



Friday, 7 March 2014

HARBOUR COMMITTEE

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

Monday, 17 March 2014

commencing at **5.30 pm**

The meeting will be held in the Berry Head Hotel, Berry Head Road, Brixham,
TQ5 9AJ

Members of the Committee

Councillor Amil (Chairwoman)

Mr Stewart

Capt. Curtis

Mr Buckpitt

Capt. Lloyd

Mr Ellis

Councillor Ellery

Councillor Faulkner (J)

Councillor Hytche

Councillor McPhail

Councillor James

Mayor Oliver (Vice-Chair)

Councillor Richards

Councillor Stringer

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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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 - 5)
To confirm as a correct record the Minutes of the meeting of the Committee held on 16 December 2013.
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. **Presentation to Mr Gordon Jennings**
To give thanks for Mr Jennings service to the Tor Bay Harbour Authority and Committee.
6. **Review of Delegated Powers** (Pages 6 - 18)
To review the delegated powers of the Executive Head of the Tor Bay Harbour Authority.
7. **Tor Bay Harbour Business Plan 2014/2015** (Pages 19 - 47)
To consider a report which seeks agreement of the Tor Bay Harbour Authority Business Plan.

- 8. Tor Bay Harbour - Operational Moorings and Facilities Policy** (Pages 48 - 73)
To consider a report which seeks to amend the operational moorings and facilities policy.
- 9. Torquay/Paignton and Brixham Harbour Liaison Forums** (To Follow)
To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums.
- 10. Tor Bay Harbour Authority Budget Monitoring** (Pages 74 - 86)
To consider a report on the quarterly Budget Monitoring.
- 11. Harbour Committee Work Programme - 2014/2015** (Pages 87 - 88)
To agree the Harbour Committee Work Programme for 2014/15.
- 12. Performance of the Harbour Authority Business Unit** (To Follow)
To consider a report on the performance of the Harbour and Marine Services Business Unit.
- 13. Annual Review of the Tor Bay Harbour Authority Asset Management Plan** (Pages 89 - 99)
To review and approve the Tor Bay Harbour Authority Asset Management Plan.
- 14. Harbours Funding Opportunities - Briefing Paper** (Pages 100 - 103)
A briefing paper for Members.
- 15. Quarterly Accident & Incident for Tor Bay Harbour** (To Follow)
To review quarterly Accident & Incident for Tor Bay Harbour.



Minutes of the Harbour Committee

16 December 2013

-: Present :-

Councillors Ellery, Faulkner (J), Hytche, McPhail, James, Stringer, Excell (In place of Amil), Addis (In place of Mayor Oliver) and Lewis (In place of Richards)

External Advisors: Paul Lloyd, Dave Buckpitt, Capt. Curtis and Mike Ellis

11. Election of Chairman/woman

In the absence of the Chair and Vice-Chair, Councillor McPhail was elected Chairman for the meeting.

12. Apologies

An apology for absence was received from Mr Mike Stewart.

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillors Excell, Lewis and Addis instead of Councillors Amil, Richards and Mayor Oliver.

13. Minutes

The Minutes of the meeting of the Harbour Committee held on 23 September 2013 were confirmed as a correct record and signed by the Chairman.

14. Urgent items

Members were advised that due to the budget pressure a restructure of the Harbour Authority Business Unit had been undertaken resulting in two Senior Officers being made redundant.

Resolved:

That the Chairman send a letter to the two Senior Officers thanking them, on behalf of the Harbour Committee, for their long service and dedication.

15. Appointment of External Advisor

The Committee were advised that following an application and interview process, the Harbour Appointments Sub-Committee had met on 2 October 2013 and were pleased to recommend the appointment of Michael Ellis for the position, previously held by Gordon Jennings, as External Harbour Advisor.

Resolved:

That Mike Ellis be appointed as an External Harbour Advisor for a period of four years from 16 December 2013.

16. Exemption of Press and Public

Prior to consideration of the item in Minute 17 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

17. Development Opportunity for the Harbour Authority

Members considered an exempt Report on a potential Development opportunity for the Harbour Authority.

Resolved:

- (1) That the Executive Head of Tor Bay Harbour Authority, supported by the Torbay Development Agency (TDA), be requested to investigate the redevelopment opportunity outlined in the submitted report, with reasonable preparation costs being met by the harbour reserve fund; and
- (2) upon completion of the investigation outlined in (1), and detailed in the submitted report, the Executive Head of Tor Bay Harbour Authority working with the Torbay Development Agency, produce a detailed business case for the following scenarios :-
 - (i) Obtain vacant possession and sell a long leasehold interest of all or just the first floor of the building, for a premium as well as an annual rent, allowing the purchaser / tenant to carry out these works. If just the first floor is sold, consider how the ground floor could also be reconfigured to maximise values and increase usage of the harbour; and

- (ii) carry out the works to the first floor or all of the building and then seek a tenant for those refurbished parts at a full rental value; and
 - (iii) retain the status quo. Keep the structure of the building as it is and renew the existing leases, reviewing the rents where appropriate; and
- (3) that the tenants of the building be consulted and kept informed as to the proposals that might affect their use of the building; and
- (4) that the £5,000 budget identified in Point 4.19 and 4.20 of the submitted report be approved to investigate the costs of carrying out the development, but that authority will be delegated to the Chairman and the Executive Head of Tor Bay Harbour Authority to exceed this budget if so required; and
- (5) that an Update Report be brought back to the Harbour Committee in March 2014.

18. Tor Bay Harbour Authority Budget and Setting of Harbour Charges 2014/15

The Committee considered the report which provided 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 2014/15. This was 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.

Resolved:

- (1) That, having had regard to the opinions expressed by the Harbour Liaison Forums, Members consider the recommendation from the Harbour Committee's Budget Review Working Party, to increase the harbour charges for 2014/15, by a representative average increase of 3.0% and approve the schedule of harbour charges set out in Appendix 1; and
- (2) that, as set out in the submitted report, an additional contribution be made to the Council's General Fund from the Tor Bay Harbour Authority accounts, to the equivalent value of £150,000 for the years 2014/15 and 2015/16; and
- (3) that, any operating surplus from the Tor Bay Harbour Authority accounts for the year 2013/14 and the next two years be passed to the Council's General Fund in support of the corporate budget saving measures, providing the harbour reserve levels are not below the minimum recommended level; and

- (i) that the Tor Bay Harbour Authority budget for 2014/15, based on a 3.0% representative average increase in harbour charges as set out in Appendix 2, of the submitted report, be approved; and
- (ii) that during 2014/15 the Tor Bay Harbour Budget Review Working Party should continue to review the full range of harbour charges, monitor the revenue budget, and recommend a budget for 2015/16.

19. Annual Compliance Audit of the Port Marine Safety Code.

Members noted a report which provided details of the annual Port Marine Safety Code compliance audit. The audit had been undertaken by Nicholsons Risk Management Ltd who were appointed as the harbour authority's 'Designated Person' and the Harbour Committee, on behalf of the Council is the 'Duty Holder.'

The Committee also noted the contents of the revised Tor Bay Harbour Committee Safety Management System.

20. Torquay/Paignton and Brixham Harbour Liaison Forums

Members noted the minutes of the Torquay/Paignton and Brixham Harbour Liaison Forum meetings held on 3rd and 5th December 2013.

Members noted that the Defra Minister had announced the proposed Tor Bay Marine Conservation Zone (MCZ) had now been designated but it was too early to say what management measures might be forthcoming.

Resolved:

Executive Head of Tor Bay Harbour Authority to bring a report to the Harbour Committee to inform Members of the likely impacts of the new MCZ designation.

21. Quarterly Budget Monitoring

Members noted the report which provided them with projections of income and expenditure for the year 2013/14 with approved budgets and identified the overall budgetary position for Tor Bay Harbour Authority.

Members were advised that significant additional costs on the Brixham Harbour account had been incurred, increasing the anticipated deficit on the account for the year. This, along with the committed capital spending is likely to bring the Brixham Reserve level well below the minimum level.

The Executive Head of Tor Bay Harbour Authority advised Members that he will endeavour to remedy this situation within future years budget planning.

22. Performance Report

Members noted the quarterly report on the performance of the Harbour Authority.

Chairman/Woman



Meeting: Harbour Committee

Date: 17th March 2014

Wards Affected: All wards in Torbay

Report Title: Review of Delegated Powers

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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 **Email: Kevin.Mowat@torbay.gov.uk**

1. Purpose

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

2. Proposed Decision

- 2.1 **That, having reviewed the powers delegated to the Executive Head of Tor Bay Harbour Authority, as set out in Appendix 1 and Appendix 2, the Harbour Committee finds no reason to refer any proposed changes to the Council for determination.**

3. Action Needed

- 3.1 No further action required.

4. Summary

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

5. Position

- 5.1 In November 2000, in '**Modern Ports – A UK Policy**', the Department for Transport promised a review of municipal ports management structures and practices to ensure that municipal ports were playing a full and accountable part in the local and regional economy.
- 5.2 In May 2006 the Department for Communities and Local Government and Department for Transport jointly published '**Opportunities for Ports in Local Authority Ownership; A review of municipal ports in England and Wales**'.
- 5.3 In the review they stated that within the current framework for decision-making in local government there is scope for responsive and dynamic management of municipal ports. The key findings identified in the Executive Summary of the review concerned:-
- 1 Accountability and decision making
 - 2 Strategy and Business Planning
 - 3 Management and Performance Review
 - 4 Municipal Port Finances
- 5.4 Furthermore the review document states that decisions relating to the Harbour are based on advice from officers who have a clear understanding of the special requirements of the Harbour.
- 5.5 Following a report to the Harbour Committee in June 2006 it was resolved that a Municipal Ports Review Working Party be established to prepare an implementation schedule for review in relation to the review of Municipal Ports.
- 5.6 This Working Party met on five occasions with the last meeting being held on 22 January 2007. The Working Party agreed and recommended that the best way forward to meet the requirements of the Municipal Ports Review is to have a fit for purpose Harbour Committee working for Tor Bay Harbour under new and more detailed Terms of Reference and a Protocol set by the Council, making it effectively a decision-making committee of the Council. Later in 2007 the Council adopted the Working Party's recommendations.
- 5.7 It was a recommendation of the Working Party that the new Committee should be protected against short-term thinking and be subject to a coherent and consistent treatment by the Council.
- 5.8 Appendix 1 of this report provides a list of the current powers delegated to the Executive Head of Tor Bay Harbour Authority and they remain unchanged since they were last reviewed by the Committee in March 2013. Several delegated powers are generic and they apply to all Executives Heads. The general powers delegated to the Directors and Executive Heads and the limitations on delegations to the Chief Operating Officer, Directors, Executive Heads and all other officers, are listed in Appendix 2.

6. **Possibilities and Options**

- 6.1 Not to review the powers delegated to the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master.
- 6.2 To recommend further changes to the powers delegated to the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master.

7. **Preferred Solution/Option**

- 7.1 Not to refer any proposed changes to the Council regarding the powers delegated to the Executive Head of Tor Bay Harbour Authority.

8. **Consultation**

- 8.1 There are a number of stakeholder groups which are used to consult on the quality and performance of the harbour service these are the Brixham Harbour Liaison Forum, the Torquay/Paignton Harbour Liaison Forum, various Community Partnerships, individual Harbour User Groups and the community wide Viewpoint Panel.
- 8.2 All of these stakeholder groups have helped to influence the management arrangements in place for Tor Bay Harbour.

9. **Risks**

- 9.1 There is likely to be a reduction in risk by providing the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master with the appropriate level of delegated powers. If the governance arrangements for the harbour did not include an appropriate level of delegated powers there would be a significant risk that the Council would not have a fit for purpose form of governance that reflects national best practice.
- 9.2 Although the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master has a significant level of delegated powers, the risks associated with the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master making such decisions is minimal as the powers are governed by restrictions as shown in Appendix 2. Also, the delegated powers can be revoked at any time by a revision of the Council's Constitution, although this would be an extreme option as it would go against national best practice.
- 9.3 Any changes to the powers delegated to the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master could delay or disrupt effective decision making and this would impact on the safe and efficient management of Tor Bay Harbour Authority.
- 9.4 The only remaining risk is that the Council could be criticised for not adopting the appropriate level of delegated powers for the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master as recommended by the Municipal Ports Review.

Appendices

- Appendix 1 Powers currently delegated to the Executive Head of Tor Bay Harbour Authority - updated and published on 30th July 2013.
- Appendix 2 General Powers delegated to Directors and Executive Heads and Limitations on delegations to the Chief Operating Officer, Directors, Executive Heads and all other officers - updated and published on 30th July 2013.

Additional Information

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

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

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

Modernising Trust Ports: A Guide to Good Governance – Dept. of the Environment, Transport and the Regions (Jan 2000) (Second Edition August 2009)

<https://www.gov.uk/government/publications/modernising-trust-ports>

Torbay Council's Constitution – Officer Scheme of Delegation (last updated and published on 30th July 2013)

Appendix 1

Review of Delegated Powers

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

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

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

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

Updated and published on 30th July 2013

Appendix 2

Review of Delegated Powers

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

Description	Responsibility delegated by
relevant Executive member any appropriate clarification of the "Limitations on Delegations" below.	
<p>1.31 A Director (following consultation with the Chief Operating Officer and the relevant Executive Head) may (by written notice (including email)) withdraw (either permanently or temporarily) any of the above powers delegated to any Executive Head within his/her portfolio and/or impose restrictions or conditions upon the exercise of any of the above powers by that Executive Head. However, this paragraph shall not apply in relation to the following:</p> <ul style="list-style-type: none"> (a) the Council's Chief Finance Officer when acting in that capacity; (b) the Council's Monitoring Officer when acting in that capacity; (c) the Executive Head Tor Bay Harbour Authority when exercising powers or duties expressly reserved to him/her by law; and (d) any other officer when exercising powers or duties expressly reserved to him/her by law. 	
<p>1.32 The Chief Operating Officer, all Directors and Executive Heads shall delegate matters within their areas of responsibility to ensure that matters are dealt with at the appropriate level to maintain a proper balance between efficiency and control. The Chief Operating Officer, all Directors and Executive Heads shall maintain a written record of the delegations they have made and any limitations they have imposed upon such delegations.</p>	
<p>2. Limitations on delegations to the Chief Operating Officer, Directors, Executive Heads and all other officers.</p>	
<p>2.1 No decision shall be taken by any officer under this Scheme of Delegation if any relevant member or the Chief Operating Officer requests that the matter shall be referred to the Council or the Executive (whichever shall be able to take the decision in question) or to the Chief Operating Officer.</p>	
<p>2.2 All decisions shall be in accordance with the law. Whether or not any decision is contrary to the Council's Constitution may, if necessary, be determined by the Council. However, no decision or action shall be taken by any employee if the Executive Head Commercial Services reasonably considers it to be contrary to the law.</p>	

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

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

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

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

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

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

Updated and published on 30th July 2013

Agenda Item 7



Meeting: Harbour Committee

Date: 17th March 2014

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Business Plan 2014/2015

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**

 **Email: Kevin.Mowat@torbay.gov.uk**

1. Purpose

- 1.1 To agree the Tor Bay Harbour Business Plan for 2014/15.
- 1.2 Harbour customers and the wider community would expect the harbour authority to have a business plan.
- 1.3 If the Harbour Committee work to an agreed Business Plan it will have a positive impact on our customers.

2. Proposed Decision

- 2.1 **That the draft Tor Bay Harbour Business Plan 2014/15 as set out in Appendix 1 be approved.**
- 2.2 **That, subject to the views of the Harbour Committee, the Executive Head of Tor Bay Harbour Authority and the Harbour Committee Chairman agree the final detail of the Tor Bay Harbour Business Plan 2014/15, and sign the Acceptance Statement in Section 9.**

3. Action Needed

- 3.1 To agree the final detail of the Tor Bay Harbour Business Plan 2014/15, and sign the Acceptance Statement in Section 9.

4. Summary

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

- 4.2 The business plan should review the strategy of the harbour and present measurable objectives.
- 4.3 The Tor Bay Harbour Business Plan 2014/15 has followed the guidelines set out in the Municipal Ports Review, which also makes reference to *'Modernising Trust Ports: A Guide to Good Governance'*.

Supporting Information

5. Position

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

- 5.7 It was a recommendation of the Working Party that the new Committee should be protected against short-term thinking and be subject to a coherent and consistent treatment by the Council. Furthermore they believed the Committee should be apolitical.
- 5.8 Once the principle of a Harbour Committee was established a suggested Implementation Schedule was agreed in 2007 and this included the need to draw up and agree a Tor Bay Harbour Business Plan by the end of March each year.
- 5.9 The Municipal Port Review deals with the management of the harbour. It is not a question of ownership as the Council remains the owning authority. It is a matter of what delivers the most appropriate and fit for purpose form of governance that will work best for any particular municipal port.

6. Possibilities and Options

- 6.1 Not to accept the draft Tor Bay Harbour Business Plan 2014/15 and to recommend an alternative layout with alternative content.

7. Preferred Solution/Option

- 7.1 To approve the draft Tor Bay Harbour Business Plan 2014/15.
- 7.2 Municipal Ports are expected to consider adopting and adapting the recommendations made in '*Modernising Trust Ports: A Guide to Good Governance*'. This sets out the benchmarks in terms of Board composition, appointment, performance and accountability.

8. Consultation

- 8.1 There are a number of stakeholder groups which are used to consult on the quality and performance of the harbour service these are the Brixham Harbour Liaison Forum, the Torquay/Paignton Harbour Liaison Forum, various Community Partnerships, individual Harbour User Groups and the community wide Viewpoint Panel.
- 8.2 All of these stakeholder groups have helped to influence the content of the Tor Bay Harbour Business Plan over recent years. In particular harbour staff and the Liaison Forums have been able to comment on a draft version of the plan.
- 8.3 The Harbour Committee, with its Business Plan, will improve community relations as External Advisors are involved at the heart of the strategic decision-making process for Tor Bay Harbour.

9. Risks

- 9.1 There is likely to be a reduction in risk by having a Business Plan in place. If the Harbour Authority's governance arrangements did not include an appropriate Business Plan there would be a significant risk that the Council would not have a fit for purpose form of governance that reflects national best practice.
- 9.2 Although the Harbour Committee is a decision-making body, the risks associated with the Committee making decisions is minimal as the powers given to it can be

revoked at any time by a revision of the Council's Constitution. However, this would be an extreme option as it would go against national best practice.

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

Appendices

Appendix 1 Draft Tor Bay Harbour Business Plan 2014/15

Additional Information

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

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

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

Modernising Trust Ports: A Guide to Good Governance – Dept. of the Environment, Transport and the Regions (Jan 2000) (Second Edition August 2009)

<https://www.gov.uk/government/publications/modernising-trust-ports>

Torbay Council's Constitution - updated and published on 30th July 2013.

Agenda Item 7

Appendix 1
Tor Bay Harbour - Business Plan 2014/15
Business Unit – Tor Bay Harbour Authority



Business Plan 2014/2015

Tor Bay Harbour - Business Plan 2014/15
Business Unit – Tor Bay Harbour Authority

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

Tor Bay Harbour - Business Plan 2014/15
Business Unit – Tor Bay Harbour Authority

1. Executive Summary

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

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

Given the arrangements described above the Harbour Authority business unit effectively acts like an internally commissioned service. Torbay Council will continue to review its harbour authority function and seek opportunities to improve the governance of Tor Bay Harbour, where appropriate.

There is a strong commitment on behalf of Torbay Council both to improve the service provided by the Harbour to its direct users and to develop its role in supporting the local economy and as a focus both for the local community and visitors to the Bay. In 2014/15, for the third consecutive year, the Harbour Authority will pay the Council a cash dividend, plus a new asset rental fee.

2. Introduction

Torbay Harbour has existed successfully as a statutory entity since 1970 and it has served the community well. For more than 40 years it has been shown that Tor Bay Harbour can operate successfully, efficiently and economically, and subsequently not become a burden on Torbay Council's resources. Maintaining this situation has become extremely challenging in recent years as cash leaves the business to help alleviate the financial pressure placed on the owning authority.

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

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

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regularly dovetail effortlessly with beach, coast and environmental issues, often with a common aim.

2009 saw the introduction of the Marine & Coastal Access Act and during 2010 the new Marine Management Organisation became fully operational. These changes are now starting to alter how the UK manages its coastal waters and the marine environment. In December 2013 a Marine Conservation Zone (MCZ) was designated in Tor Bay. The Harbour Authority already plays an important role with other stakeholders in managing our local coastal zone.

The Tor Bay Harbour Port Masterplan which commenced in 2012, was approved, adopted and published by Torbay Council in December 2013. This milestone is particularly relevant given the number of quays, piers, buildings and other elements of infrastructure that make up the sizeable harbour estate managed by Tor Bay Harbour Authority. 2014 will see more progress being made on the South Coast Marine Plan as the introduction of marine spatial planning continues at a national level.

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

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

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

- ***“Better Facilities – Safer Harbour – Cleaner Environment”***

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

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

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

The service is responsive to the unique make up of Torbay’s resident and visiting population. The Torbay economy remains fragile with productivity rates and wage levels below the national average. An above average older population and proportion of the working age population claiming benefits is a contributing factor to this as is a reliance on the public and tourism sectors, with the Bay having the highest proportion of people employed in the tourism industry in the country.

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Our main customers and stakeholders include the following :-

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

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

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

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3. SWOT Analysis

STRENGTHS	WEAKNESSES
Dedicated and experienced staff	Low profile of harbour authority status
Natural harbour and safe anchorage	Extent of physical infrastructure (exposure to storm damage & climate change)
Fit for purpose Harbour Committee	Poor local transport infrastructure – road and rail links
Adequate harbour legislation and a modern set of harbour byelaws	Harbour governance not fully developed or fully fit for purpose
A leading fishing harbour in England and Wales with modern facilities	Resources diverted for provision of public amenity facilities
Support of Torbay Council	Very limited commercial/shipping income
Diversity and richness of natural environment	Operational land not 'safeguarded' by the planning system
Extent of and range of property on harbour estate	Ageing infrastructure with a significant repairing liability
Self-financing and policy of ring-fenced harbour accounts	Insufficient water depth in the enclosed harbours
Good provision of leisure and recreational boating facilities	Overprotection of the natural and physical environment – a reluctance to change
Designated sites protecting the natural and physical environment	Lack of boat repair and maintenance facilities
Strong identity as the English Riviera and used for marketing opportunities for tourism	Lack of working space in and around the enclosed harbours
One of the best race sailing Bays in the UK	Lack of cargo handling facilities
A compulsory pilotage service providing safety and protection	Narrow roads, congestion and lack of parking around the Bay
A Port Masterplan	Lack of usable shoreline
OPPORTUNITIES	THREATS
Improve the natural and physical environment (Quality of life)	Competition from other ports & harbours
Provide boat repair and maintenance facilities for recreational craft and fishing vessels	European fishing policies (restrictions with fish quota/depleted fish stocks)
A catalyst for regeneration activity	Effects of climate change and sea level rise
Integrated coastal zone management	Pollution – especially our sea and coast
Maximise commercial use of assets	Increasing user conflict over a shared and finite resource
Use the designations of SAC, MCZ and Geopark to attract business and tourism	Storm damage to quays, piers & breakwaters
Raise external profile and promote success	Change of financial policy (removal of ring-fenced harbour accounts)
Expand marina style berthing and capacity	Resistance to change i.e. improvement to governance
Improvement of transport links – road, rail and sea	Loss of operational land to non-marine use due to lack of safeguarding policy
Improve sea defences against flooding,	Inadequate regional & national ports strategy
Review governance model to allow the port to be a more efficient business	Too many sites designated for protection in the natural and physical environment

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OPPORTUNITIES (continued)	THREATS (continued)
Support maritime related businesses and sport activities to strengthen the maritime culture / identity	New cash dividend and asset rental charge paid to the Council's general fund becoming too much of a burden
Larger sub-regional marine leisure market opened up by the South Devon link road	Disruption to business caused by major redevelopment of adjacent sites
Refurbish or replace derelict port infrastructure	MCZ designation could hinder growth by either stopping development or making it prohibitively costly
Provide sufficient shelter and berthing facilities within the enclosed harbours	Lack of finance and funding for developments particularly for breakwater extensions

4. Compliance with the Municipal Ports Review

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

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

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

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

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

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

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

5. Strategic Objectives and Core Values

Links to Corporate and Community priorities and objectives.

There are a variety of different and obvious links between this Plan relating to Tor Bay Harbour and the provision of the Tor Bay Harbour Authority business unit, and the Council's overall '**Vision**' for Torbay, which is "**Working together for a Healthy, Prosperous and Happy Bay**".

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

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

Harbour Authority Objectives

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

Shared Objectives

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

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Delivering on our Core Values

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

Overall Objective

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

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6. Priorities, Outcomes and Actions

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

PRIORITY No. 1: MAINTAIN SAFETY

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
Renew the bi-lateral agreement with the UK Hydrographic Office	Annually	Executive Head
Undertake routine maintenance of harbour infrastructure	Ongoing	Harbour Masters
Pass annual audit/inspection from Trinity House and file quarterly reports	Annually/Quarterly	Executive Head
Issue local Notices to Mariners and enforce Harbour Byelaws	As required	Harbour Masters
Lay seasonal 5-knot buoys & navigational marks	May 2014	AHM Torquay
Manage the seasonal beach/harbour patrol craft	May to September 2014	AHM Torquay
Safety Management System audit completed and improvement plan agreed	December 2014	Harbour Masters
Safety Management System Improvement Plan (2013/14) implemented	November 2014	Harbour Masters
Embed the new Accident & Incident reporting system – part of the Safety Management System software	June 2014	Executive Head
Review and exercise the Tor Bay Harbour Emergency Response Plan	Annually	Executive Head/TBC
Review the delegated powers of the Executive Head of Tor Bay Harbour Authority	March 2015	Harbour Committee
Review of existing harbour powers (every 5 years)	December 2015	Executive Head & Harbour Committee

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

PRIORITY No. 2: IMPROVE CUSTOMER EXPERIENCE

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
Refresh the Tor Bay Harbour Website	Ongoing	Harbour Masters
Undertake a customer satisfaction survey and react to the results	February to May 2015 (Biennial)	Executive Head
Continue benchmarking via the British Ports Association, UK Harbour Masters Association, RYA, BMF & SW Regional Ports Association	Ongoing	Harbour Masters
To provide a prompt reply to correspondence (including letters, faxes and e-mails)	Ongoing	All Office Staff
Complete Equality Impact Assessments (Annually)	November 2014	HM Paignton
Implement Equality Impact Assessment Improvement Plans (Annually)	November 2014	Executive Head
Monitor and support staff through induction and appraisal reviews (RADARs)	March 2015	All Managers
Encourage Harbour Masters to fully complete CPD records	Ongoing	Executive Head
Work with the Director of Place & Resources and the Chairman of the Harbour Committee Chairman to consider the impact of the Localism Act and in particular the issues surrounding the ‘community right to challenge’ – if necessary provide the business case for future service delivery options for Tor Bay Harbour Authority	March 2015	Executive Head, Harbour Committee Chairman & Director of Place & Resources
To review the Tor Bay Harbour Operational Moorings Policy (Annually)	March 2015	Executive Head

Tor Bay Harbour - Business Plan 2014/15
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KEY THEMES – A HEALTHY BAY, A PROSPEROUS BAY AND A HAPPY BAY

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

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
Influence decision making over the management measures of the new Special Area of Conservation in Tor Bay	March 2015	Harbour Masters & SeaTorbay
Influence decision making over the management measures for the Torbay Marine Conservation Zone	March 2015	Executive Head, Harbour Committee & SeaTorbay
Attend meetings with other coastal zone stakeholders. (Inshore Fisheries and Conservation Authority (IFCA), Torbay Coast & Countryside Trust, SeaTorbay, Devon Maritime Forum)	Ongoing	Harbour Masters
Assist in the collection of spatial mapping data	Ongoing	Harbour Masters
Distribute information on good practice and regulations to boat owners (Green Blue Initiative) – improve recycling and reduce carbon emissions	Ongoing	Harbour Masters
Help provide appropriate sea/flood defences and raise awareness of sea level rise	Ongoing	Harbour Committee, TBC & EA
Deliver the project to replace chain moorings with pontoon berths in Torquay’s inner harbour	May 2014	Executive Head
Support the implementation of the Coastal Zone Management Plan for Torbay	Ongoing	Executive Head & Harbour Masters
Continue to investigate renewable energy projects for use on the harbour estate	February 2015	Executive Head

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

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

The outcomes we want to achieve are:

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

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

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

PRIORITY No. 5: ENCOURAGE LOCAL PROSPERITY

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
By working with stakeholders investigate options to improve the management of the new Fish Market complex	March 2015	Executive Head
Produce a schedule of Maritime Events (Annually)	January 2015	AHM Torquay
Contribute to tourism by working to support event organisers	Ongoing	All Harbour Staff
Work collaboratively with the English Riviera Tourism Company Ltd, especially in respect of marketing and promoting Tor Bay Harbour	Ongoing	Harbour Masters & ERTC
Contribute to tourism by providing visitor mooring facilities (Annually)	Ongoing (May ~ Oct)	Harbour Masters
Work with the Economic Development Company (TDA), the Mayor and the Council on marine and waterfront projects	Ongoing	Executive Head & Harbour Committee
Work with the Economic Development Company (TDA) to prepare an economic and strategic impact assessment of the Council’s harbour authority function	December 2014	Executive Head & TDA
Work with the Economic Development Company (TDA), the Mayor, the Council and the Local Enterprise Partnership (LEP) on maximising the potential benefits of the SW Marine Energy Park and City Deal for Tor Bay Harbour Authority	Ongoing	Executive Head & Harbour Committee Director of Place & Resources
Agree the Tor Bay Harbour Authority Business Plan (Annually)	March 2015	Harbour Committee
Continue to assess and explore all potential grant funding opportunities on an on-going basis, including in particular, any new European funding programmes and Environment Agency flood defence options	June 2014	Executive Head & TDA

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

PRIORITY No. 6: ACHIEVE FINANCIAL STRENGTH

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
Keep existing businesses and attract new activities, including direct and indirect marketing and promotion.	Ongoing	Executive Head & Harbour Committee
Monitor variation on budgeted income	Quarterly	Executive Head & Harbour Committee
Monitor variation on budgeted expenditure	Quarterly	Executive Head & Harbour Committee
Produce an Asset Management Plan for the Business Unit (Annually)	March 2015	Executive Head
Review the Risk Register for the Business Unit (Annually)	September 2014	Executive Head
Review the future use of the Harbour Light Restaurant building	June 2014	Executive Head & TDA
Test and review a Business Continuity Plan for the Business Unit	July 2014	Harbour Masters
Maximise harbour estate lettings occupancy	Quarterly	Executive Head & Harbour Committee
Undertake Energy Audits at each enclosed harbour (linked to Priority 3 above to reduce carbon emissions)	November 2014	Harbour Masters
Set the Tor Bay Harbour Charges and Harbour Budget (Annually)	December 2014	Harbour Committee
Review the Audit Plan for Tor Bay Harbour Authority (Annually)	June 2014	Harbour Committee

Key

Executive Head	Executive Head of Tor Bay Harbour Authority	TBC	Torbay Borough Council
ERTC	English Riviera Tourism Company Ltd	EA	Environment Agency
TDA	Torbay Development Agency (Economic Development Co.)		

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7. Budget and Financial Planning

TORQUAY and PAIGNTON HARBOURS

PROJECTED OUTTURN 2013/14 and APPROVED BUDGET 2014/15

Expenditure	OUTTURN	PROJECTED	APPROVED
	2012/13	OUTTURN	BUDGET
	£000	2013/14	2014/15
		£000	£000
Operations and Maintenance :-			
Harbour Attendants Salaries and Wages	138	141	143
Repairs and Maintenance	163	153	123
Rent Concessions	1	2	2
Other Operating Costs	97	153	143
Management and Administration :-			
Salaries	175	173	139
Internal Support Services	109	81	83
External Support Services	20	19	21
Other Administration Costs	53	78	77
Capital Charges	177	178	232
Contribution to Patrol Boat Operation	5	0	3
Contribn to General Fund - Cash Dividend	25	59	65
Contribn to General Fund - Asset Rental	0	0	64
	963	1,037	1,095
Income			
Rents and Rights :-			
Property and Other Rents/Rights	268	260	262
Marina Rental	200	240	227
Operating Income :-			
Harbour Dues	64	72	54
Visitor and Slipway	44	49	43
Mooring fees	64	78	42
Town Dock	251	253	265
Torquay Inner Harbour pontoons			126
Boat and Trailer parking	37	37	38
Other Income	48	28	29
Contribution from Reserve	0	30	0
	976	1,047	1,086
Operating Surplus /(Deficit)	13	10	(9)

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BRIXHAM HARBOUR

PROJECTED OUTTURN 2013/14 and APPROVED BUDGET 2014/15

Expenditure	OUTTURN	PROJECTED	APPROVED
	2012/13	OUTTURN	BUDGET
	£000	2013/14	2014/15
		£000	£000
Operations and Maintenance :-			
Harbour Attendants Salaries and Wages	149	194	223
Repairs and Maintenance	143	180	120
Rent Concessions	4	2	2
Other Operating Costs	405	359	375
Management and Administration :-			
Salaries	136	148	117
Internal Support Services	93	68	70
External Support Services	20	19	21
Other Administration Costs	71	95	61
Capital Charges	292	291	292
Leased properties	26	0	0
Contribution to Patrol Boat Operation	5	0	3
Contribn to General Fund - Cash Dividend	36	81	83
Contribn to General Fund - Asset Rental	0	0	61
	1,380	1,437	1,428
Income			
Rents and Rights :-	216	215	222
Rents and Rights	147	179	170
Marina Income			
Operating Income :-			
Harbour Dues	90	87	95
Visitor and Slipway	12	5	13
Mooring fees	138	138	142
Fish Tolls income	675	650	650
Other Income	99	96	101
Contribution from Reserve	83	30	0
	1,460	1,400	1,393
Operating Surplus /(Deficit)	80	(37)	(35)

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TORQUAY AND PAIGNTON HARBOURS - FUTURE YEARS

	APPROVED ESTIMATE 2013/14 £000	PROJECTED OUTTURN 2013/14 £000	PROVISIONAL ESTIMATE 2014/15 £000	PROVISIONAL ESTIMATE 2015/16 £000	PROVISIONAL ESTIMATE 2016/17 £000	PROVISIONAL ESTIMATE 2017/18 £000
1. EXPENDITURE						
Employees	325	314	282	287	291	297
Maintenance	153	153	123	126	129	132
Rent Concessions	2	2	2	2	2	2
Other Costs	153	239	231	237	243	249
Town Dock excl Cap Financing	5	11	5	5	5	5
Capital Financing	178	178	168	168	168	168
Patrol Boat Deficit	3	0	3	3	3	3
Support Services	124	81	83	85	87	89
	943	978	907	923	938	955
2. INCOME						
Marina Rent	222	240	227	227	227	227
Rent and Other	260	260	262	262	262	262
User Charges /Other	251	294	273	273	273	273
User Charges - Town Dock	250	253	265	265	265	265
	983	1,047	1,027	1,027	1,027	1,027
Contributions to General Fund	59	59	129	129	129	129
Projected Net Surplus/(Deficit) before charges increases	(19)	10	(9)	(25)	(40)	(57)
<u>Cumulative effects of increasing charges/growth</u>						
User charges 2.5% year on year				7	14	21
Town Dock charges 2.5% year on year				7	14	21
Marina rentals 1% year on year				2	2	2
Potential Net Surplus/(Deficit)	(19)	10	(9)	(9)	(10)	(13)
Total Reserve level at Year End	621		586	325	110	102
<i>Revenue Deficit Reserve level at Year End (minimum level)</i>	237	0	209	205	209	211
<i>Capital Projects Reserve level at Year End*</i>	384	0	377	120	0	0

Tor Bay Harbour - Business Plan 2014/15 Business Unit – Tor Bay Harbour Authority

BRIXHAM HARBOUR - FUTURE YEARS

	APPROVED ESTIMATE 2013/14 £000	PROJECTED OUTTURN 2013/14 £000	APPROVED ESTIMATE 2014/15 £000	PROVISIONAL ESTIMATE 2015/16 £000	PROVISIONAL ESTIMATE 2016/17 £000	PROVISIONAL ESTIMATE 2017/18 £000
1. EXPENDITURE						
Employees	376	342	340	345	349	356
Maintenance	120	180	120	123	126	129
Rent Concessions	4	2	2	2	20	2
Other Costs	389	473	457	468	480	492
Patrol Boat Deficit	3	0	3	3	3	3
Support Services	107	68	70	72	74	76
	<u>1,290</u>	<u>1,356</u>	<u>1,284</u>	<u>1,305</u>	<u>1,344</u>	<u>1,350</u>
2. INCOME						
Marina Rent	162	179	170	170	170	170
Rent and Other	215	215	222	232	240	240
Fish Tolls	650	650	650	650	650	650
User Charges	329	356	351	351	351	351
	<u>1,356</u>	<u>1,400</u>	<u>1,393</u>	<u>1,403</u>	<u>1,411</u>	<u>1,411</u>
Contributions to General Fund	81	81	144	144	144	144
Projected Net Surplus/(Deficit) before charges increases	(15)	(37)	(35)	(46)	(77)	(83)
<u>Cumulative effects of increasing charges/growth</u>						
User charges 5% year on year				9	18	27
Marina rentals 0% year on year				2	2	2
Potential Net Surplus/(Deficit)	(15)	(37)	(35)	(35)	(57)	(54)
Total Reserve level at Year End	543		174	115	81	25
<i>Revenue Deficit Reserve level at Year End (minimum level)</i>	<i>237</i>		<i>280</i>	<i>279</i>	<i>283</i>	<i>286</i>
<i>Capital Projects Reserve level at Year End</i>	<i>306</i>					

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Cash Dividend and Asset Rental Charge to the Council's General Fund

Torbay Council's general fund budget is facing a shortfall of approximately £26m for 2014/15 & 2015/16 and all council business units have been asked to make savings and/or look at income opportunities to help reduce the deficit. The Chairman of the Harbour Committee and the Executive Head of Tor Bay Harbour Authority therefore agreed to recommend an increase of £125,000 to the cash contribution payable to the general fund from the harbour accounts for each of the next two years (2014/15 & 2015/16). Furthermore it was also agreed to take on a £25,000 public toilet liability by moving Beacon Quay (Torquay), Roundham Road (Paignton) and New Pier (Brixham) toilets into the harbour estate/budget on a permanent basis. On 16th December 2013 the Harbour Committee agreed to this additional contribution on top of the existing cash dividend representing 6% of harbour income. It was understood that the recommendation relating to the cash contribution should be reviewed after 2015/16. It was also agreed by the Harbour Committee that any operating surplus in 2013/14 and the next two years be passed to the Council's general fund (providing the harbour reserve levels are not below the minimum recommended level).

The Harbour Committee has previously indicated that the delivery of a fully commissioned harbour authority service could reduce some of the existing support & fixed costs and that such cost reduction and efficiency gains, if they were achieved, would place the harbour authority in a better position to potentially continue paying a cash dividend in future years. i.e. beyond the current financial crisis. In 2007 Torbay Council decided to accept the main findings of the Municipal Ports Review and the concept of paying a dividend and/or an asset rental fee to the "owning authority" is clearly mentioned within this review. However, the total contribution for 2014/15 and 2015/16 amounts to £273k (each year) and this has and will continue to put considerable pressure on the harbour authority budget.

Harbour Reserve Funds

The balance on the Harbour Reserve Funds forms part of the Council's overall cash balances which are invested in line with the annual Treasury Management Strategy approved by Council. The strategy sets out assumptions on interest rates and the controls for maintaining security of cash. Since 2010/11 investments have yielded annual returns of 1.25%, 1.40% and 1.50% with 1.10% anticipated for 2013/14. Global economic and market conditions continue to subdue investment rates with no increase in UK Bank Rate forecast until 2015 and enhanced rates previously available to Local Authorities being withdrawn. A return of 0.84% has been budgeted for 2014/15 but with risk to the downside.

Torbay Council's current Treasury Management Strategy can be found at:-

http://www.torbay.gov.uk/index/council/financial_services/treasurymanagement.htm

The balances of the Harbour Reserve Fund at 1st April 2013 were;

Torquay and Paignton Harbours	-	£ 621,662
Brixham Harbours	-	£ 522,922

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8. Targets and Performance Indicators

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

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

Year	Target	Actual	Status
2007/08	95%	97%	On Target
2008/09	97%	100%	On Target
2009/10	85%	86%	On Target
2010/11	86%	82%	On Target
2011/12	85%	81.6%	On Target
2012/13	85%	80.7%	Below Target

Brixham Harbour Fish Tolls

Year	Target	Actual	Status
2007/08	£450,000	£526,102	Well Above Target
2008/09	£485,000	£465,778	On Target
2009/10	£485,000	£471,248	On Target
2010/11	£485,000	£556,620	Well Above Target
2011/12	£474,000	£739,192	Well Above Target
2012/13	£525,000	£674,819	Well Above Target
2013/14	£650,000		

Navigation Lights Availability

Year	Target	Actual	Status
2007/08	100%	99%	On Target
2008/09	100%	100%	On Target
2009/10	100%	100%	On Target
2010/11	100%	100%	On Target
2011/12	100%	99%	On Target
2012/13	100%	98%	On Target
2013/14	100%		

Harbour estate lettings occupancy

Year	Target	Actual	Status
2007/08	100%	99%	On Target
2008/09	100%	97%	On Target
2009/10	100%	96%	On Target
2010/11	100%	96%	On Target
2011/12	100%	97.5%	On Target
2012/13	100%	99.2%	On Target
2013/14	100%		

9. Business Plan Acceptance Statement

Business Plan Acceptance

Business Unit - Tor Bay Harbour Authority	Business Plan 2014/15
--	------------------------------

Signed and accepted by Executive Head Tor Bay Harbour Authority	<i>Print and Sign</i>
Date	

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

**Tor Bay Harbour - Business Plan 2014/15
Business Unit – Tor Bay Harbour Authority**

APPENDIX 1

Tor Bay Harbour Port Masterplan

Please find a copy at :-

<https://www.torbay.gov.uk/harbours/aboutus/portmasterplan.htm>

**Tor Bay Harbour - Business Plan 2014/15
Business Unit – Tor Bay Harbour Authority**

APPENDIX 2

Municipal Ports Review

“Opportunities for Ports in Local Authority Ownership”

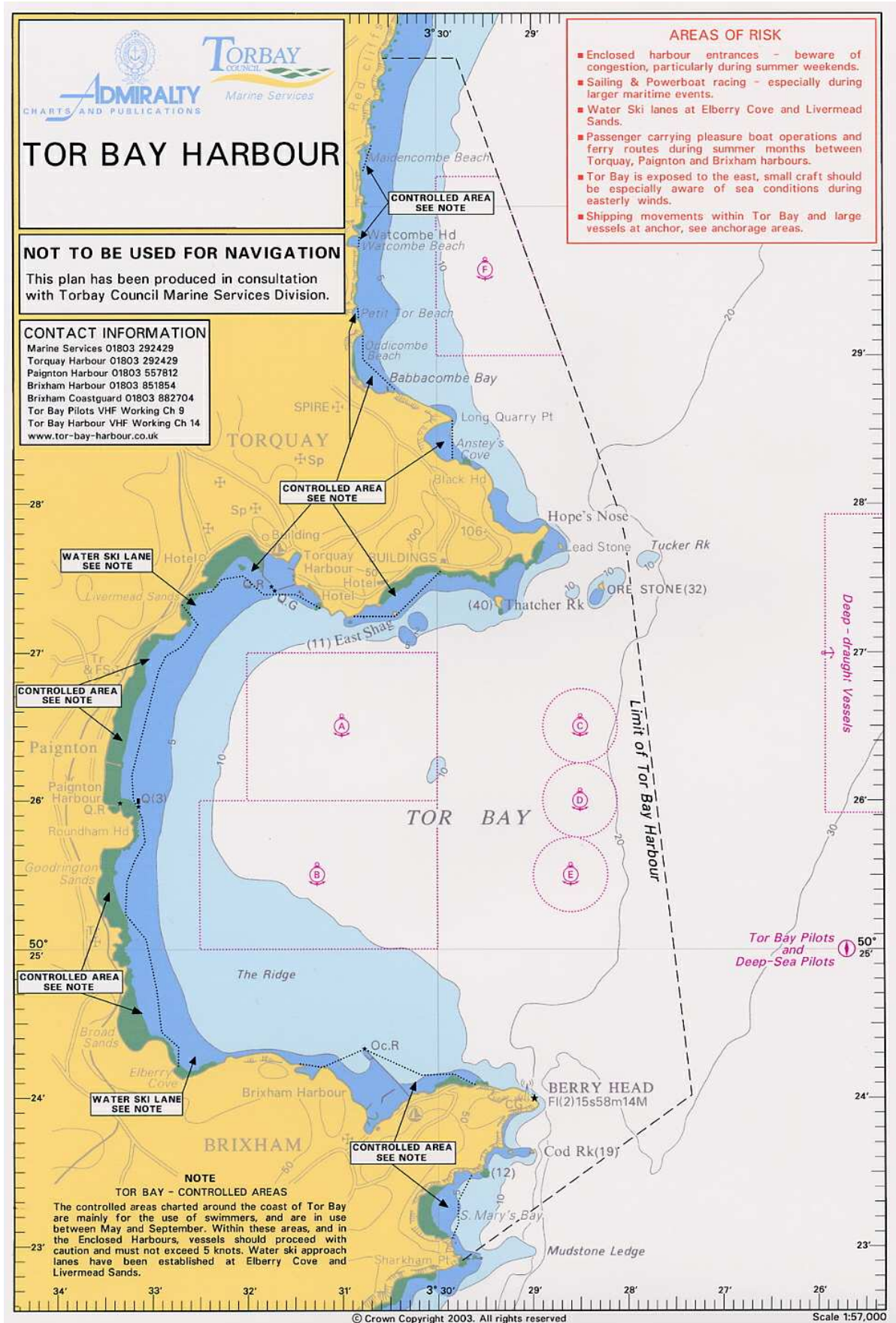
Please find a copy at :-

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

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APPENDIX 3

Plan of Tor Bay Harbour





Meeting: Harbour Committee

Date: 17th March 2014

Wards Affected: All wards in Torbay

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

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**

 **Email: Kevin.Mowat@torbay.gov.uk**

1. Purpose

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

2. Proposed Decision

- 2.1 **That the Tor Bay Harbour Operational Moorings and Facilities Policy – Version ~ 8 set out in Appendix 1 to the report be approved.**

3. Action Needed

- 3.1 That the Tor Bay Harbour Operational Moorings and Facilities Policy (Version ~ 8) should be implemented by harbour authority staff and the policy should be published on the harbour website.

4. Summary

- 4.1 Within Tor Bay Harbour a number of discretionary services are provided. Some of the most popular discretionary services are the provision of moorings, berths, boat park spaces, tender racks, storage lockers, etc. The annual use of these various Council owned harbour facilities is governed by a variety of controlling factors. These factors include local harbour legislation, harbour byelaws and the annual Facility Form Agreement terms and conditions.
- 4.2 In June 2007 the Harbour Committee introduced a new operational policy statement to supplement the Tor Bay Harbour Act 1970 (and subsequent amending legislation), the associated Harbour Bye-laws, and the facility agreement conditions. The policy has been subject to routine review and amendment and the

Harbour Committee has agreed to a number of revisions with the latest being Version 7 which was approved in March 2013.

- 4.3 Waiting lists for facilities have existed for many years and local boat owners have been given preference when vacancies have arisen. The Tor Bay Harbour Operational Moorings and Facilities Policy makes it clear how this system works and it sets out the order of priority for facility allocation.
- 4.4 An operational moorings and facilities policy is required to ensure that a consistent, fair and equitable approach is applied to new, existing and potential facility holders that use Tor Bay Harbour and the harbour estate. It also aims to ensure that the policy and associated conditions are fully understood and recognised as being reasonable. The existing operational policy statement serves as a management tool and it was accepted that it would need to be amended from time to time by the Harbour Committee. It therefore does not form part of the strategic policy framework set by Torbay Council.

Supporting Information

5. Position

- 5.1 The Tor Bay Harbour Operational Moorings and Facilities Policy was adopted by the Harbour Committee in June 2007 and amended in December 2007. It has since been updated every March since 2009.
- 5.2 All of the amendments in the proposed Tor Bay Harbour Operational Moorings and Facilities Policy – Version 8 (Appendix 1) are shown using the ‘track changes’ tool.

6. Possibilities and Options

- 6.1 To take no action and continue with the existing Tor Bay Harbour Operational Moorings and Facilities Policy (Version 7), which was adopted in March 2013.

7. Preferred Solution/Option

- 7.1 To approve and adopt the Tor Bay Harbour Operational Moorings and Facilities Policy (Version ~ 8) as set out in Appendix 1.

8. Consultation

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

9. Risks

- 9.1 There are no significant risks associated with the recommendation in this report. However, the absence of such a policy may attract criticism, especially if the Harbour Masters are expected to take operational decisions in the absence of clear guidelines.

- 9.2 The adoption of a clearly stated moorings and facilities policy will enhance the Council's reputation for transparency and accountability in respect of its delivery of its Harbour Authority function.
- 9.3 Adoption of a clearly stated moorings and facilities policy should promote equality of opportunity for people to access services provided by the Harbour Authority. Furthermore it should reduce or eliminate any unlawful discrimination, direct or indirect, regarding the allocation and use of moorings and facilities.
- 9.4 There are no remaining risks.

Appendices

Appendix 1 Tor Bay Harbour – Operational Moorings and Facilities Policy - Version ~ 8

Additional Information

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

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

TOR BAY HARBOUR AUTHORITY

OPERATIONAL MOORINGS AND FACILITIES
POLICY



Version ~ 8 March 2014

Tor Bay Harbour Authority

Operational Moorings and Facilities Policy

Introduction

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

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

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

Subject to the Council's Port Masterplan, nothing within this policy shall interfere with the Harbour Master's overall ability to allocate or regulate the number, location, size and type of facilities being used at any time within Tor Bay Harbour.

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

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

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

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

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

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

Types of Mooring/Facilities

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

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

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

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

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

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

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

Facility Charges

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

Facilities Allocation

Private Moorings/Facilities Waiting List

A mooring/facility can only be offered and allocated to the person whose name is next on the appropriate waiting list subject to the priority definitions below. A £25 non-refundable deposit is required to join the waiting list and lists will be closed if they are over subscribed. A procedure covering the waiting list and the application of deposits can be found in Appendix 2. Under normal circumstances the applicant will only be given one offer of a facility. A second or third offer will only be made in exceptional circumstances. All applicants will have their name removed from the list and their deposit will be lost (without exception), if they have declined three offers of a harbour facility.

Waiting List Priority

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

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

Torquay Town Dock & Inner Harbour pontoons Priority

The Town Dock and Inner Harbour Pontoon waiting lists are closed when 20 names are registered for each band of berth size and when they are re-opened, names will only be accepted from those people with a primary address in the TQ1 to TQ5 postcode areas, on a first come first served basis, to be confirmed by a check of Council Tax records and/or Electoral Register information.. Town Dock and Torquay Inner Harbour Pontoon berths will only be allocated to people outside the TQ1 to TQ5 postcode areas if no waiting list exists.

Mooring Exchange Scheme - Torquay Town Dock & Inner Harbour Pontoon System

Customers with existing 6 metre, 8 metre, 9.14 metre, 10 metre and 12 metre berths on the Town Dock or Inner Harbour Pontoon system at Torquay, may be able to exchange their facility for an alternative sized berth. Further details including eligibility criteria can be found in Appendix 3.

Commercial Moorings - Waiting List

A waiting list exists for a number of specified commercial moorings. Currently these can be split into specific numbers of facilities for passenger carrying pleasure craft and other moorings identified for commercial craft such as fishing vessels. To avoid over capacity the Council has an established policy to restrict the number of moorings for passenger carrying pleasure craft at each of the enclosed harbours. Furthermore this is the only policy that allows the transfer of use of a mooring facility to the new owner of a passenger boat. i.e. where a pleasure boat ceases to operate at any Harbour and the operator sells his/her business, the Harbour Master is authorised to transfer the mooring facilities to the new owner. This mooring transfer does not apply to fishing vessels or other commercial craft.

This commercial moorings waiting list does not require a deposit.

Given the obvious demand for this type of mooring and the significant contribution made by passenger carrying pleasure boats to the English Riviera

tourism product, the Harbour Authority will operate a “use it or lose it” policy. If a commercial boat owner does not put a vessel on the allocated mooring facility for two consecutive years or does not operate a vessel commercially, that has use of a mooring, for two consecutive years, then the mooring facility will be allocated to the next appropriate applicant on the waiting list.

Facilities for Heritage Vessels

A limited number of ‘Heritage’ vessels are permitted, with the Harbour Master’s consent, to berth on the Town Pontoon in Brixham Harbour, provided they have alternative bad weather mooring facilities within the harbour. The Council’s agreed criteria against which vessels could be measured for inclusion within the “fleet” of heritage boats based at Brixham Harbour is as follows :-

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

Boat Park Spaces

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

Duration of Facility Agreement

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

Renewal of Allocated Facility

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

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

possessions or chattels from the previous location to the appointed new location for such a facility forthwith.

Cancellation of Facility Form Agreement

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

The Council may terminate the Facility Form Agreement at any time by giving 1 months notice in writing to the facility holders last known address. For the avoidance of doubt, the Harbour Master has delegated authority to terminate Facility Form Agreements on behalf of the Council. A facility may be terminated for a number of reasons and these may include but are not limited to; bad debt, failure to comply with harbour regulations, abuse towards harbour staff and a discretionary facility being discontinued.

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

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

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

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

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

The facility holder shall at all times be responsible for the safety of his/her vessel and shall be liable for any damage occasioned to the Council's property, howsoever caused, during the navigation of any vessel by the applicant or his/her servant or agents, or whilst the applicant's vessel is berthed, moored, or launched, or by the vessel slipping her berth, mooring or

being cast adrift and will pay to the Council on demand any claim for reasonable compensation in respect of such damage.

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

This section applies equally to visitors and temporary users of the harbour and harbour estate, whether using a vessel, vehicle or trailer.

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

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

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

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

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

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

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

required insurance, confirm acceptance of all conditions and Byelaws and be liable for the appropriate level of harbour dues.

Any individual boat owner will only be permitted to borrow a facility for two consecutive years, assuming that two separate facility holders and the Harbour Master are agreeable to such an arrangement. i.e. the maximum stay without a properly allocated facility is 24 months.

Size of Vessel (Facility Agreement Conditions 17)

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

Inheritance

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

Vessel Identification (Byelaw 35)

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

Change of Vessel (Byelaw 33)

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

Vessel Not On Facility

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

Partnerships

Partnerships must have been registered with the Harbour Authority when the facility was first allocated. Any subsequent changes of ownership or partnership buy out **will not be recognised** or count towards facility allocation. The Harbour Authority will not recognise shared ownership beyond one third. i.e. a maximum of three partners inclusive of the applicant. All

partners must be over the age of 18 and meet the local residence requirements detailed in this policy with regard to facility allocation priority.

Use of Facilities

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

Privately owned vessels paying harbour charges as private craft must not operate their craft on a commercial basis. The number of available commercial moorings is restricted under this policy (please refer to the 'Facilities Allocation' section in this document under the heading 'Commercial Moorings – Waiting List'). Consequently any owner who changes the use of their craft from a private vessel to a commercial vessel (either by conversion or replacement) will have their facility agreement terminated.

Privately owned fenders **must not** be fixed to harbour authority property (other than by rope) without the prior consent of the harbour authority. Installation of owner's 'dock fenders' will normally be permitted, subject to prior approval. Any fixing that requires drilling into steel, stone or concrete **must be undertaken** by harbour authority staff.

Privately owned 'dock boxes' **must not** be fixed to harbour authority property without the prior consent of the harbour authority and a charge may be applicable.

Fuel and Re fuelling

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

Other than for small outboard engines, no petrol refuelling from cans or containers is permitted on the harbour side, pontoons, steps, slipways, or moorings. Petrol refuelling is permitted at a licensed marine fuel station or when using an approved siphoning/pumping device agreed specifically with the Harbour Master or at Paignton Harbour from cans onto moored vessels when the harbour has dried.

Any fuel spillage must be reported to the Harbour Master

Pollution (Byelaw 91 and Byelaw 102)

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

Moorings and Vessel Protection

Fitting of Moorings (Facility Agreement Condition 16)

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

Buoyant Rope (Byelaw 98)

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

Removal of Moorings (Byelaw 100)

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

Vessel Monitoring

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

Propeller Covers (Facility Agreement Conditions 22)

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

Provision of Proper Fenders (Byelaw 46)

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

Mooring, Berthing, Anchoring in the Harbour

Vessels to be moored etc as directed

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

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

No person shall anchor so as to obstruct a fairway.

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

The master of a vessel shall not make fast his/her vessel to or lie against any buoy, beacon or mark used for navigation. No person shall make a vessel fast

to or interfere with any post, quay, ring, fender or any other thing or place not assigned for that purpose.

Vessels not to Obstruct Free Passage

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

Vessels to be Properly Secured

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

Vessels Not to Obstruct Steps, Slipways (Byelaw 26)

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

Reckless Conduct and Disorderly Behaviour

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

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

Compliance with Statute, Byelaws and Directions of the Harbour Master

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

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

Disabled Access

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

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

Young People

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

Visitor Moorings

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

Appendix 1

GENERAL CONDITIONS

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

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

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

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

Appendix 2

WAITING LISTS

TOR BAY HARBOUR

WAITING LIST PROCEDURE AND APPLICATION OF DEPOSITS

- 1) The waiting list deposit is **£25**. On receipt of the appropriate fee, your name will be placed on the relevant list. Please make cheques payable to 'Torbay Council'.
- 2) The waiting list entry will be dated the same day the deposit is received.
- 3) The deposit is **NOT REFUNDABLE OR TRANSFERABLE** but will be credited to the facility charges when a facility is obtained.
- 4) Under normal circumstances the applicant will only be given one offer of a facility. A second or third offer will only be made in exceptional circumstances. All applicants will have their name removed from the list and their deposit will be lost (without exception), if they have declined three offers of a harbour facility.
- 5) When a facility is offered and accepted, it can only be allocated to the person whose name is on the waiting list. The facility is **NOT TRANSFERABLE**.
- 6) When a facility is offered and accepted and no boat is immediately available, then the applicant **must pay the full fee** for the size of facility applied for, and then has three months to place their craft on the facility.
- 7) Often a waiting list will be banded dependent on the size of the facility. It is therefore important that applicants are certain about the size of facility required. The length entered on the waiting list form will not be adjusted up at a later date and an adjustment down in size may result in a transfer to a new list with a new entry date.
- 8) Applicants who live locally will be given priority over those applicants who live outside the Torbay area. (see the Tor Bay Harbour Operational Moorings and Facility Policy)
- 9) Unfortunately applicants who have a disability do not have priority over other people on the waiting list.
- 10) From time to time applicants will be asked to provide written confirmation of their wish to stay on a particular waiting list. The applicant's details will be deleted from our records and the deposit forfeit if written confirmation is **not** provided.

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

Appendix 3

Mooring Exchange Scheme - Torquay Town Dock & Inner Harbour Pontoon System

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

Customers may be eligible to exchange their allocated berth, so long as they fulfil the following conditions of exchange.

The 13 metre berths will not feature in this scheme.

Exchanged vessels must be of a length appropriate for the alternative sized berth requested.

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

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

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

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

The decision to approve or decline an exchange request will be based, among other things, on maximising income for the harbour authority and will be at the Harbour Master's complete discretion.

Step 1

Complete form for existing berth to *move from*

Step 2

Enter details of preferred facility to *move to* – e.g. 6m 8m 9.14m 10m or 12m

Step 3

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

Step 4

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

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



Mooring Exchange Scheme – Application

(TOWN DOCK & INNER HARBOUR ONLY)

Name:

Boat Name:

LOA

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

I wish to move to a :- (circle)

6m 8m 9.14m 10m 12m berth.

Signature

Date

Please return completed form to the Harbour Office



Meeting: Harbour Committee

Date: 17th March 2014

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Authority Budget Monitoring 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

 **Telephone: 01803 292429 (Ext 2724)**

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Pete Truman

Principal Accountant

 **Telephone: Ext 7302**

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1. Purpose

- 1.1 This report provides Members with projections of income and expenditure for the year 2013/14 compared with approved budgets.
- 1.2 This report identifies the overall budgetary position for Tor Bay Harbour Authority as at end of January 2014 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 adjustments to the Reserve Funds 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 that the Harbour Masters have not used their delegated powers to waive certain harbour charges, which this financial year amounts to £1,938.39 (ex VAT). No additional charges have been levied.

2. Summary

- 2.1 The Tor Bay Harbour Authority budget was approved by the Harbour Committee on 17th December 2012.

- 2.2 This is the final budget monitoring report presented to the Harbour Committee for the financial year 2013/14.
- 2.3 The Torquay and Paignton Harbour account has benefitted from additional income and costs savings and is now expected to produce a surplus.
- 2.4 Brixham Harbour account has gained from higher than anticipated Marina income relating to 2012 but fish toll income is expected to be down following the severe weather conditions. Significant additional costs have also been incurred, increasing the anticipated deficit on the account for the year. This, along with committed capital spending is likely to bring the Brixham Reserve level well below the minimum level. The Executive Head of Tor Bay Harbour Authority has commenced measures to remedy this situation within future years budget planning.
- 2.5 As a result of the severe winter storms the Harbour Accounts will incur significant repair costs estimated at £163k, a proportion of which will be carried out in the current year. Funding applications to central government (Bellwin Scheme) and the Environment Agency (Emergency Flood Defence Funding) are being pursued by Officers. Any subsequent funding received will be returned to the Harbour Reserves.

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 2013/14	Current Budget 2013/14	Projected Outturn 2013/14
	£000	£000	£000
Torquay and Paignton Harbours Surplus/(Deficit)	(19)	10	6
Brixham Harbour Surplus/(Deficit)	(15)	(37)	(27)

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	1,272	369	1,272	(i)
Brixham Harbour – Various Repairs	240	241	241	(ii)
Brixham Breakwater Repairs	50	0	0	(iii)
Torquay Inner Harbour Pontoons	800	28	900	(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 followed in winter 2012. Work towards a further bid of funding from the Environment Agency is now being finalised.
- (ii) Essential repair work was required to the quay edge capping, access ladders and fenders within the fishing vessel basin. Funding for this spend has been approved from the Brixham Harbour reserve and work is now complete. The final cost has slightly exceeded the original budget.
- (iii) The Environment Agency (EA) had approved £150k within their medium-term financial plan (2014/15) but the Council's Engineers have now secured Local Levy funding from the EA to undertake these works in 2014.
- (iv) This project was approved by Council in February 2013 for delivery in March 2014. Unfortunately, additional costs have been incurred due to the need to rock-socket some of the steel piles. However, the business case remains robust and the prudential borrowing is therefore expected to increase to £900k to cover the increased cost of the project.

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 2013
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£1,115,037
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£879,324
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£4,447,785
		TOTAL	£6,442,146

3.5 The Tor Bay harbour Authority debt position at the end of January 2014 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 outstanding	£75k	£34k	£44k	£19k
Bad Debt Provision	£15k		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 harbour 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 Funds projects attached as Appendix 2. The Committee is asked to note this list and the obvious ongoing need for healthy Harbour Reserve Funds.

Appendices

Appendix 1	Harbour Revenue Accounts 2013/14
Appendix 2	Harbour Reserve Funds Project List

Additional Information

None

Agenda Item 10

Appendix 1

HARBOUR REVENUE ACCOUNTS 2013/14

Appendix 1

TORQUAY and PAIGNTON HARBOURS

Expenditure	2013/14 Original Budget £ ,000	2013/14 Current Budget £ ,000	2013/14 Profiled Budget £ ,000	2013/14 Actual to Date £ ,000	2013/14 Projected Outturn £ ,000	Notes
Operations and Maintenance :-						
Harbour Attendants Salaries and Wages	144	141	141	139	140	1
Repairs and Maintenance	153	153	64	70	103	2
Repairs and Maintenance - Storm Damage	0	0	0	0	67	3
Rent Concessions	2	2	2	2	2	
Other Operating Costs	105	142	107	120	138	4
Town Dock Costs	5	11	5	11	11	5
Management and Administration :-						
Salaries	181	173	172	164	167	6
Internal Support Services	105	81	81	81	81	7
External Support Services	19	19	0	0	27	8
Other Administration Costs	48	78	57	61	73	9
Capital Charges	178	178	169	169	178	
Contribution to Patrol Boat Operation	3	0	0	0	(1)	10
Contribution to Reserve	0	0	0	15	15	11
Dividend to General Fund (based on 6% of total income)	59	59	0	0	61	
	1,002	1,037	798	832	1,062	
Income						
Rents and Rights :-						
Property and Other Rents/Rights	260	260	179	188	246	12
Marina Rental	222	240	79	79	240	13
Operating Income :-						
Harbour Dues	79	72	67	65	78	
Visitor and Slipway	41	49	44	49	50	14
Mooring fees	69	78	71	78	78	14
Town Dock	250	253	252	253	253	
Boat and Trailer parking	37	37	37	34	33	
Other Income	25	28	18	28	45	15
Rebate of NNDR charges	0	0	0	15	15	11
Contribution from Reserve	0	30	0	0	30	16
	983	1,047	747	789	1,068	
Operating Surplus /(Deficit)	(19)	10	(51)	(43)	6	

RESERVE FUND	2013/14 Projected Outturn £ ,000	Notes
Opening Balance as at 1st April	621	
Interest Receivable	7	
Net Surplus / (Deficit) from Revenue Account	6	
Withdrawal	0	17
Contribution from Revenue Account	15	11
Contribution to Revenue Account	(30)	16
Expected Closing Balance as at 31st March	619	

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

NOTES

TORQUAY & PAIGNTON HARBOURS

- 1 A Harbour Assistant post was vacant for a brief period. It is anticipated that savings will be offset by the cost of cover arrangements.
- 2 Repair costs relating to storm damage have been separately identified.
- 3 Costs relating to damage caused by the severe winter storms may be liable for funding from central government (Bellwin) and Environment Agency schemes. The Projected Outturn reflects works ordered and expected to be completed in the current year; a further £60k of estimated works is still to be programmed. Any subsequent funding received will be returned to the Reserve.
- 4 Investigative works at Torquay Inner Harbour have been carried out ahead of the planned pontooning scheme. The Executive Head of Tor Bay Harbour Authority has reviewed the marine insurance cover and approved additional cover for specific risks.
- 5 New power and water supply points have been installed on the Torquay Town Dock
- 6 The anticipated reduction in employee costs due to the waiving of superannuation contributions by some employees is now reflected in the Projected Outturn.
A vacancy in an Admin Assistant post has been frozen from September to the end of the current year although cover arrangements may be required.
- 7 Central Support Charges have reduced as a result of budget reduction measures implemented by the Council.
- 8 Additional costs have been incurred in connection with the review of Harbour rating assessment and the resulting rebate (see note 11)
- 9 Costs relating to the Port Masterplan have been carried forward from the previous financial year with a corresponding contribution from the Reserve (see note 16).
- 10 Operational efficiencies have been applied to the Patrol Boat operation which is now expected to achieve a small surplus for 2013/14.
- 11 A specific contribution to the Reserve has been authorised by the Executive Head of Tor Bay Harbour Authority reflecting the windfall rebate of National Non-Domestic Rates following a review of the Harbours rating assessment.
- 12 Budget expectations for rental income at Torquay was over-inflated.
- 13 The Marina turnover for the 2012 trading year was higher than anticipated with the additional benefit falling in the current year.
- 14 Additional income has been generated at Torquay Harbour.
- 15 Income levels have been boosted by the sale of arrested boats.
- 16 Contribution to fund the costs of the Port Masterplan (see note 9).

17 The planned implementation of a new harbour management IT system as highlighted in the Harbour Reserve Funds Project List reported to the Committee in March 2013 has had to be postponed.

A contribution to fund the Inner Harbour Investigative works (see note 4) has also been cancelled with these costs now being met from within the Revenue account.

HARBOUR REVENUE ACCOUNTS 2013/14

BRIXHAM HARBOUR

Expenditure	2013/14 Original Budget £ ,000	2013/14 Current Budget £ ,000	2013/14 Profiled Budget £ ,000	2013/14 Actual to Date £ ,000	2013/14 Projected Outturn £ ,000	Notes
Operations and Maintenance :-						
Harbour Attendants Salaries and Wages	228	194	194	165	168	1/2
Repairs and Maintenance	120	180	137	151	178	3
Repairs and Maintenance - Storm Damage	0	0	0	0	12	4
Rent Concessions	4	2	0	0	4	
Other Operating Costs	352	359	213	225	355	5
Management and Administration :-						
Salaries	148	148	148	146	145	1
Internal Support Services	88	68	68	68	68	6
External Support Services	19	19	0	0	24	7
Other Administration Costs	37	95	44	46	102	8
Capital Charges	291	291	281	281	291	
Contribution to Patrol Boat Operation	3	0	0	0	(1)	9
Contribution to Reserve	0	0	0	43	43	10
Dividend to General Fund (based on 6% of total income)	81	81	0	0	81	
	1,371	1,437	1,085	1,125	1,470	
Income						
Rents and Rights :-						
Rents and Rights	215	215	164	174	228	
Marina Income	162	179	79	79	179	11
Operating Income :-						
Harbour Dues	87	87	80	80	82	
Visitor and Slipway	13	5	11	5	8	12
Mooring fees	138	138	132	134	137	
Fish Tolls income	650	650	321	327	620	13
Other Income	91	96	51	65	116	14
Rebate of NNDR charges	0	0	0	43	43	10
Contribution from Reserve	0	30	0	0	30	15
	1,356	1,400	838	907	1,443	
Operating Surplus /(Deficit)	(15)	(37)	(247)	(218)	(27)	

RESERVE FUND			Notes
Opening Balance as at 1st April		523	
Interest Receivable		4	
Net Surplus / (Deficit) from Revenue Account		(27)	
Withdrawals - Capital Financing		(277)	16
Contribution from Revenue Account		43	10
Contribution to Revenue Account		(30)	15
Closing Balance as at 31st March		236	

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 REVENUE ACCOUNTS 2013/14

NOTES

BRIXHAM HARBOUR

- 1 The anticipated reduction in employee costs due to the waiving of superannuation contributions by some employees is now reflected in the Projected Outturn.
- 2 The current vacancy for the Assistant Harbour Master post has been frozen until the end of the financial year and no seasonal attendant has been employed in the current year. However, some cover arrangements may be required.
- 3 Additional costs have been incurred with mechanical and electrical maintenance, including unresolved snagging issues from the fish market project
- 4 Costs relating to damage caused by the severe winter storms may be liable for funding from central government (Bellwin) and Environment Agency schemes. The Projected Outturn reflects works ordered and expected to be completed in the current year; a further £26k of estimated works is still to be programmed. Any subsequent funding received will be returned to the Reserve.
- 5 The Executive Head of Tor Bay Harbour Authority has reviewed the marine insurance cover and approved additional cover for specific risks.
- 6 Central Support Charges have reduced as a result of budget reduction measures implemented by the Council.
- 7 Additional costs have been incurred in connection with the review of Harbour rating assessment and the resulting rebate (see note 10)
- 8 Costs relating to the Port Masterplan have been carried forward from the previous financial year with a corresponding contribution from the Reserve (see note 15). Additional costs continue to be incurred in securing European Interreg funding.
- 9 Operational efficiencies have been applied to the Patrol Boat operation which is now expected to achieve a small surplus for 2013/14.
- 10 A specific contribution to the Reserve has been authorised by the Executive Head of Tor Bay Harbour Authority reflecting the windfall rebate of National Non-Domestic Rates following a review of the Harbours rating assessment.
- 11 The Marina turnover for the 2012 trading year was higher than anticipated with the additional benefit falling in the current year.
- 12 Lower than anticipated use of the slipway facility in 2013/14.
- 13 Severe weather in January and February 2014 are likely to impact on the final level of fish toll income.
- 14 Other income levels have been boosted by sales of arrested and abandoned craft.
- 15 Contribution to fund the costs of the Port Master Plan (see note 8).

- 16 Capital funding for quayside capping repairs, new ladders and new fenders is now expected to come in at £241k. A further withdrawal of £36k is required to fund residual capital costs relating to the Brixham Regeneration scheme. The planned implementation of a new harbour management IT system as highlighted in the Harbour Reserve Funds Project List reported to the Committee in March 2013 has had to be postponed and no Reserve funding required in 2013/14.

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 harbour related capital projects.”

	Brixham	Torquay & Paignton
	£	£
Reserve Balance at 31st March 2013	523,000	621,000
Planned withdrawals in year	(307,000)	(30,300)
Planned contributions in year	43,500	14,800
Anticipated interest for year	4,000	7,000
Projected Surplus/(Deficit) for year	(27,000)	6,000
Revised Reserve Balance	236,500	618,500
less: 20% of Budgeted Turnover	271,200	196,600
= Balance for Projects	(34,700)	421,900
Total costs of proposed Projects (as listed below).	149,200	791,800
<i>Shortfall in Reserve funding available</i>	<i>(183,900)</i>	<i>(369,900)</i>

Projects	Brixham	Torquay & Paignton	Timeframe
Tor Bay Harbour - HMS software upgrade	£25,000	£25,000	Short
Torquay harbour - Haldon Pier fender replacement		£60,000	Short
Torquay harbour - Princess Pier underwater urgent repairs		£50,000	Short
Torquay harbour - Beacon Quay Wi-Fi		£7,000	Short
Torquay harbour - Old Fish Quay full structural survey		£10,000	Short

Brixham harbour - new work boat	£45,000		Short
Torquay harbour - Old Fish Quay refurbishment		£200,000	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
Torquay harbour - Haldon Pier brow		£80,000	Long
Torquay harbour - Fuel Station refurbishment		£100,000	Long
TOTALS	£149,200	£791,800	

Capital Projects over £25k to be listed on the Council's Capital Plan which is 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

Harbour Committee Work Programme – 2014/2015

Meeting	Standing items to be considered	Type of Report
23 rd June 2014	<ul style="list-style-type: none"> ▪ To elect a Chairman for the Municipal Year ▪ To appoint of Vice Chairman for the Municipal Year ▪ To review/note the Harbour Committee's Terms of Reference as per the Council's Constitution ▪ To appoint a Harbour Appointments Sub-Committee ▪ To appoint a Harbour Asset Review Working Party ▪ To appoint a Harbour Budget Review Working Party ▪ To appoint a Pilotage Review Working Party ▪ To consider the Budget Outturn for previous financial year ▪ To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums ▪ To consider the Tor Bay Harbour Authority quarterly Budget Monitoring Report ▪ To monitor the Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net) ▪ To approve an Audit Plan for the Tor Bay Harbour Authority Business Unit ▪ To approve the Tor Bay Harbour Enforcement and Prosecution Policy (biennial - 2014) ▪ To note the accounts of the Arts & Crafts Market located on the Old Fish Market, Brixham ▪ To review quarterly Accident & Incident for Tor Bay Harbour ▪ To receive a report on the Paignton Harbour Development Opportunity 	<p>Decision</p> <p>Decision</p> <p>To note</p> <p>Decision</p> <p>Decision</p> <p>Decision</p> <p>Decision</p> <p>To note</p> <p>To note</p> <p>To note</p> <p>To note</p> <p>Decision</p> <p>Decision</p> <p>To note</p> <p>To note</p> <p>Decision</p>
22 nd September 2014	<ul style="list-style-type: none"> ▪ To review the Harbour Committee's Appointment of External Advisors (Appointments Sub-Committee) ▪ To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums ▪ To review the Harbour Authority Business Risk Register ▪ To receive recommendations from the Harbour Asset Review Working Party ▪ To consider the Tor Bay Harbour Authority quarterly Budget Monitoring Report ▪ To monitor the Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net) ▪ To approve the Tor Bay Harbour Marine Environmental Policy (biennial - 2014) ▪ To approve a Review of the Tor Bay Harbour Pilotage Directions (biennial - 2014) ▪ To review quarterly Accident & Incident for Tor Bay Harbour 	<p>Decision</p> <p>To note</p> <p>Decision</p> <p>Decision</p> <p>To note</p> <p>To note</p> <p>Decision</p> <p>Decision</p> <p>To note</p>

<p>15th December 2014</p>	<ul style="list-style-type: none"> ▪ To consider the Tor Bay Harbour Authority Budget and Setting of Harbour Charges ▪ To consider the Annual Compliance Audit of the Port Marine Safety Code ▪ To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums ▪ To consider the Tor Bay Harbour Authority quarterly Budget Monitoring Report ▪ To consider the results of the Annual Harbour Users Survey ▪ To monitor the Performance of the Tor Bay Harbour Authority Business Unit (SPAR. Net)) ▪ Review of the powers conferred by national legislation and the appropriateness of local regulation (5 yrs – 2015) ▪ To approve the Tor Bay Harbour policy statement for Local Port Services (LPS) (biennial - 2014) 	<p>Decision Decision To note To note To note To note To note Decision</p>
<p>23rd March 2015</p>	<ul style="list-style-type: none"> ▪ To review the delegated powers of the Executive Head of Tor Bay Harbour Authority ▪ To agree the Tor Bay Harbour Authority Business Plan ▪ To review the Operational Moorings Policy ▪ To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums ▪ To consider the Tor Bay Harbour Authority quarterly Budget Monitoring Report ▪ To agree the Harbour Committee Work Programme ▪ To monitor the Performance of the Tor Bay Harbour Authority Business Unit (SPAR. Net) ▪ To review and approve the Tor Bay Harbour Asset Management Plan ▪ To review quarterly Accident & Incident for Tor Bay Harbour 	<p>Decision Decision Decision To note To note Decision To note Decision To note</p>

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

Agenda Item 13



Meeting: Harbour Committee

Date: 17th March 2014

Wards Affected: All wards in Torbay

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

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**

 **Email: Kevin.Mowat@torbay.gov.uk**

1. Purpose

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

2. Proposed Decision

- 2.1 **That the Tor Bay Harbour Authority Asset Management Plan 2014/15 set out in Appendix 1 be approved.**

3. Action Needed

- 3.1 That the Tor Bay Harbour Authority Asset Management Plan 2014/15 should be implemented by the harbour authority.
- 3.2 The policies and future actions highlighted within the plan will help to inform the harbour budget setting process.

4. Summary

- 4.1 The Terms of Reference for the Harbour Committee form part of Torbay Council's Constitution.
- 4.2 It is stated within those Terms of Reference that the Harbour Committee is to provide strategic direction in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by the Tor Bay Harbour Authority business unit.

- 4.3 The existence of a Tor Bay Harbour Authority Asset Management Plan will assist the Harbour Committee to provide the strategic direction indicated in 4.2 above.
- 4.4 The 'harbour estate' means the piers, wharves, quays, berths, roads, sheds and other works and conveniences, and the lands, buildings and property of every description, and of whatever nature, which are for the time being vested in or occupied by the Corporation (Council) as harbour authority and used for the purpose of the harbour undertaking. (Tor Bay Harbour Act 1970)
- 4.5 An appropriate asset management plan will help the Harbour Asset Review Working Party to monitor all of the harbour estate and ensure that the assets are fit for purpose. The plan will enable the identification of assets that might be inefficient or a liability in terms of backlog or future maintenance. Consequently the Harbour Committee will be able to provide the necessary strategic advice in respect of harbour assets.
- 4.6 A harbour asset maintenance programme is considered on an annual basis with prioritisation influenced by the results of the condition surveys, which are largely held on the Council's asset register (Torbay Online Asset Database [TOAD]).
- 4.7 As indicated in the Council's Constitution the extent of the harbour estate and any asset purchase and disposal over £25,000, is determined by the Mayor.

Supporting Information

5. Position

- 5.1 All of the assets currently managed by the Tor Bay Harbour Authority business unit on behalf of Torbay Council are governed by the Harbour Committee. Many of the assets are critical to the safe operation of the harbour and other assets are essential in terms of the revenue contribution they make to the ring-fenced budget delivered by Tor Bay Harbour Authority for the Harbour Committee. The extent of the harbour estate is fixed by the Council and may be varied from time to time having taken full consideration of the operational requirements of the harbour authority and the Council's policy to deliver a self-funding, financially sustainable harbour service.
- 5.2 In June of each year the Harbour Committee establishes a Harbour Asset Review Working Party to provide strategic direction in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority. This is in line with the Harbour Committee's Terms of Reference and Minute No. 102 (2008).
- 5.3 The role of the Working Party is to regularly challenge whether all the harbour assets are required, fit for purpose and provide value for money to meet current and future needs. It is also tasked with identifying under-performing or surplus assets so that it can make recommendations about how such may be rationalised or disposed of. To this end, in June 2013 it was resolved that a Harbour Asset Review Working Party be appointed with the following terms of reference:
- (a) to review all assets within Tor Bay Harbour and the Harbour Estate;

- (b) to establish how each asset is performing; and
- (c) to identify any assets that are surplus.

- 5.4 In 2008 under Minute No. 102 it was resolved that the Director of Marine Services (now Executive Head of Tor Bay Harbour Authority), in consultation with the Harbour Asset Review Working Party, be asked to consider the need for a Harbour Asset Management Plan.
- 5.5 Each year since 2008 the Harbour Asset Review Working Party has been re-established with the same Terms of Reference and each year it has discharged its requirements in respect of (a), (b), (c) above. The first Harbour Asset Management Plan was approved by the Harbour Committee in March 2011 following a recommendation from the Harbour Asset Review Working Party, in fulfilment of Minute No. 102 (2008) outlined in 5.4 above.
- 5.6 From a corporate perspective the Committee is reminded that “capital investment” is described as :-

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

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

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

- **Corporate Capital Strategy** – this is the policy framework document that sets out the principles to be used as guidance in the allocation of capital investment across all the Council’s services and informs decisions on capital spending priorities within the Council’s 4-year Capital Investment Plan.
- **Corporate Asset Management Plan** – this is the overarching plan for managing the Council’s land and property assets. It identifies the Council’s approach to ensuring that its land and buildings are suitable, sufficient and in good condition to support service delivery.

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

- 5.7 Since 2009 the Council has been considering the need for structural repairs to the concrete section of Princess Pier which has been deemed to be an important area for immediate investment. Currently a scheme to address some of the issues at Princess Pier is programmed for 2014/15 in the Council’s Capital Investment Plan, but the Council is also seeking support for this sea defence work from the Environment Agency.

- 5.8 At a corporate level the Council is seeking to reduce the number of assets it holds in order to concentrate resources and provide a more economical but higher quality service. This Council policy has a two-fold benefit -
- Reduction in running costs resulting from inefficient or poorly maintained assets
 - Generation of receipts to fund schemes on the approved Capital Investment Plan
- 5.9 Due to the level of capital receipts required to support the Council's existing Capital Investment Plan and the uncertainty over future capital funding no change is proposed to the policy of allocating all capital receipts to support schemes on the existing Capital Investment Plan. Exceptions to this policy are possible as was the case with the long lease disposal of the Old Market House at Brixham harbour, which was earmarked to support the funding of the Brixham Harbour regeneration project.
- 5.10 With the expected ongoing significant reductions in central government funding for public sector capital schemes the private sector could have a greater role in providing finance for public sector infrastructure, including new harbour assets or an expansion of privately owned infrastructure within harbour limits or on the harbour estate.
- 5.11 In recent years the Council has recognised the significant issue of repair and maintenance of the property portfolio. This position is particularly important given that the harbour authority manages significant marine infrastructure.
- 5.12 An indication of the repair issues are identified within the rolling programme of condition surveys in the Asset Management Plan. Priority continues to be given to Condition D (condition bad – life expired and or serious risk of imminent failure) and Priority 1 works (urgent work that will prevent immediate closure and or address an immediate high risk to the health and safety of occupiers and or remedy a serious breach of legislation) It is hoped to eliminate these works completely over the next few years.
- 5.13 The intention is to eliminate the backlog of maintenance as quickly as budgetary provision allows and to move to a position in Condition C of a 70:30 split of planned to reactive maintenance. This will be done by continuing with the cycle of maintenance surveys and introducing where possible life cycle costing so that future demand can be predicted and budgeted for in advance.
- 5.14 The Council is the freehold owner of Tor Bay Harbour and the harbour estate. Under the Tor Bay Harbour Act 1970 and 1983, the Council is also the harbour authority for the harbour. Under these Acts the Council, as the harbour authority, has a duty to maintain and improve the harbour and the services and the facilities in it and, under the same Acts, the harbour authority is granted the relevant powers to do so.

6. Possibilities and Options

- 6.1 It is considered to be best practice for a Harbour Authority to produce an Asset Management Plan and it assists the Harbour Committee to provide strategic direction in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority. This Council has developed processes to demonstrate good asset management and a strategy for capital investment. This results in more efficient and effective use of its assets and capital resources in support of its Corporate Priorities and service objectives.
- 6.2 The repair and maintenance budget could be increased further to reduce backlog over a shorter timeframe. This has to be considered with regard to other capital and revenue pressures.

7. Preferred Solution/Option

- 7.1 To approve and adopt the Tor Bay Harbour Authority Asset Management Plan 2014/15 as set out in Appendix 1.
- 7.2 Good asset management and a planned approach to capital investment impact on improving the quality of life and creating safer environments for all.

8. Consultation

- 8.1 The Asset Management Plan is designed to assist the Harbour Authority to deliver its Business Plan priorities alongside, and complementary to, the provision of its statutory functions.
- 8.2 The Plan has been developed through officer consultation with support from the Torbay Development Agency.
- 8.3 The Tor Bay Harbour Authority Asset Management Plan 2014/15 has been considered by the Harbour Asset Review Working Party at its meeting on 24th February 2014.

9. Risks

- 9.1 Failure to deal with urgent structural repair could lead to deterioration of the asset base and additional costs. The identified repair demands in the Plan, although only approximate, are significant and are increasing over time. This is a key challenge given the limited availability of both revenue and capital resources.
- 9.2 A risk to the Plan is that it will not be “fit for purpose” i.e. it will not assist the harbour authority to use its resources economically and efficiently in support of its priorities.
- 9.3 Unforeseen emergency works, such as storm damage, could disrupt the repairs and maintenance programme. Also, over the period of the maintenance plan there will inevitably be some unforeseen works which arise and need immediate attention. This will require periodic revision of the programme with some works having to be deferred.
- 9.4 Existing annual maintenance funding is dependent on sustaining the current levels of harbour income. Also, the financial settlement for the public sector in future years

is uncertain and may significantly affect the Council's ability to implement the Capital Investment Plan and the corporate Asset Management Plan.

- 9.5 Annual maintenance funding has been reduced to meet the Council's need for a cash dividend, which has been payable since 2012/13 and will continue until at least 2015/16.

Appendices

Appendix 1 - Draft Tor Bay Harbour Authority Asset Management Plan 2014/15

Additional Information

None



Tor Bay Harbour Authority - Service Asset Management Plan 2014/15

1. Service Background and Outcomes

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

The Harbour Committee deals with all matters relating to the strategic management of the Council's function as the 'harbour authority'. It is a committee of the full council and is both open and accountable. In particular this Committee determines the level of harbour charges and fulfils the Council's role as Duty Holder for the purposes of the Port Marine Safety Code. This fit for purpose Committee sets the budgets for the harbour and, with the assistance of the Tor Bay Harbour Authority business unit, manages Tor Bay Harbour within the framework of Council policy, with special attention being given to the aspirations of the Tor Bay Harbour Port Masterplan (adopted in December 2013).

Tor Bay Harbour has existed successfully as a statutory entity since 1970 and it has served the community well. The move, over forty years ago, to create a single new harbour authority was both brave and visionary and since 1970, Tor Bay Harbour has shown that it can operate successfully, efficiently and economically, and subsequently it has not become a burden on Torbay Council resources. Since 2012/13 a cash dividend contribution has been made to the Council's general fund from the harbour accounts to help support the corporate budget shortfall resulting from government funding cuts.

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

Harbour Estate

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

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

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

Routine maintenance costs for harbour assets are met from the ring-fenced harbour accounts as per Council policy. The agreed budget for repairs & maintenance for 2014/15 are; £101,600 for Torquay, £25,900 for Paignton and £118,600 for Brixham.

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

In June 2013 the Harbour Committee resolved that a Harbour Asset Review Working Party, comprising three members of the Harbour Committee (two Conservative Members and one Liberal Democrat Member) and two of the External Advisors to the Committee (Captain Bob Curtis and Mr Gordon Jennings), be appointed with the following terms of reference:

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

The Harbour Asset Review Working Party held a meeting on 24th February 2014 and has worked in consultation with the Executive Head of Tor Bay Harbour Authority to recommend to the Harbour Committee this Harbour Asset Management Plan.

2. Predicted Service Delivery Changes

In September 2013 the Harbour Asset Review Working Party reported to the Harbour Committee that :-

- all assets within Tor Bay Harbour and the Harbour Estate had been successfully reviewed.
- they were satisfied that they could broadly establish how each asset was performing.
- a successful disposal of an old steel workboat had been noted and that a separate report should be presented to the Harbour Committee covering the procurement of a replacement vessel.
- no assets were identified as being surplus to the requirements of the Harbour Authority.
- strategic direction had been provided to the Executive Head of Tor Bay Harbour Authority in relation to some of the short-term proposals contained within the Port Masterplan.
- support had been given to the recommendation by the Executive Head of Tor Bay Harbour Authority that the public toilets at Beacon Quay, New Pier Brixham and Paignton harbour, should be transferred into the harbour estate, to help the Council make savings on the corporate budget.

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

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

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3. Scope of Service Asset Management Plan

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

4. Identification of Current Property Portfolio

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

5. Identification of Property Surveys

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

6. Preferred Options & Action Plan

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

7. Implement Audit & Review

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

Asset Ref	Asset Name	Action	Timeline
B0082	Brixham Harbour Breakwater	Capital repairs required to the bull-nose end (£50,000) agreed by the Harbour Committee. (EA funded)	Underway
T0004AB	Haldon Pier	Capital repairs commenced in late 2009. Further work is required and this is subject to a flood defence funding bid from the EA.	Underway
P0242	Harbour Light Building	Exploring redevelopment opportunity. (Masterplan)	0 to 5 years
T0006AF	Torquay – Town Dock	Ongoing design adjustment to overcome structural damage to steelwork on certain pontoons.	Underway
T0503	Princess Pier	Capital repairs are required and this is subject to a flood defence funding bid from the EA.	0 to 5 years
B0077AS	Auction/Training Room	Agreed to investigate transfer to harbour undertaking as a training room facility. (Interreg funded)	December 2014
T0006AA15	Compound Store Adjacent Unit 7	Agreed to pursue development opportunity	0 to 5 years
T0004AD	Old Fish Quay - Torquay	Full structural survey required.	December 2014
T0007AB	Living Coasts site	Agreed to pursue adoption of Council land into the harbour estate. (Masterplan)	0 to 5 years

Asset Ref	Asset Name	Action	Date for Review
T0004AD	North Quay (MDL car park) - Torquay	Potential hotel development opportunity with existing tenant and new developer. (Masterplan)	0 to 5 years
T0006AG	New passenger landing pontoon and brow – Torquay	Outstanding snagging items need to be completed. (Masterplan)	April 2014
TBA	New passenger landing pontoon and brow – Brixham	Outstanding snagging items need to be completed. (Masterplan)	April 2014
T0006AB P0241AE B0064	Beacon Quay - Public Toilets Paignton Harbour - Public Toilets New Pier Brixham - Public Toilets	To be adopted into the harbour estate. Review running costs, cleaning regime, opening hours, fixtures & fittings.	April 2014
T0004AE T0004AF	Boat Booking Kiosks 1 & 3 – Victoria Parade	Explore relocation and investment opportunities with existing tenants.	December 2014
T0004AK	Victoria Parade Walkway & Planters - Torquay	Provide loading & delivery bays for harbour users. (Masterplan)	May 2014
T0004	Torquay Inner Harbour	Provide 173 marina style pontoon berths. (Masterplan)	May 2014
T0004AN	Princess Pier Commercial Pontoons - Torquay	Extend pontoon system to accommodate inshore fishing boat fleet. (Masterplan)	June 2014
Fleet No. 352	Vehicles & Plant	Replace 1 x Tipper Truck (Brixham Harbour)	April/May 2014
B0097AB	Store at Blackball Lane - Brixham	Discontinue the operational use of this asset and pursue a leasehold use via an open market tendering process.	April/May 2014

Harbour Committee Position Report on Grant Funding Opportunities

The allocation of funding has changed significantly over the last two years, with Government now devolving more funds to Local Enterprise Partnerships (LEPs) and the 2007-13 EU programme coming to the end. A brief summary of the funding streams available now or in the near future is set out below:

Strategic Economic Plan

Various existing sources of Government funding are being combined into a single local growth fund into which LEPs must bid. As part of this process LEPs must demonstrate how they plan to deliver growth in their area. This needs to be articulated in the form of a Strategic Economic Plan (SEP). The LEP has submitted a draft SEP to Government, with the final plan due for submission at the end of March.

The overall single local growth fund pot is valued at £2bn nationally for 2015/16 and will be partly allocated and partly distributed via a competitive process into which LEPs must bid.

The draft SEP set out the need to capitalise on the areas uniqueness, maximise employment opportunities and create the conditions for growth. This will be achieved through a number of activities including:

- Unblocking development opportunities
- Developing a pipeline of oven ready strategic transport projects
- Infrastructure to support year round employment
- Creation of growth zones
- Skills – infrastructure and employer engagement
- Sustainable solutions to flood management

To be successful projects will be required to demonstrate that they align with national and EU priorities, but also that they are aligned with and support the LEP priorities.

The draft SEP is available here - <http://www.heartofswlep.co.uk/strategic-economic-plan>

EU Structural and Investment Fund Strategy

The next EU programme runs from 2014-20 and funding is likely to become available from mid-2014. Devon (inc. Plymouth & Torbay) has been awarded Transition status in recognition of the economic challenges it faces. This means a higher level of funding across the county than there would otherwise have been, and a lower match funding need of 40% instead of 50% currently. Devon has been allocated €78m over the 7 years of the programme. Approximately 40% of this is from the European Social Fund with the remainder made up of ERDF and a small amount of rural development funding.

The LEP has submitted a Structural and Investment Fund strategy to Government detailing themes under which it wishes to see activity carried out. This has to deliver against the following thematic objectives set out by the EU:

- Innovation
- ICT
- Small business competitiveness
- Low Carbon
- Employment
- Social Inclusion
- Skills

Full details of what the LEP is seeking to invest in are set out in the EU strategy which is available here - <http://www.heartofswlep.co.uk/SIFfinaldraft>

European Regional Development Fund & European Social Fund

Devon's ERDF and ESF allocation will be administered by the LEP using the priorities set out in the EU strategy. Projects can utilise money from both ERDF and ESF.

ERDF

Activities identified for investment include

- Specialist infrastructure/facilities/ centres linked to Smart Specialisation
- Ecosystems of support for innovation such as Catapult lite centres or Business Led Networks
- Enterprise/incubation space
- Business Support System/growth hub
- Business support including:
 - SME Investment for Growth
 - Investment readiness support
 - Business resource efficiency
 - Supporting SMEs to develop ideas and products
- Start-up Support and Leadership and management skills
- Supply chain Development
- Building the market in low carbon technology
- Digital infrastructure
- Support SME utilisation of digital infrastructure
- Social Enterprise Support and Development (including Local Impact Fund)
- Enterprise as a route out of worklessness

ESF

- Employer led solutions to address higher level skills linked to Transformational Opportunities and Smart Specialisation
- Linking students and graduates to industry and retaining higher level skills
- Improving workforce skills
- Enterprise and leadership and management skills
- Digital inclusion
- Intermediate and Higher level digital skills
- Supporting those furthest from the labour market
- Supported approaches for young people
- Tackling 'in work poverty'

European Maritime & Fisheries Fund

The EMFF programme will be administered separately through the MMO. It is further behind in its development than the other EU programmes with funding unlikely to be available before January 2015.

Priorities for the fund are yet to be confirmed it will finance activity which supports:

- Sustainable development of fisheries
- Sustainable development of aquaculture
- Sustainable development of fisheries areas

- Marketing and processing related activity

The main difference between the 2014-20 EMFF and the existing fisheries fund is the incorporation of the community element. Whereas previously funding had to be spent directly on fisheries related activity in future there will be some support for diversifying fisheries dependent communities.

Options for maximising access to this fund including development of a Fisheries Local Action Group are currently being explored.

This fund offers the greatest potential for investment in and around the harbours of any of the core EU funds.

Transnational programmes

In addition to the main EU programmes there will also be funding available through the 2014-20 transnational programmes. The operational programmes for these are also currently under development, however it is expected Torbay will be able to bid into the following programmes:

- Channel Programme
- 2 Seas
- North West Europe

While the operational programmes are not yet finalised all the programmes must contribute to the EU2020 objectives in particular supporting small businesses, promoting innovation/research & development, protecting the environment and support resource efficiency and promoting social inclusion.

Projects will need to include partners from the different countries eligible for the programme and that the cross border element adds value to them.

Coastal Communities Fund

The third round of the Coastal Communities Fund (CCF) programme is expected to open in March 2014 (date TBC). This will combine CCF funding from the 2014/15 and 2015/16 budgets as the fund in its current guise is due to end in March 2016¹.

The total amount of funding available will not be confirmed until July 2014 but is likely to include the £22.15m (for England) set aside for 2014/15, plus the 2015/16 funding. The minimum which can be applied for is £50,000. There is no maximum although no project has received more than £2m previously. There is a limit to one application per organisation.

The over arching aim of the fund remains the same as in previous rounds – ‘coastal communities will experience regeneration and economic growth through projects that directly or indirectly create sustainable jobs, and safeguard existing jobs’. However, there will also be some country specific priorities. These have yet to be announced for England but it is likely they will be similar to the previous round and centre on:

- Economic diversification and innovation
- Support for SMEs through business development and infrastructure
- Addressing seasonality and creating additional tourism.

¹ Within the Autumn statement on 5th December it was stated that the fund may be extended by a year to 2016/17 but the detail on this has yet to be confirmed.

The deadline for stage 1 applications from England is yet to be confirmed, successful stage 1 applicants will then be invited to submit more detailed stage 2 applications. Successful projects will be announced in late 2014.

It should be noted that projects must be ready to go and evidence they can spend their award before the programme closes in March 2016. To demonstrate this all capital applications must be developed to an advanced level (including any planning/listed building consent) before stage 1 applications are submitted. Practical completion must be achieved by February 2016.

Plymouth City Deal

The City Deal will sit alongside the LEPs Strategic Economic Plan and EU investment strategy and the priorities will be aligned to avoid duplication. It seeks to address the challenges and capitalise on opportunities for growth in the marine and advanced manufacturing sectors through a number of activities. Given Brixham's inclusion as a strategic site there is scope for Torbay to access funding via the City Deal although this will have to be for higher value marine engineering related activity.

Environment Agency

The Environment Agency is responsible for allocating central government funding to manage flood and coastal erosion risk in England. This funding is known as Flood Defence Grant in Aid (FDGiA). It goes to flood risk management authorities (RMAs) - that is, the Environment Agency and English local authorities and internal drainage boards. Together, they use it to pay for a range of activities including flood defence schemes that help reduce the risk of flooding and coastal erosion. Allocation of FDGiA to RMAs is undertaken in line with Department for Environment Food and Rural Affairs (DEFRA) policy on Flood and Coastal Resilience Partnership funding. This determines what proportion of the cost of a scheme can be funded by central government FDGiA. Some schemes will be fully funded, others only partly funded by FDGiA, according to how much public benefit they will give - for example by reducing flood risk to homes and vital infrastructure, such as power stations and water treatment works. Any shortfall in the amount of central government funding will need to be found from elsewhere. This could for example be via local Community Infrastructure Levy arrangements, or potentially via negotiation with local businesses or other parties who will benefit from the scheme. The new approach means local people will be more able to influence what work is carried out in their area - the more money they can raise or the lower the cost of a scheme the more likely it is that the work will be carried out. The total benefits of a scheme must exceed the costs to the taxpayer for any scheme to qualify for FDGiA. Torbay Council as RMA for Torbay has the opportunity to apply for FDGiA on an annual basis according to the grant in aid allocation calendar. Haldon Pier and Princess Pier at Torquay, along with the Victoria Breakwater at Brixham, provide the primary flood defence for the towns from coastal flooding. Some funding towards repair work on these structures has in the past been granted by the Environment Agency. Funding may in the future continue to be available through flood and coastal defence grant in aid from the Environment Agency. However, it is currently necessary to use the Environment Agency's partnership funding/outcome measures calculator to determine the maximum grant in aid funding and this may well result in a significant shortfall on the cost of any given scheme.

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March 2014