUR REVENUE ACCOUNTS 2012/13

TORQUAY and PAIGNTON HARBOURS

Expenditure	2012/13 Original Budget £ ,000	2012/13 Current Budget £ ,000	2012/13 Profiled Budget £ ,000	2012/13 Actual to Date £ ,000	2012/13 Projected Outturn £ ,000	Notes
Operations and Maintenance :-						
Harbour Attendants Salaries and Wages	136	136	93	94	136	1
Repairs and Maintenance	153	153	99	139	153	
Rent Concessions	2	2	1	1	2	
Other Operating Costs	117	117	103	84	117	
Town Dock Costs	10	10	3	0	5	2
Management and Administration :-						
Salaries	178	178	118	118	178	1
Internal Support Services	119	100	98	105	105	2/3
External Support Services	0	19	0	0	19	3
Other Administration Costs	46	73	56	69	73	4
Capital Charges	184	178	162	162	178	5
Contribution to Patrol Boat Operation	3	3	0	0	5	6
Dividend to General Fund (based on 2.5% of total income)	23	23	0	0	24	
	971	992	733	772	995	
Income						
Rents and Rights :-						
Property and Other Rents/Rights	246	246	202	214	260	7
Marina Rental	222	222	60	60	222	
Operating Income :-						
Harbour Dues	61	61	57	60	64	
Visitor and Slipway	41	41	41	43	43	
Mooring fees	68	68	63	58	58	8
Town Dock	241	248	248	250	250	9
Boat and Trailer parking	34	36	36	37	37	
Other Income	23	28	25	25	28	10
Contribution from Reserve	0	27	27	27	27	11
	936	977	759	774	989	
Operating Surplus /(Deficit)	(35)	(15)	26	2	(6)	

RESERVE FUND		
Opening Balance as at 1st April		621
Interest Receivable		8
Net Surplus / (Deficit) from Revenue Account		(6)
Withdrawals - Capital financing		(24)
Contributions to Revenue Account		(27)
Expected Closing Balance as at 31st March		572

Note: In line with Harbour Committee minute 398 (5) the minimum Reserve level is £187k based on 20% of budgeted turnover to meet any deficit in the revenue budget or winter storm damage. The balance is earmarked for harbour related capital projects.

HARBOUR REVENUE ACCOUNTS 2012/13

NOTES

TORQUAY & PAIGNTON HARBOURS

- 1 It is anticipated that there will be a reduction in employee costs due to the waiving of superannuation contributions by some employees. However, this has not been reflected in the projected outturn at this stage as employees are entitled to join the scheme at any time.
- 2 Insurance costs relating to the Town Dock form part of the overall Harbour assessment and are charged within Internal Support Recharges
- 3 Estates Management and Property Services , previously charged within Internal Support Recharges, are now provided by the Torbay Economic Development Company.
- 4 The Projected Outturn includes the cost of preparing the Port Master Plan to be funded from the Reserve (see notes 11 & 13).
- 5 Capital borrowing charges have reduced following early repayment of £63k of principal from the 2011/12 operational surplus.
- 6 The Harbour contribution to this service has increased because the General Fund contribution is fixed and operating costs have risen in 2012.
- 7 Increased income from Boat Board Booking sites.
- 8 Income at Torquay is down due to under occupancy in the Inner Harbour.
- 9 The Town Dock income has exceeded the budget forecast.
- 10 Additional income has been generated over various headings.
- 11 Contributions from the Reserve to fund the Port Master Plan (see notes 4 & 13).
- 12 Approved funding of the capital purchase of a new forklift truck.
- 13 Approved withdrawal from the Reserve to fund the Port Master Plan (see notes 4 & 11).

HARBOUR REVENUE ACCOUNTS 2012/13

BRIXHAM HARBOUR

Expenditure	2012/13	2012/13	2012/13	2012/13	2012/13 Projected Outturn £ ,000	Notes
	Original Budget £ ,000	Current Budget £ ,000	Profiled Budget £ ,000	Actual to Date £ ,000		
Operations and Maintenance :-						
Harbour Attendants Salaries and Wages	209	204	137	105	178	1/2
Repairs and Maintenance	120	180	119	110	180	3
Rent Concessions	4	4	2	2	4	
Other Operating Costs	260	284	180	273	311	2/4
Management and Administration :-						
Salaries	144	144	96	91	144	1
Internal Support Services	107	88	52	52	88	5
External Support Services	0	19	0	0	19	5
Other Administration Costs	44	95	77	88	102	6
Capital Charges	300	291	282	282	291	7
Contribution to Patrol Boat Operation	3	3	0	0	5	8
Dividend to General Fund (based on 2.5% of total income)	29	31	0	0	31	9
	1,220	1,343	945	1,003	1,353	
Income						
Rents and Rights :-						
Rents and Rights	213	204	140	160	207	10
Marina Income	167	162	62	62	162	11
Operating Income :-						
Harbour Dues	84	84	84	86	86	
Visitor and Slipway	13	9	9	11	11	12
Mooring fees	134	134	134	135	135	
Fish Tolls income	525	600	348	408	650	13
Other Income	50	69	48	62	69	14
Contribution from Reserve	0	111	111	111	111	15
	1,186	1,373	936	1,035	1,431	
Operating Surplus /(Deficit)	(34)	30	(9)	32	78	

RESERVE FUND			
Opening Balance as at 1st April			543
Interest Receivable			7
Net Surplus / (Deficit) from Revenue Account			78
Withdrawals - Capital financing			(26)
Contributions to Revenue Account			(111)
Closing Balance as at 31st March			491

Note: In line with Harbour Committee minute 398 (5) the minimum Reserve level is £237k based on 20% of budgeted turnover to meet any deficit in the revenue budget or winter storm damage. The balance is earmarked for harbour related capital projects.

HARBOUR REVENUE ACCOUNTS 2012/13

NOTES

BRIXHAM HARBOUR

- 1 It is anticipated that there will be a reduction in employee costs due to the waiving of superannuation contributions by some employees. However, this has not been reflected in the projected outturn at this stage as employees are entitled to join the scheme at any time.
- 2 Savings initially occurred through a vacancy in one of the Dockmaster posts. Further vacancies have occurred during the year increasing the direct saving on this heading. These savings have been partially offset by an increase in external security costs.
- 3 An approved new electricity recharge system for the fishing vessel basin has been installed to be funded from the Reserve (see note 15).
- 4 Fish market activities have significantly increased water and sewerage charges. It is anticipated that the additional cost will be recovered (see note 14).
- 5 Estates Management and Property Services , previously charged within Internal Support Recharges, are now provided by the Torbay Economic Development Company.
- 6 The Projected Outturn includes the cost of preparing the Port Master Plan and the Northern Arm Business Case to be funded from the Reserve (see note 15).
- 7 Capital borrowing charges have reduced following early repayment of £145k of principal from the 2011/12 operational surplus.
- 8 The Harbour contribution to this service has increased because the General Fund contribution is fixed and operating costs have risen in 2012.
- 9 The dividend has increased in line with revised income projections.
- 10 The Projected Outturn has been adjusted to reflect more realistic income levels from new facilities.
- 11 Income at Brixham Marina continued to fall in 2011/12 due to the difficult economic conditions. As a prudent measure the projected rental for 2012/13 has been reduced.
- 12 Visitor numbers were down during the summer although there was a slight recovery later in the season.
- 13 Projections for fish toll income have been raised further based on volumes achieved for the year to date.

- 14 Recovery of increased water and sewerage charges (see note 4).
- 15 Contributions from the Reserve to fund installation of an electricity recharge meter system (£60k - see note 3) and the Port Master Plan (£27k - see note 6) and the Northern Arm Business Case (£24k see note 6).
- 16 Approved funding of the capital purchase of a new forklift truck.
- 17 Approved withdrawal from the Reserve to fund the electricity recharge meter system, the Port Master Plan and the Northern Arm Business Case (see notes 3, 6 & 15).

Agenda Item 10

Appendix 2

Appendix 2 - Tor Bay Harbour Authority - Reserve Funds Project List

Harbour Committee Minute 398 (5) - December 2011

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

	Brixham	Torquay & Paignton
	£	£
Reserve Balance at 31st March 2012	544,000	621,000
Planned withdrawals in year	(136,920)	(50,920)
Projected Surplus/(Deficit) for year	78,000	(6,000)
Revised Reserve Balance	485,080	564,080
less: 20% of Budgeted Turnover	237,200	187,200
= Balance for Projects	247,880	376,880
Total costs of proposed Projects (as listed below).	525,700	605,300
<i>Shortfall in Reserve funding available</i>	<i>(277,820)</i>	<i>(228,420)</i>

Projects	Brixham	Torquay & Paignton	Timeframe
Tor Bay Harbour - HMS software upgrade	£15,000	£15,000	2012-13
Torquay harbour - Haldon Pier brow		£45,000	2012-13
Torquay harbour - Princess Pier underwater urgent repairs		£50,000	2012-13
Torquay harbour - Beacon Quay Wi-Fi		£7,000	Short
Torquay harbour - Old Fish Quay full structural survey		£10,000	Short
Brixham harbour – capping, fenders & ladder repairs	£170,000		Short
Passenger ferry real-time signage & new shelters *	£18,500	£18,500	Short

Brixham harbour - new work boat	£45,000		Short
Brixham harbour – photo-voltaic solar panels on roof *	£48,000		Medium
Torquay harbour - fishermen’s pontoons		£24,900	Medium
Torquay harbour – office/welfare improvements		£24,900	Medium
Torquay harbour - Inner Harbour Slipway repairs		£75,000	Medium
Torquay harbour - South Pier cathodic protection		£30,000	Medium
Tor Bay Harbour Patrol Boat replacement	£25,000	£25,000	Medium
Brixham harbour - Maritime E training programme *	£54,200		Medium
Torquay harbour - new dinghy park & seaward slipway feasibility study		£30,000	Medium
Torquay harbour - Haldon Pier crane		£50,000	Long
Brixham Breakwater	£150,000		Long
Torquay harbour - Fuel Station refurbishment		£100,000	Long
Torquay harbour - New Drying Grid		£100,000	Long
TOTALS	£525,700	£605,300	

Capital Projects over £25k to be listed on the Council’s Capital Plan and be approved by full Council.

* Interreg funding opportunity (FLIP)

KEY

Capital
Revenue



Current financial year
0 to 12 months
12 to 24 months
24 to 60 months

2012-13
Short
Medium
Long

Agenda Item 11



Meeting: Harbour Committee

Date: 17th December 2012

Wards Affected: All wards in Torbay

Report Title: Annual Tor Bay Harbour User Survey 2012

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat
Executive Head of Tor Bay Harbour Authority
Tor Bay Harbour Master

 **Telephone: 01803 292429**

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

1. Purpose

1.1 This report provides Members with the detailed results of the Tor Bay Harbour Users Survey 2012.

2. Summary

2.1 Each year Tor Bay Harbour Authority aim to undertake a Customer Survey as part of an ongoing review of the services provided in Tor Bay Harbour.

2.2 The users survey coupled with the complaints and compliments feedback system, gives us a good indication of which of our services are meeting the customers' expectations and which are below the quality expected, and this enables the development of improvement actions.

2.3 A copy of the 2012 Survey Form can be found in Appendix 1 and a summary of the 2012 survey results is shown in Appendix 2.

2.4 Some of the significant results from the 2012 survey are as follows :-

- Most respondents (82%) judge the quality of service within Tor Bay Harbour to be Very Good or Good. A quarter of respondents (22%) would say that the quality of service has improved in the last year; none said it had got worse.
- Most respondents feel that services are Very Good or Good. Customer Service is rated highest (86% Very Good or Good).
- Most respondents (81%) feel that there should be more pontoon moorings. The most popular place to put them would be Brixham outer harbour. Most respondents would like the pontoons to be Town Dock style (86%).

- Respondents supported subsidised berths for young people (83%) and registered charities (79%).
- Those surveyed who think that harbour safety is properly managed by Tor Bay Harbour Authority remains at over 95%. This year 95.3% compared to 95.9% last year.
- 36.4% of users thought Tor Bay harbour charges compared favourably to other harbours compared with 54.7% last year, and 44% in 2010. 16.3% said that charges did not compare favourably with only 18.7% last year and 47.3% answered “Don’t know” (26.7% in 2011).
- Over 90% of customers rated the Town Dock in Torquay as Very Good or Good.
- Less than half of respondents (44%) take their boats out of the water during the winter months.
 - The main reason to take the boats out of the water is because they are not used out of season (79%).
 - The main reason respondents keep their boats in the water during the winter is the cost of recovery, launching and storage (83%).
- Of those that responded, 95.4% were male and 4.6% were female. The majority classified their ethnic origin to be White British (98.4%) and most reported that they did not consider themselves to be disabled in any way (92.2%).

2.6 The information collected from the survey results will be used to make improvements to the provision of services provide by Tor Bay Harbour Authority.

Appendices

Appendix 1	Tor Bay Harbour Users Survey Form – 2012
Appendix 2	Annual Tor Bay Harbour User Survey Results - July 2012

Agenda Item 11
ANNUAL REPORT TOR BAY HARBOUR USER SURVEY 2012
 Appendix 1



Dear Harbour User

This Customer Survey forms part of an ongoing review of the services which we deliver to you. We are keen to hear the views of our users and gain a better understanding of your needs. We are particularly interested in the areas in which you have concerns and any suggestions you may have for improvement.

We would be grateful if you could spare a few minutes to answer the following questions in order to help us develop and improve our services.

We carried out a similar survey in 2011; the information we collected has been used to improve our services. Survey results together with important feedback via our Liaison Forums led to the following improvements being made last year :-

- Major resurfacing of South Quay at Paignton harbour
- Complete refurbishment of the Beacon Quay pontoon access brow
- Funding agreed for a business case for the Northern Arm at Brixham harbour
- Torquay harbour entrance navigation lights re-painted
- Parking arrangements and permit options improved at all three harbours
- New boat yard approved for Oxen Cove at Brixham harbour
- Upgraded swinging moorings at Brixham harbour

If you have any queries or require this form in large print format please contact the Executive Head of Tor Bay Harbour Authority on (01803) 292429 or email: harbourauthority@torbay.gov.uk

Please return the form together with your facility payment to the relevant harbour office.

Thank you very much for taking the time to complete this survey.

Yours faithfully

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

1. Pontoon Berthing

1a) Do you think that Tor Bay Harbour should provide further pontoon moorings for use by annual berth holders? Yes No (please go to section 2)

1b) Where would you like to see further pontoon berthing? (Please tick all that apply)

Torquay inner harbour Brixham outer harbour (behind a new Northern Arm breakwater) Other (please specify below)

1c) Which market sector should the Harbour Authority target for its pontoon berthing? (Please tick one box only)

- Town Dock style (limited water/electricity, basic security, local priority - currently £202 per metre per year)
- Fully Serviced (water/electricity to each berth, 24 hour security, no local restriction - charged at market rates)
- Other (please specify below)

2. Subsidised berthing

Tor Bay Harbour currently provide for a discount of 50% in harbour charges for charities and eligible young people. Do you agree that the discount should be continued for:

	Yes	No
Young people whose details have been proposed by youth training organisations -----	<input type="checkbox"/>	<input type="checkbox"/>
Vessels owned by registered charities -----	<input type="checkbox"/>	<input type="checkbox"/>

3. Facilities and Infrastructure

3a. Do you believe Tor Bay Harbour Authority are properly managing safety in Tor Bay Harbour?
 Yes No

3b. Do you believe you can influence decisions about the management of the harbour?
 Yes No Depends on the issue

3. Facilities and Infrastructure ... continued

3c. Please rate the following facilities and infrastructure:

	Very Good	Good	Average	Poor	Very Poor	Not used/ available
Mooring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Town Dock (Torquay)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quayside Berth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tender Rack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Slipway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electricity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Waste Reception Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. General Service Provision

4a. How would you judge the overall quality of service within Tor Bay Harbour?

Very good Good Average Poor Very Poor

4b. In addition, please rate the following individual services:

	Very Good	Good	Average	Poor	Very poor
Customer service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Publications/Noticeboards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Safety information/signage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Events information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4c. Would you say that in comparison to last year the quality of service provided in Tor Bay Harbour is:

Much better Slightly better The same Slightly worse Much worse

4d. Do you believe the charges in Tor Bay Harbour compare favourably with those for other harbours?

Yes No Don't know

5. Dry Storage

5a. Do you take your boat out of the water over the winter months?

Yes No

5b.i If you said yes, please indicate why below:-

Insurance reasons
Boat not used out of season

5b.ii If you said no, please indicate why below:-

Limited choice/availability of boat storage ashore
The cost of boat recovery/launching and storage

Any other reason (please state in box)

About You

These questions help us to understand the views of different groups of people. Please only complete these details about yourself (or the recipient if under 18).

a. Are you: Male Female

b. What is your ethnic origin?

White British Irish Other
Mixed White & Black Caribbean
 White & Black African
 White & Asian
Asian or Asian British Indian Pakistani
 Bangladeshi
Black or Black British Caribbean African
Chinese Chinese

Any other Ethnic Group

c. Which of the following age groups apply to you?

0-15 16-24 25-34 35-44
45-54 55-64 65-74 75+

d. Do you consider yourself to be disabled in any way?

Yes (please tell us how) No
It affects my mobility It affects my hearing
It affects my vision It affects me in another way

e. What is your home postcode

f. Which enclosed harbour is your home port?

Brixham Paignton Torquay



Appendix 2

Tor Bay Harbour

User Satisfaction Survey 2012

Survey Results

July 2012

This questionnaire is distributed annually to boat owners who use the moorings at Tor Bay Harbours. The questionnaires are distributed with the invoices in February of each year

Method	Questionnaires returned	
	Number	Percent
Paper	135	14%
Total	135	14%

Contents

Summary of results	3
Section 1: Pontoon Berthing	4
Section 2: Subsidised Berthing	5
Section 3: Facilities and Infrastructure	6
Section 4: General Service Provision.....	7
Section 5: Dry Storage.....	8
Respondent Profile	9
Appendix 1: Comparison of Ports	Error! Bookmark not defined. 11

Summary of results

- Most respondents (82%) judge the quality of service within Tor Bay Harbour to be Very Good or Good. A quarter of respondents (22%) would say that the quality of service has improved in the last year, none said it had got worse.
- 95% of respondents feel that Tor Bay Harbour Authority properly manage safety in Tor Bay Harbour.
- Of those who use the facilities:
 - Respondents are most likely to rate the Town Dock (Torquay) as Very Good or Good (90%)
 - Less than half of respondents said that Water (34%), Electricity (32%) and Waste reception facilities (43%) are Very Good or Good.
 - Nearly a third said that electricity (29%) and water (28%) provision was Poor or Very Poor.
- Most respondents feel that services are Very Good or Good. Customer Service is rated highest (86% Very Good or Good).
- Most respondents (81%) feel that there should be more pontoon moorings. The most popular place to put them would be Brixham outer harbour. Most respondents would like the pontoons to be Town Dock style (86%).
- Respondents supported subsidised berths for young people (83%) and registered charities (79%).
- Less than half of respondents (44%) take their boats out of the water during the winter months.
 - The main reason to take the boats out of the water is because they are not used out of season (79%).
 - The main reason respondents keep their boats in the water during the winter is the cost of recovery, launching and storage (83%).

Notes:

- i) Questions which can be answered more than once (multiple response questions) may sum to more than 100%.
- ii) ~ represents fewer than 5 respondents.

Section 1: Pontoon Berthing

1a) Do you think that Tor Bay Harbour should provide further pontoon moorings for use by annual berth holders?

	Number	Percent
Yes	95	81.2%
No	22	18.8%
Total	117	100.0%

1b) Where would you like to see further pontoon berthing? (Please tick all that apply)

Please note respondents could select more than one choice.

	Number	Percent*
Torquay inner harbour	47	52.2%
Brixham outer harbour (behind a new Northern Arm breakwater)	63	70.0%
Other	7	7.8%

*Multiple response – totals may not equal 100%

Respondents also made the following comments:

Quite possible to place a small width pontoons in fairway near fuel station for occasion use of ff151 would probably see more in

Between new pier and quay head

Inner harbour area.

Anywhere in Brixham harbour.

Inner harbour Brixham.

Next to current 'town' quay pontoon

Next to current public pontoon at least for short term parking.

Move heritage boats to their own pontoon they take up too much room on Brixham town pontoon.

But not at the expense of all the swinging moorings - leave people with a choice of the cost/ease of use of their moorings please.

It would be great to be able to cruise to Torquay and Brixham and stop for a couple of hours food refill but the visitors pontoons are used for permanent mornings accessing dinghy park on east quay Paignton limited due to fish factory lorry and van parking

Brixham outer harbour for pick up and dropping off.

1c) Which market sector should the Harbour Authority target for its pontoon berthing?

	Number	Percent
Town Dock style (limited water/electricity, basic security, local priority)	73	85.9%
Fully Serviced (water/electricity to each berth, 24 hour security, no local restriction)	5	5.9%
Other	7	8.2%
Total	85	100.0%

Respondents also made the following comments:

- Would like basic but secure pontoons (3)
- Would like mooring only option (2)
- Higher density of pontoons (2)
- Would like to open town dock to residents of other local towns (2)
- Would like additional outer harbour breathings (2)
- Would like to limit the town dock to locals (1)
- Pay as you go for electricity and water (1)
- Would like to stay overnight at harbours (1)
- Would like services on docks (water) (1)

Section 2: Subsidised Berthing

Tor Bay Harbour currently provide for a discount of 50% in harbour charges for charities and eligible young people.

2) Do you agree that the discount should be continued for:

2a) Young people whose details have been proposed by youth training organisations

	Number	Percent
Yes	103	83.1%
No	21	16.9%
Total	124	100.0%

2b) Vessels owned by registered charities

	Number	Percent
Yes	100	79.4%
No	26	20.6%
Total	126	100.0%

Section 3: Facilities and Infrastructure

3a) Do you believe Tor Bay Harbour Authority are properly managing safety in Tor Bay Harbour?

	Number	Percent
Yes	123	95.3%
No	6	4.7%
Total	129	100.0%

3b) Do you believe you can influence decisions about the management of the harbour?

	Number	Percent
Yes	25	19.1%
No	50	38.2%
Depends on the issue	56	42.7%
Total	80	100.0%

3c) Please rate the following facilities and infrastructure:

Not all respondents had used all facilities. Results are calculated based on respondents who had used each facility.

Service Used	Very Good		Good		Average		Poor or Very Poor	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Town Dock (Torquay)	27	43.5%	29	46.8%	5	8.1%	~	~%
Mooring	22	21.8%	57	56.4%	20	19.8%	~	~%
Slipway	17	17.9%	45	47.4%	25	26.3%	8	8.4%
Boat Park	7	16.3%	19	44.2%	11	25.6%	6	14.0%
Tender Rack	9	15.0%	28	46.7%	17	28.3%	6	10.0%
Quayside Berth	6	10.9%	24	43.6%	18	32.7%	7	12.7%
Waste Reception Facilities	9	10.3%	28	32.2%	35	40.2%	15	17.2%
Water	3	3.7%	25	30.5%	31	37.8%	23	28.0%
Electricity	2	3.0%	19	28.8%	26	39.4%	19	28.8%

Section 4: General Service Provision

4a) How would you judge the overall quality of service within Tor Bay Harbour?

	Number	Percent
Very Good	33	26.4%
Good	69	55.2%
Average	20	16.0%
Poor or Very Poor	~	~
Total	125	100.0%

4b) In addition, please rate the following individual services:

Service Used	Very Good		Good		Average		Poor or Very Poor	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Customer service	61	46.9%	51	39.2%	16	12.3%	2	1.5%
Administration	40	30.8%	67	51.5%	22	16.9%	1	0.8%
Safety information / signage	28	21.9%	65	50.8%	32	25.0%	3	2.3%
Events information	25	20.0%	49	39.2%	40	32.0%	11	8.8%
Publications / Notice boards	24	19.2%	62	49.6%	35	28.0%	4	3.2%

4c) Would you say that in comparison to last year the quality of service provided in Tor Bay Harbour is:

	Number	Percent
Much Better	5	3.9%
Slightly Better	23	18.1%
The Same	98	77.2%
Slightly Worse or Much Worse	~	~
Total	127	100.0%

4d) Do you believe the charges in Tor Bay Harbour compare favourably with those for other harbours?

	Number	Percent
Yes	47	36.4%
No	21	16.3%
Don't know	61	47.3%
Total	129	100.0%

Section 5: Dry Storage

5a) Do you take your boat out of the water over the winter months?

	Number	Percent
Yes	34	43.6%
No	44	56.4%
Total	78	100.0%

5b.i) If you said yes, please indicate why

Please note respondents could select more than one choice.

	Number	Percent*
Insurance reasons	55	52.4%
Boat not used out of season	33	78.6%

*Multiple response – totals may not equal 100%

Respondents gave the following reasons for taking their boats out of the water during the winter:

- To perform maintenance and antifouling (5)
- Due to poor weather in the winter (2)
- Hard to access inner harbour during the winter (1)
- Suggest creating dry storage for winter at Beacon Quay (1)

5b.ii) If you said no, please indicate why

Please note respondents could select more than one choice.

	Number	Percent*
Limited choice / availability of boat storage ashore	18	51.4%
The cost of boat recovery / launching and storage	29	82.9%

*Multiple response – totals may not equal 100%

Respondents gave the following reasons for leaving their boats in the water during the winter:

- Use the boat during the winter (5)
- I use a dinghy kept on land (2)
- It's too difficult to get the boat out of the water (1)
- No storage elsewhere (1)

Respondent Profile

Gender

	Number	Percent
Male	124	95.4%
Female	6	4.6%
Total	130	100.0%

Age

	Number	Percent
16-24	0	0.0%
25-34	1	0.8%
35-44	16	12.2%
45-54	37	28.2%
55-64	37	28.2%
65-74	32	24.4%
75+	4	3.1%
Total	131	100.0%

Ethnic Origin

	Number	Percent
White: British	126	98.4%
White: Irish	1	0.8%
Other	1	0.8%
Total	128	100.0%

Disability

	Number	Percent
Yes	9	7.8%
No	106	92.2%
Total	115	100.0%

Type of Disability

This question is only asked of those who have said that they have a disability. Please note respondents could select more than one choice.

	Number	Percent*
Hearing	0	0.0%
Mobility	6	50.0%
Vision	0	0.0%
Other	6	50.0

*Multiple response – totals may not equal 100%

Home Town

	Number	Percent
Brixham	34	29.1%
Paignton	18	15.4%
Torquay	39	33.3%
Devon	14	12.0%
UK	12	10.3%
Total	117	100.0%

Home Port

	Number	Percent
Brixham	52	40.6%
Paignton	24	18.8%
Torquay	52	40.6%
Total	128	100.0%

Agenda Item 13



Meeting: Harbour Committee

Date: 17th December 2012


Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour - Local Port Services Policy Statement

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat

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

 **Telephone: 01803 292429**

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

1. Purpose

- 1.1 To review and endorse the Tor Bay Harbour Authority Local Port Services (LPS) Policy Statement. Our customers and employees will benefit from a clear and concise LPS Policy Statement that demonstrates compliance with the Port Marine Safety Code (PMSC) and is regularly reviewed by the Harbour Committee.

2. Proposed Decision

- 2.1 **That the Local Port Services (LPS) Policy Statement shown in Appendix 1 to this report is approved.**

3. Summary

- 3.1 The Port Marine Safety Code clearly indicates that Harbour Authorities have the power to establish Vessel Traffic Services (VTS) or Local Port Services (LPS) to mitigate risk, enhance vessel safety and to protect the environment.
- 3.2 In the Port Marine Safety Code's Guide to Good Practice on Port Marine Operations it states that control of the port is a function exercised by the harbour master and/or designated deputies. Its function will include the Vessel Traffic Services (VTS) or Local Port Services (LPS), a term covering internationally recognised standards of vessel traffic management.
- 3.3 Every harbour is different, and the requirement to manage navigation varies from one to another. The Guide to Good Practice on Port Marine Operations deals only with general principles of good practice. It recognises that a VTS system is essential in some cases, but is not appropriate in others. A formal assessment of navigational risk, as required by the Code, will determine what management of navigation is required, and to what degree monitoring, controlling or managing traffic needs to be taken in mitigating risk.

- 3.4 In Tor Bay Harbour our formal risk assessments show that a VTS system is not required and Local Port Services (LPS) have therefore been established.
 - 3.5 It is essential that Tor Bay Harbour Authority has a fit for purpose Local Port Services (LPS) Policy Statement. Keeping such a policy under regular review reflects national best practice.
 - 3.6 Statutory Harbour Authorities should review the details of their VTS / LPS on a regular basis. The existing LPS Policy Statement was last reviewed in December 2010.
-

Supporting Information

4. Position

- 4.1 Marine Guidance Note MGN 401 (M+F) - Vessel Traffic Services (VTS) and Local Port Services (LPS) in the United Kingdom defines the UK's interpretation of VTS and provides guidance for determining the need to establish a VTS. It also defines the responsibilities of those authorities concerned with providing VTS and Local Port Services (LPS) in the UK. In addition it complements the Port Marine Safety Code (PMSC) and the Guide to Good Practice (GTGP) on the management of safety in ports.
- 4.2 Implementing a VTS/LPS allows the identification and monitoring of vessels, longer term planning of vessel movements and the provision of navigational information and assistance. It can also assist in the prevention of pollution, the co-ordination of pollution response and the protection of the marine environment.
- 4.3 Having conducted a formal safety assessment the harbour authority determined that a VTS system was not an appropriate risk control option. The assessment for Tor Bay Harbour identified the need for Local Port Services (LPS) to enhance the safety of shipping, maritime users, members of the public and the protection of the marine environment.
- 4.4 A clear understanding of the distinction between the different service types was fundamental in the choice of service to be provided, its implementation, maintenance and periodic review.
- 4.5 The prerequisites for a VTS are as follows :-
 - Interacts with traffic;
 - Responds to traffic situations;
 - Authorised by the Maritime & Coastguard Agency;

- Staffed by V-103/1 certificated personnel;
- Equipped as appropriate to provide i.e. radar, automatic tracking, data recording, data export, etc.

4.6 The prerequisites for a LPS are as follows :-

- Equipped appropriate to task;
- Staffed and trained appropriate to task;
- Does not require to be authorised by the Maritime & Coastguard Agency.

4.7 Local Port Services are applicable to those ports where it has been identified from their formal risk assessment that a VTS is excessive or inappropriate and does not imply a lower standard or a poorer service to customers. The main difference arising from the provision of LPS is that it does not interact with traffic, nor is it required to have the ability and / or the resources to respond to developing traffic situations and there is no requirement for a vessel traffic image to be maintained. As such, the training requirement for its operators is less comprehensive and the operators are unlikely to be certified to the V-103 standard.

4.8 Appendix 2 shows an Equipment and Capability Table for Local Port Services. The table shows the recommendations for equipment and also what is currently available for Tor Bay Harbour Authority.

4.9 The evaluation of a VTS or provision of LPS should determine if the purpose it was implemented for is still relevant and its objectives are being achieved. This requires auditing and reviewing of performance in accordance with the Statutory Harbour Authorities Safety Management System. The evaluation is intended to ascertain the effectiveness of the VTS in meeting its objectives, with respect to mitigating the risks of collisions or groundings in the VTS area.

4.10 In order to be effective the objectives of the VTS or provision of LPS needs to be kept under continuous review, bearing in mind changes in operations, operational methods, personnel and the availability of technology, to ensure that the objectives set for the provision of LPS remain applicable and are being achieved.

4.11 The overall evaluation of the VTS or provision of LPS should be preceded by an assessment of the effectiveness of the equipment, manning and procedures involved.

5. Possibilities and Options

5.1 To take no action and continue to operate without a review and endorsement of the Local Port Services Policy Statement.

6. Preferred Solution/Option

6.1 To approve the Local Port Services (LPS) Policy Statement shown in Appendix 1. (See 2.1 above)

7. Consultation

7.1 As Local Port Services are already in operation no further consultation has been undertaken.

8. Risks

8.1 The significant risks associated with taking this decision relate to whether a LPS system is sufficient for the level of navigation and marine activity within Tor Bay harbour.

8.2 The adoption of a clear Local Port Services Policy Statement will enhance the Council's reputation for transparency and accountability in respect of its function as a Harbour Authority.

Appendices

Appendix 1 Local Port Services (LPS) Policy Statement – December 2012

Appendix 2 Local Port Services – Equipment and Capability Table

Additional Information

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

Harbour Committee Report No. 297/2010 - Tor Bay Harbour - Local Port Services Policy Statement

Marine Guidance Note MGN 401 (M+F) - Vessel Traffic Services (VTS) and Local Port Services (LPS) in the United Kingdom

www.dft.gov.uk/mca/mgn401-2.pdf

The Port Marine Safety Code – October 2009 (DfT)

www.dft.gov.uk/mca/pmsc_oct_2009.pdf

A Guide to Good Practice on Port Marine Operations – September 2009 (DfT)

www.dft.gov.uk/mca/gtgp_aug_2009.pdf

Agenda Item 13

Appendix 1

Appendix 1

Tor Bay Harbour Authority - Local Port Services (LPS) Policy

In order to mitigate risk, provide for safe navigation and protect the environment in Tor Bay Harbour, it is necessary to ensure that:

- effective Local Port Services (LPS) operate throughout the port; and
- that shipping movements are adequately monitored within harbour limits.

To this end it is Tor Bay Harbour policy that the harbour authority shall:

- Determine, through a process of formal risk assessment, circumstances in which a VTS or LPS should be established and operated in accordance with internationally agreed guidelines;
- Provide Local Port Services for Tor Bay Harbour and the enclosed harbours of Brixham, Torquay and Paignton;
- Maintain VHF communication with all vessels covered by the Pilotage Directions;
- Seek to ensure that the LPS system remains available at all times;
- Review regularly the performance of the system and seek improvements through technical enhancement, staff development, training and effective management as necessary;
- Maintain standards for training and if necessary certification of personnel engaged in the delivery of the LPS;
- Record all AIS data as an aid to enforcement and incident reconstruction and investigation; and
- Maintain details and records of commercial vessel movements inside harbour limits using the Bay Reporting system in conjunction with Torbay & Brixham Shipping Agents.

17/12/2012

Appendix 2

Local Port Service – Equipment and Capability Table (Minimum Recommendations)

Service / Category	Equipment										Capabilities																								
	Communications					Traffic Image			Sensors																										
Local Port Service	✓	VHF / DF	○	Telephone	✓	Facsimile	✓	Email	✓	Manual Plotting Facility	○	Radar	○	Radar + Automatic Tracking Capability	○	AIS	○	CCTV	○	Meteorological	○	Hydrological	✓	Equipment Performance Monitoring	✓	Redundancy	✓	Data Recording	○	Data Management System	○	Data Export	○	Log & Record Keeping	✓
Tor Bay Harbour	✓	VHF / DF	○	Telephone	✓	Facsimile	✓	Email	✓	Manual Plotting Facility	○	Radar	○	Radar + Automatic Tracking Capability	○	AIS	○	CCTV	○	Meteorological	○	Hydrological	✓	Equipment Performance Monitoring	✓	Redundancy	✓	Data Recording	○	Data Management System	○	Data Export	○	Log & Record Keeping	✓

✓ - Recommended / Available
 ○ - Optional
 X - Not currently available