



Friday, 6 December 2013

HARBOUR COMMITTEE

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

Monday, 16 December 2013

commencing at **5.30 pm**

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

Members of the Committee

Councillor Amil (Chairwoman)

Councillor Ellery	Councillor Richards
Councillor Faulkner (J)	Councillor Stringer
Councillor Hytche	Buckpitt
Councillor McPhail	Capt. Curtis
Councillor James	Mr Ellis
Mayor Oliver (Vice-Chair)	Mr Stewart

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**

To confirm as a correct record the Minutes of the meeting of the Committee held on 23 September 2013.

(Pages 1 - 3)

3. **Declarations of interest**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent items**

To consider any other items that the Chairman decides are urgent.

5. **Appointment of External Advisor**

To approve the recommendation for appointment of an External Advisor by the Harbour Committee Sub-Committee.

(Verbal Report)

6. **Exemption of Press and Public**

To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined by the Local Government (Access to Information) Act, 1985) is likely to be disclosed.

- 7. Development Opportunity for the Harbour Authority** (To Follow)
To consider an opportunity for the Harbour Authority to realize the potential development value within the Harbour Estate.
- 8. Tor Bay Harbour Authority Budget and Setting of Harbour Charges** (Pages 4 - 36)
To consider a report which provides Members with the opportunity to set the Tor Bay Harbour Authority Budget and approve the Harbour Charges to be levied by Tor Bay Harbour Authority.
- 9. Annual Compliance Audit of the Port Marine Safety Code.** (Pages 37 - 71)
To consider the Annual Compliance Audit of the Port Marine Safety Code.
- 10. Torquay/Paignton and Brixham Harbour Liaison Forums** (To Follow)
To note the minutes of the Torquay/Paignton and Brixham Harbour Liaison Forums.
- 11. Quarterly Budget Monitoring** (Pages 72 - 81)
For Members to consider the quarterly Budget Monitoring Report for the Tor Bay Harbour Authority Business Unit.
- 12. Performance Report** (To Follow)
To monitor the performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net).



Minutes of the Harbour Committee

23 September 2013

-: Present :-

Councillor Amil (Chairwoman)

Councillors Ellery, Faulkner (J), James, Stringer and Addis (In place of Richards)

External Advisors: Capt. Curtis, Paul Lloyd and Mr Stewart and Capt. Paul Lloyd (From item 4)

1. Informal Briefing Prior to Committee Commencing from Torbay Development Agency

Members had an Informal Briefing from the Senior Development Surveyor at the Torbay Development Agency as an update on the Torquay Waterside Regeneration proposals to develop the Marina Developments Limited (MDL) Marina Car Park, The Pavilion and Cary Green as outlined in (Minute 524) Mayoral Decision dated 1 February 2012.

2. Apologies

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 Councillor Addis instead of Councillor Richards.

Apologies for absence were received from Councillors Hytche, McPhail, and Mr Buckpitt, Mr Jennings and Mayor Oliver.

3. Minutes

The Minutes of the meeting of the Harbour Committee held on 3 June 2013 were confirmed as a correct record and signed by the Chairwoman.

4. Appointment of External Advisor

The Committee were advised that following an application and interview process, the Harbour Appointments Sub-Committee had met on 19 July 2013 and were pleased to recommend the appointment of Paul Lloyd for the vacant position, previously held by Elaine Hayes, as External Harbour Advisor.

Members were further advised that the Harbour Appointments Sub-Committee had met on 10 September 2013 and short-listed from five applicants for a replacement External Harbour Advisor for Mr Gordon Jennings whose term comes to an end in December 2013 with four being selected for interview on 2 October 2013.

The Chairman acknowledged the years of service given to Tor Bay Harbours and the Harbour Committee by Mr Jennings.

Councillor Faulkner (J) read a note from Mr Jennings, who was unable to attend his final meeting due to illness, thanking Members for their hard work and offering his services to the Committee in the future.

Resolved:

That Paul Lloyd be appointed as an External Harbour Advisor for a period of four years from 23 September 2013.

5. Torquay/Paignton and Brixham Harbour Liaison Forums

The Committee noted the minutes of the Torquay and Paignton Harbour Liaison Forum meeting on the 10 September 2013 and the Brixham Harbour Liaison Forum meeting on the 11 September 2013.

6. Harbour Authority Business Risk Register

The Committee noted the submitted report which provided them with details of the Tor Bay Harbour Authority Business Risk Register for 2013/14.

7. Harbour Asset Review Working Party

The Committee noted the report from the Harbour Asset Review Working Party which met on 23 August 2013.

No assets were identified as being surplus to the requirements of the Harbour Authority but Members were advised that the public toilets at Beacon Quay, New Pier Brixham and Paignton harbour, would be transferred into the harbour estate from 1 October 2014.

8. Tor Bay Harbour Authority Budget Monitoring

The Committee noted a report on the Budget Monitoring which provided members with the overall budgetary position for Tor Bay Harbour Authority as at the end of August 2013.

9. Tor Bay Harbour Authority Performance Monitoring

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

10. Annual Harbour Users Survey

The Executive Head of Tor Bay Harbour Authority introduced the results of the 2013 Tor Bay Harbour User Survey, which had been sent out to boat owners who use the facilities in Tor Bay Harbour. There were 119 responses.

The Committee noted the overall positive response to the survey, but felt that it would be important to further encourage responses from the wider users of the Harbour and going forward discussed how this might be possible.

Members also noted the majority of respondents were aged between 65 – 74 years old and most people who completed the survey did not have a disability.

Chairwoman



Meeting: Harbour Committee

Date: 16th December 2013

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Authority Budget and Harbour Charges 2014/15

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat

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Tor Bay Harbour Master**

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Principal Accountant

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1. Purpose

- 1.1 This report provides Members with the opportunity to consider the level of harbour charges to be levied by Tor Bay Harbour Authority, on behalf of the Council as the Harbour Authority, in the next financial year and to consider the Tor Bay Harbour Authority budget for 2014/15. This is being considered at this time to enable implementation and payment to be made in advance of the granting of facilities for the coming financial year.
- 1.2 The Committee is required to approve the level of harbour charges for Tor Bay Harbour for 2014/15, having considered the budgetary implications set out in this report.
- 1.3 The Committee is further asked to approve the 2014/15 budget for Tor Bay Harbour Authority.

2. Proposed Decision

- 2.1 **That, having had regard to the opinions expressed by the Harbour Liaison Forums, Members consider the recommendation from the Harbour Committee's Budget 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.**

- 2.2 That, as set out in this 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.
- 2.3 That, any operating surplus from the Tor Bay Harbour Authority accounts for this 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.
- 2.4 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, to this report) be approved.
- 2.5 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.

3. Summary

- 3.1 The provisional Harbour Estimates for 2014/15, together with the Original Approved Estimate for 2013/14 and Projected Outturn for 2013/14 are attached at Appendix 2 and reflect the likely operating position for the two harbour accounts for next year assuming a representative average increase of 3.0% in Harbour Charges and 5.0% for Torquay Town Dock facilities.
- 3.2 It will be noted from Appendix 2 that there is the likelihood of a £9,000 deficit on the Torquay/Paignton Harbour account and a deficit on the Brixham Harbour account of £35,000 for the 2014/15 financial year.
- 3.3 Appendix 3 provides a projection of future year's budgets and forecasts a deficit position with depleted reserves for both harbour accounts before any growth in the income base. It also shows the position of both accounts after applying the cumulative effects of potential increases in user charges and re-introducing a growth element for marina rental income.
- 3.4 As an indication of how much revenue can be generated by an increase in harbour charges the following table shows how much additional annual income is derived from a 1% increase.

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

- 3.5 The Harbour Committee's Budget Review Working Party held meetings on the 5th September 2013, 6th November 2013 and 28th November 2013 and this report represents some of the findings and recommendations of that group. The Budget Review Working Party is recommending that Harbour Charges be increased, on

average, by 3.0% as shown at Appendix 1.

- 3.6 A continued outcome of the Budget Review Working Party is the recommendation that harbour reserve funds could be used to make additional repayments against capital financing costs to reduce interest charges over the longer term, provided always that the minimum reserve fund levels are maintained.
 - 3.7 Furthermore the Budget Review Working Party decided to continue to recommend to the Harbour Committee that each harbour reserve fund should be split into two with one part ring-fenced to meet any deficit in the revenue budget, or winter storm damage, and the other part set aside for harbour capital projects.
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Supporting Information

4 Introduction and history

- 4.1 The Harbour Committee's Budget Review Working Party, which was formed on 14 September 2009, has continued to scrutinise the approved Tor Bay Harbour Authority budget for 2013/14 and they have made recommendations for a proposed budget for 2014/15. Membership of the Budget Review Working Party was agreed in June 2013 as Councillors Amil, Hytche and Stringer with External Advisors Mr Stewart and Mr Jennings, supported by relevant officers.
- 4.2 Torbay Council's General Fund budget is facing a significant shortfall of some £22m over the period 2014/15 through 2015/16 and all council business units have been asked to make further savings and/or look at income opportunities to help reduce the corporate deficit. Consequently the Executive Head of Tor Bay Harbour Authority and the Chair of the Harbour Committee have held discussions with the Executive Director, Director of Place & Resources, Executive Head of Finance and the Mayor to consider what was expected of the harbour authority business unit and what could be achieved. As a result of this process it was agreed that a number of recommendations would be made to the Harbour Committee's Budget Review Working Party and to the Harbour Committee itself.
- 4.3 The package of savings under consideration included an additional cash contribution to the general fund of £125,000 plus the removal of £25,000 of 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. Furthermore it was understood that the recommendation relating to the cash contribution be continued in 2015/16 but should then be reviewed. It was also proposed that any operating surplus for this year (2013/14) and the next two years could be passed to the centre (providing the harbour reserve levels are not below the minimum recommended level).

- 4.4 During November the Harbour Committee's Budget Review Working Party met twice to consider the proposals set out in 4.3 above. The Working Party were reminded that when the budget for 2013/14 was agreed on the 17th December 2012 the Harbour Committee resolved *"that the level of the cash dividend to the Council's general fund be capped at a maximum of 6% of harbour income in future years and that the Executive Head of Financial Services be asked to review the level of support costs to the harbour account to reflect the ongoing reduction in central resources"*. The Working Party was advised that the level of support costs had subsequently been reduced by £40,000. Members of the Working Party also agreed that any additional cash contribution could reasonably be described as an asset rental fee. A range of other measures were also discussed with the Working Party, including the advice from the Executive Head of Tor Bay Harbour Authority that to achieve the necessary savings two posts would need to be deleted from the business unit's structure. The Working Party also considered an appropriate increase in the level of harbour charges for 2014/15, linked to the level of RPI inflation.
- 4.5 The Harbour Committee's Budget Review Working Party concluded that they could support the budget saving measures set out in 4.3 above but that the additional contribution of £125,000 to the general fund should be reduced to £100,000. Furthermore the Working Party suggested that this contribution should be referred to as an 'asset rental fee' so that the cash dividend to the general fund would remain capped at 6% of harbour account turnover in line with the previously agreed Harbour Committee minute.
- 4.6 The Executive Head of Tor Bay Harbour Authority has continued to indicate that the delivery of a fully commissioned harbour authority service could reduce some of the existing support & fixed costs and that such cost reduction and efficiency gains, if they were achieved, would place the harbour authority in a better position to potentially continue paying a cash dividend and asset rental in future years. i.e. beyond the current financial crisis.
- 4.7 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.
- 4.8 The most recent meeting of the Harbour Committee's Budget Review Working Party was held on the 28th November 2013. In 2009 the Working Party established the following guidelines:
- that the Harbour Committee should establish a set of accounting principles;
 - that the annual Budget Report should include details of planned capital spending;

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

4.9 Before charges are reviewed Provisional Estimates indicate that the balances of the Harbour Reserve Funds as at 31 March 2015 could be in the region of:

Account	Revenue Deficit Reserve (minimum level)	Projects Reserve	Total Reserve
Torquay and Paignton Harbours	£205,000	£130,000	£325,000
Brixham Harbour	£278,000	N/A	£115,000

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

4.10 There is uncertainty over future levels of income and expenditure as outlined in section 8 below and this will put significant pressure on the Harbour accounts over the coming years. It is therefore important that as well as keeping pace with rising costs, income levels from user charges, rent and other sources, are sufficient to mitigate these pressures and provide the ability to maintain the appropriate reserve levels.

4.11 The table below indicates the increase in charges in recent years, compared with the retail price index (RPI) taken at the April point of the previous year. In the last five years increases of 2.8%, 4.0 %, 2.5%, 5% and 5% have been applied. The table further illustrates the balance of the combined reserves at 1 April of the previous charges year.

Charges Year	Overall Increase	Actual RPI	Combined Reserve Levels
2013/14	2.8%	2.90%	£1,164,624
2012/13	4.0%	3.5%	£1,169,408
2011/12	2.5%	5.3%	£958,671
2010/11	5%	-1.2%	£913,342
2009/10	5%	4.2%	£867,793

4.12 Capital Plan/Budget

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

Capital Item	Project Year	Total Budget £000	Actual to Date (including prior years) £000	Projected Outturn £000
Environment Agency grant funding for Torquay Harbour – Haldon & Princess Piers	2011	1,272	365	1,272
Brixham Harbour – Various Repairs	2013	240	184	250
Brixham Breakwater Repair	Reserve List	150	deferred	150
Fish Market Roof – PV Panels	-----	48	0	48
Torquay Harbour – Inner Harbour Pontooning	2013	800	26	800

4.13 Harbour Accounts – Financial Principles

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

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

4.14 Significant variations to harbour charges

This report recommends that Harbour Charges be increased, on average, by 3.0%. However, certain charges have not increased and others are subject to a more significant variation. The key charging issues are set out below :-

- Slipway and visitor charges have not been increased. Last year they were increased by approximately 5.5%, following a period of 2 years with no increase.
- Some charges have been rounded up or down (around 3.0%) for ease of collection.
- Cruise ship passenger landing fees have not been increased.
- Daily and weekly trailer parking charges have not been increased.
- Jet Ski visitor charges have not increased for the second consecutive year.
- Alongside charges for Paignton fishing vessels have completed a 3 year staged increase to the same level as private vessel charges. The cost of providing the service is the same regardless of the end user.
- Fishing vessel alongside/pontoon charges at Torquay are in the third year of a 5 year staged increase to the same level as private vessel charges. The fishing vessels at Torquay need to close a larger gap and their staged increase was agreed to be over a longer period, completing in April 2016. The cost of providing the service is the same regardless of the end user.
- Annual compound charges for passenger boats using landing/embarkation facilities have increased significantly to properly reflect the wear and tear on harbour infrastructure, as well the new and improved pontoon berthing arrangements.
- A new charge for Torquay inner harbour pontoon berths has been introduced. It mirrors the South Pier inner harbour pontoon charge introduced last year. Both of these charges are pitched at a level approximately midway between the existing inner harbour chain mooring charge (including harbour dues) and the Town Dock charge. It is proposed that existing inner harbour mooring customers will be offered a phased increase to the new charge such that the full rate becomes payable from April 2015.
- Charges relating to the use of ship to ship transfer hoses and fenders have been deleted as they are no longer required.
- A new option to charge passenger craft for port waste reception facilities has been introduced.
- Torquay harbour Town Dock pontoon charges have increased by 5.0%. These services continue to enjoy high demand and have recently benefitted from investment in additional electricity/water points.

- A further adjustment has been made to bunkering charges to deter smaller deliveries and address the potentially higher risk of such operations.
- Charges have increased for larger boat park spaces.
- Passenger vessels berthed on the Town Dock in Torquay harbour have now completed the 3 year staged increase to the same level (when combined with passenger vessel harbour dues) as Town Dock private vessel charges. The cost of providing the facility is the same regardless of the end user.

4.15 In 2009 the Harbour Committee agreed that private vessel harbour dues at Paignton/Brixham should be increased to the same level as private vessel harbour dues at Torquay and that the increase should be staged between April 2010 and April 2012. However, in 2011 the Harbour Committee's Budget Review Working Party recommended that the staged increase should be halted and that officers should consult further with stakeholders at Brixham and Paignton harbours. This consultation should aim to determine and agree the differences between the three enclosed harbours, in respect of harbour dues, and identify a factor to be applied in future years. The Harbour Committee's Budget Review Working Party has asked officers to work and consult with harbour users to provide a clear proposal for Paignton/Brixham private vessel harbour dues, so that it is seen to be fair in comparison to the level set for private vessel harbour dues at Torquay. Any subsequent change could be implemented over a 10 year period. Due to the current economic climate this work has been postponed.

5 Possibilities and Options

- 5.1 Increase Harbour Charges in 2014/15 by an average inflationary increase of 3.0% and increase the overall contribution to the General Fund as per recommendations in section 2 and as outlined in paragraph 4.3.
- 5.2 Make no change to the level of harbour charges and accept increased operational deficits for 2014/15 and future years in contradiction of the Harbour Accounts – Financial Principles (see Para 4.13).
- 5.3 Do not agree to the recommended contribution to the Council's General Fund and therefore do not contribute to reducing the Council's overall budget deficit.

6 Preferred Solution/Option

- 6.1 See the recommendations in section 2.

7 Consultation

- 7.1 Consultation with the Brixham Harbour Liaison Forum and the Torquay/Paignton Harbour Liaison Forum commenced in September 2013 and continued in December 2013. The responses from both the Torquay/Paignton Harbour Liaison Forum and the Brixham Harbour Liaison Forum will be circulated prior to the meeting in the form of minutes of the meetings. The Torquay Harbour Users Association meeting accepted the idea of an average increase in harbour charges of 3% (5% for the Town Dock). A meeting has not been held with users at Paignton

or Brixham harbours, although a Paignton harbour users newsletter explaining the proposed increase received only minor feedback.

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

Harbour Authority	% Increase in Charges 2013/14	Proposed % Increase in Charges 2014/15
Truro & Penryn	2.9	2.8
Chichester	5.0	2.8
Teignmouth	6.0	3.3
Tor Bay	2.8	3.0
Dartmouth	5.0	3.0
Salcombe	2.0	2.0
Fowey	No data	2.5
Weymouth	3.0	Nil
Langstone	2.2	2.7

8 Risks

- 8.1 The major risk associated with this report is not presenting a realistic budget resulting in major operational deficits to be funded from the Harbour Reserves. Depletion of these Reserves would eventually require support from the Council's Revenue Fund to meet the operational deficits. Accordingly the Executive Head of Tor Bay Harbour Authority has recommended a budget that will meet the operational requirements of the Harbour for the forthcoming year in line with realistic expectations for income.
- 8.2 There is a potential risk of customer resistance to increasing Harbour Charges resulting in a shortfall in targeted income. The Executive Head of Tor Bay Harbour Authority has evaluated this risk in line with demand levels for services and the need for harbour income to keep pace with costs. The level of risk is further mitigated by the consultation process with the Harbour User Associations and both of the Harbour Liaison Forums.
- 8.3 If the Council continues to request a significant contribution to the General Fund in the form of a cash dividend and asset rental fee there is a significant risk that the Harbour Authority will be unable to remain self funding. In that situation the Harbour Authority would require a precept from the General Fund and this scenario would be contrary to government best practice for the management of municipal ports.
- 8.4 Specific risks and budget line pressures are explained in the table below when read in conjunction with Appendix 2.

Key	Risk and/or pressure to budget line
A	The 2014/15 budgets for Management & Admin reflect a restructuring exercise currently being undertaken by the Executive Head of Tor Bay Harbour Authority. A reduction in outturn costs is also possible in all salary lines due to the waiving of superannuation contributions by some employees but any saving cannot be relied upon until year end because employees are entitled to join the scheme at any stage.
B	The Repair and Maintenance budget for Torquay/Paignton shows a reduction at each Harbour for 2014/15 as part of overall budget cuts. The Brixham repairs and maintenance budget has previously been reduced back to base level it remains prone to overspend.
C	The Executive Head of Tor Bay Harbour Authority has reviewed the marine insurance cover and approved additional policies for specific risks. Includes the new running costs for the harbourside public toilets outlined in section 4.3.
D	Budget cuts in Council services have resulted in a £40k reduction in Internal Support service charges from 2013/14.
E	Provision has been made for additional costs to generate income from the European Interreg funding programme.
F	Capital finance charges have increased in 2014/15 to reflect borrowing for the Torquay inner harbour pontoons. They could increase further if new borrowing is required to fund repairs to critical infrastructure i.e. Haldon/Princess Piers. Financing costs are recharged to the Harbour Account on the basis of Torbay Council's prevailing low average borrowing rate (currently 4.39%) and fixed over the life of the borrowing period. Flexibility exists for the Harbour Account to make additional repayments without penalty.
G	An increase in the contribution to the General Fund is being recommended as outlined in section 4.3 & 4.4 of this report.
H	Marina rental income is unpredictable due to the uncertain economic climate. A small allowance for growth has been built in for 2014/15 based on better than expected results in 2012/13.
J	Income from harbour dues and mooring fees is difficult to forecast as occupancy levels could drop due to the uncertain economic climate and increased charges. Income at Torquay Harbour will fall in these headings to be replaced by berthing charges for the new inner harbour pontoons.
K	Visitor income fell in 2013 and remains unpredictable due to the uncertain economic climate.
L	New income streams are anticipated from advertising on the new ferry pontoons at Torquay and Brixham Harbours.
M	New rental streams generated by the redeveloped Fish Quay building are reflected in the 2014/15 figure but the figure does not anticipate full occupancy.
N	There is always uncertainty over the future levels of fish toll income because of the Common Fisheries Policy, quota allowances, etc.

Key	Risk and/or pressure to budget line
P	Interest rates are forecast to remain low.

Appendices

- Appendix 1 Schedule of Tor Bay Harbour Charges 2014/15 showing a representative average increase of 3.0%.
- Appendix 2 Provisional Harbour Estimates for 2014/15 & Original Estimates for 2013/14 with an average 3.0% increase in Harbour Charges.
- Appendix 3 Projected Harbour Estimates for Future Years to 2017/18
- Appendix 4 Torquay & Paignton Harbour Account - Estimated Internal Support Service Charges 2014/15
- Appendix 5 Brixham Harbour Account - Estimated Internal Support Service Charges 2014/15

Additional Information

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

Schedule of Tor Bay Harbour Charges 2013/14

Tor Bay Harbour Act 1970

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

Minutes of Torquay & Paignton Liaison Forum – December 2013

Minutes of Brixham Harbour Liaison Forum – December 2013

TOR BAY HARBOUR AUTHORITY



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SCHEDULE OF CHARGES, DUES & FEES 2014 – 2015

VAT Registration No. GB 142 2082 11

For the period commencing 1st April 2014
until 31st March 2015

REFERENCES

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

PUBLICATIONS

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

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Part 1 – Introduction

1.1 General

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

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

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

1.2 Definitions

1.2.1 Limits of the Harbour

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

PART I

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

PART II

The area below the level of high water enclosed by;

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

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

The description Enclosed Harbour means:

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

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

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

1.2.2 **Recreational Vessels**

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

1.2.3 **Passenger Vessels**

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

1.2.4 **Motor Fishing Vessels**

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

1.2.5 **Commercial Vessels**

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

1.2.6 **Vessel**

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

1.2.7 **Passenger**

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

1.2.8 **Work Within The Harbour**

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

1.2.9 **Further Definitions**

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

PART 2 – Harbour Dues

2.1 General

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

2.2 Commercial Vessels

- 2.2.1 This section applies only to commercial vessels (as defined in 1.2.5) not normally moored within the harbour that are, have been or will be carrying out work within the harbour at any time except laid up vessels that will be charged as per 2.2.5. Prices are exclusive of VAT.
- 2.2.2 Charges in this section include mooring/quayside charges where applicable. (vessels over 50 metres only, otherwise see section 3.1)
- 2.2.3 **Vessels visiting an enclosed harbour for up to 7 days**
£3.02/m/LOA/day
- 2.2.4 **Vessels remaining in an enclosed harbour more than 7 days**
For every week or part thereof during which a vessel (not being a vessel to which paragraph 2.2.5 or 2.2.7 of this Part of the Schedule applies) remains in the Harbour after the expiration of seven days from the date of entry when arranged and agreed in advance.
£ 13.69/m/LOA/week

- 2.2.5 **Vessels laid up - Un-laden (and gas-free if applicable) and not working within the Harbour**
For every month or part thereof during which a vessel is laid up (in lieu of the rates mentioned in paragraphs 2.2.3 & 2.2.4 above when arranged and agreed in advance).
To be determined by the Harbour Master
- 2.2.6 **Vessels entering the enclosed harbours of Tor Bay to take on or discharge fuel oil or supplies**
For vessels which are not normally moored in the harbour (maximum stay 24 hours)
£1.26/M/LOA/Day
- 2.2.7 **Floating docks**
For every year or part thereof during which a floating dock remains in the Harbour (in addition to harbour dues applicable to each vessel docked)
To be determined by the Harbour Master
- 2.2.8 **Vessels at anchor in Tor Bay other than those seeking shelter**
£115.00per day
- 2.2.9 **Vessels at anchor in Tor Bay for underwater survey, hull cleaning, repairs or associated activity**
£230.00 for first 48 hours or part (in addition to the above charge)
- 2.2.10 **Vessels undertaking fish and cargo transhipments**
For the transhipment of fish, cargo, personnel or other goods whether at anchor or underway within Tor Bay Harbour limits.
To be determined by the Harbour Master

2.3 Non Commercial Vessels

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

Torquay Harbour Recreational Vessels, Commercial Vessels under 50m LOA not undertaking work within the harbour and Commercial Vessels normally moored within the harbour regardless of whether they are carrying out work or not (other than passenger vessels).	£54.31/m/LOA/year or part
Paignton & Brixham Harbour Recreational Vessels, Commercial Vessels under 50m LOA not undertaking work within the harbour and Commercial Vessels normally moored within the harbour regardless of whether they are carrying out work or not (other than passenger vessels).	£40.60/m/LOA/year or part
Passenger Vessels under 16.5m LOA or carrying 12 passengers or less	£54.31/m/LOA/year or part
Passenger Vessels over 16.5m LOA and carrying more than 12 passengers	£79.08/m/LOA/year or part
Motor Fishing Vessels based in and working from Tor Bay Harbour (Exclusive of VAT)	£8.43/m/LOA/year or part

2.4 Goods, Cargo and Passenger Dues

- 2.4.1 Goods dues are levied on all vessels (VAT exempt for vessels of over 15 GRT) per occasion as follows.
- 2.4.2 The payment of fish tolls includes alongside berthing charge at Brixham and electricity/water consumption where a recharge facility does not exist.

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

Cargo Dues (Exclusive of VAT)	
General Cargo/Other Commodities	To be determined by the Harbour Master
General Ships Stores/Spares etc	£1.70 per tonne
Waste Bins (1,100 litres)	£2.26 per unit

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

PART 3 – Visitor Charges

3.1 Launching and Recovery Fees and Visitor Charges

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

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

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

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

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

Annual Charges	
Launching and recovery pass for private use of Tor Bay Harbour slipways.	£36.21 per m
Launching and recovery pass for commercial use of Tor Bay Harbour slipways.	£49.55 per m
MCA Coded and MCA class V, VI, VIA Passenger Vessels and EU classes visiting Tor Bay Harbour (combined charge)	£271.07

3.2 TRAILER PARKING

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

Daily trailer parking	£5.00 per day
Weekly trailer parking	£20.00 per week
Annual trailer parking (only available with private annual launch & recovery pass)	£58.22 per year or part

3.3 PERSONAL WATERCRAFT (JET SKIS)

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

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

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

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

4.1 General

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

4.2 Visiting Commercial Vessels

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

4.3 Visiting Non Commercial Vessels

- 4.3.1 See section 3.1 (combined charge applicable)

4.4 Use of Tor Bay Harbour Authority Landing/Embarkation Facilities

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

Visiting Passenger Vessels	
MCA coded vessels and MCA Class V, VI, VIA vessels and EU classes	£2.51 per passenger per visit
MCA coded vessels and MCA Class V, VI, VIA vessels and EU classes – over 15grt (VAT Exempt)	£2.10 per passenger per visit
Other Passenger Vessels	To be determined by the Harbour Master

Passenger Vessels - Annual Compound Charges	
MCA coded vessels up to 24m LOA	£50.00 per annum
MCA class V, VI, VIA vessels, EU classes and coded vessels of 24m and over	£3.00 per passenger

4.5 Quayside Charges

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

Quayside Berth Daily Charges	
Vessels carrying out repairs inclusive of harbour dues (where a bookable facility exists)	£2.71 per m LOA/per day
Vessels carrying out repairs exclusive of harbour dues (where a bookable facility exists)	£2.61 per m LOA/per day
Resident vessels with moorings and paying harbour dues lying alongside the quays or each other (for pontoon use see visitors section 3.1).	£1.63 per m LOA/per day
Use of Grids inclusive of harbour dues	£3.93 per m LOA/per day
Use of Grids exclusive of harbour dues	£3.86 per m LOA/per day
Use of slipway/beach to dry out/repairs	£3.18 per m LOA/per day
Annual Charges for Vessels Lying Alongside the Quay, Pontoon or Each Other.	
Torquay Harbour (for MFV's please see charge below)	£64.42 per m LOA
Paignton Harbour (for MFV's please see charge below)	£49.90 per m LOA
Brixham Harbour (for MFV's please see charge below)	£49.90 per m LOA
Use of Brixham Town Pontoon by Tenders (At the Harbour Masters discretion)	£49.90 per m LOA
Registered MFV's (see definition 1.2.4) Torquay only	£49.27 per m LOA
Torquay Inner Harbour South Pier Pontoon	£166.16 per m berth
Torquay Inner Harbour Pontoon berths	£166.16 per m berth

Torquay Outer Harbour Town Dock	
Private Vessels - per year	£220.80 per m berth
Jet Ski Pods – per year	£721.00 per pod
Passenger Vessels	£220.80 per m LOA

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

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

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

Boat & Trailer Parking, Storage on Quays	
Boat parking (under 6m LOA) – single hull (includes racks at Torquay)	£63.77 per m LOA/per annum
Boat parking (under 6m LOA) – multi hull (occupying more than one space)	£82.28 per m LOA/per annum
Boat parking (under 6m LOA) – Haldon Pier only (Summer season only)	£31.88 per m LOA/per season
Boat trailers only (subject to availability)	As per single hull boat parking
Boat storage on the Quay (on or off a trailer) (subject to availability)	£2.69 per m LOA/per day
Boat parking (6m LOA and over) (subject to availability)	£96.18 per m LOA/per annum
Commercial boat parking on Haldon Pier (subject to availability)	£126.21 per m LOA/per annum
Dinghy/tender rack	£34.35 per rack per year
Use of courtesy tenders, subject to availability	£34.35 per year
Paignton horizontal racks, subject to availability (max, length 3.7m)	£158.00 per rack/per year
Kayak/Canoe rack (only available at certain harbours)	£103.00 per year or part
Paignton Harbour West Quay Parking	£134.00 (April to Sept)
Paignton Harbour South Quay & West Quay Parking	£273.00 per year or part
Reserved car parking space on Beacon Quay	£465.00 per year or part

4.6 Annual Mooring Charges

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

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

Mooring Charges	
Brixham Inner Harbour trot mooring (no risers provided)	£47.47 per m loa /per annum
Brixham Registered MFV's trot mooring (no risers provided)	£47.47 per m loa /per annum
Brixham Outer Harbour swinging mooring	£84.49 per m loa /per annum
Brixham Registered MFV's Outer Harbour swinging mooring	£84.49 per m loa /per annum
Brixham outhaul mooring (not exceeding 4.88m) (no tackle provided)	£19.57 per m loa /per annum
Paignton trot mooring (no risers provided)	£47.47 per m loa /per annum
Paignton outhaul mooring (not exceeding 4.88m) (no risers provided)	£38.35 per m loa /per annum
Mooring Licence Fee (Paignton Harbour only)	£5.00 per annum
Torquay outhaul mooring (not exceeding 4.88m)	£38.35 per m loa /per annum

4.7 Winter Storage

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

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

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

- 4.7.4 Accommodation is let for the period 1st October to 31st March only, subject to availability. This charge applies for the whole or any part of the above period and no reduction will be allowed for any lesser period. Any craft that remains in storage after 31st March may attract a further charge of £2.61 per metre per day.

Winter Storage Charge	
Uncovered storage at Brixham or Paignton Harbours	£48.09 per m LOA
Lifting Charge (Brixham Harbour only)	£19.60 per m LOA/per lift

PART 5 – Tor Bay Harbour Authority Services and Other Charges

5.1 Utilities

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

Electricity Charges	
Level 1 card (available only at Torquay & Paignton)	£1.00 each
Level 1 (10 KW card) (available only at Brixham)	£2.00 each
Level 5 (50 KW card) (available only at Brixham)	£10.00 each
Level 10 (100 KW card) (available only at Brixham)	£20.00 each
Brixham Harbour KW charge for MFVs	To be determined by the Harbour Master

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

Water Charges (Zero rated VAT)	
Up to 50 tonnes	£3.00 per tonne
50 tonnes and over	£2.40 per tonne

5.2 Crane, Labour and Equipment Hire Charges

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

each operation. Prior notification in respect of cranae on Beacon Quay must be provided 48 hours in advance.

Crane Charges	
Crane per lift (other than boat lifts) e.g. masts engines etc.	£76.66 per hour or part
Boat lift (minimum charge £76.66)	£9.89 per m
Lift out and re-launch same day before 1600 hours (Monday - Friday)	Charge as 1½ lifts
Hang in slings over 4 hours	£21.37
Block-up charge	£3.83 per m LOA
Block up charge, twin keel	£1.61 per m LOA
Storage on quay, per day or part per metre LOA (See 4.5)	£2.61 per day or part/m LOA
Site rental for mobile crane at Torquay Harbour	To be determined by the Harbour Master
Use of mobile commercial crane and/or Hiab on Harbour Property/Estate up to 4 hours. (Inclusive of Launch Fee)	£38.54 per crane
Use of mobile commercial crane and/or Hiab on Harbour Property/Estate over 4 hours. (Inclusive of Launch Fee)	£75.00 per crane/per day

- 5.2.3 Enhanced rates will be charged, out of ordinary working hours, where overtime is required to be worked. If staff have to be called out, a minimum of 2 hours overtime will be charged (per person).
- 5.2.4 Tor Bay Harbour Authority personnel and equipment (subject to availability) are charged out at the following rates all including VAT. Hire of these facilities are at the Harbour Masters discretion.
- 5.2.5 Towing and water taxi services are provided at the discretion of the Harbour Master.
- 5.2.6 Use of forklifts on harbour property/estate is at the discretion of the Harbour Master.
- 5.2.7 Fork lift truck services to Ship's Agents, includes labour up to 30 minutes and minimal storage up to 1 week. Storage charges (subject to capacity) after 1 week are at £1.87 per pallet per day. (Exclusive of VAT).
- 5.2.8 The boat pressure washing service includes the provision of an operative.

Labour and Equipment Hire Charges	
Labour charge (during normal working hours) per staff member	£24.00 per hour or part
Hire of workboat including skipper and crew	£134.00 per hour or part
Hire of workboat including skipper and crew	£670.00 per day, 0900-1700 hours
Water taxi service to or from vessel in enclosed Harbour, including crew	£12.50 per single trip or per round trip if no waiting
Towing within enclosed harbour	£20.00 per ½ hour or part
Towing outside enclosed harbour to nearest enclosed harbour within Tor Bay	£27.50 per ½ hour or part
Pumping out of vessels within the enclosed harbours	£43.00 per hour or part
Hire of fork lift truck without driver (Requires qualified driver)	£74.00 per half day
Hire of fork lift truck with driver	£45.00 per hour or part
Fork lift truck services to Ship's Agents (Exclusive of VAT)	£18.00 per pallet
Boat pressure washing service (minimum charge £43.50)	£9.90 per metre LOA

5.3 Storage Space

- 5.3.1 The storage of fishing equipment is only chargeable after 48 hours at the discretion of the Harbour Master.

5.3.2 A charge will be made for moving equipment into storage and the applicable rate will be labour charge identified in 5.2 above.

Unleased quay areas for fish boxes, fishing gear, cargo containers etc.	£1.00 per m ² /per day
Storage of beams. on unleased quay areas	£4.00 per set/per week
Storage of waste bins (1,100 litres)	£2.50 per bin per day
Storage of loaded pallets on unleased quay areas	£3.00 per pallet/per week
Lock-up storage (ship stores only) (Equipment removal and transportation costs at applicable hourly rate)	To be determined by the Harbour Master
Storage lockers at Paignton Harbour (subject to availability)	£175.00 per annum

5.4 Licences (Exclusive of VAT)

5.4.1 Fish salesmen's and buyer's licences are valid from 1st April each year.

5.4.2 The period of validity for a Boatman's licence must run concurrent with their DfT licence - MCA and Code of Practice Boatmen only.

5.4.3 Torbay Council, as the Harbour Authority, may grant upon such terms and conditions as they may think fit licences for pleasure craft to be let for hire or to be used for carrying passengers for hire within the Harbour, and to the boatmen or persons assisting in the charge or navigation of such craft. (See section 22 (1) Tor Bay Harbour Act 1970).

Fish salesmen's licence	£252.00 per annum
Fish buyer's licence	£252.00 per annum
Self-drive pleasure boats	£5.00 per boat/per annum
Artists' Licence (street trading option)	As per Council's Street Trading Consent Fee.
Fishing permit	To be determined by the Harbour Master

5.5 Bunkering Charges (Exclusive of VAT)

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

For fuel oil delivered to vessels from tankers on shore or afloat up to 4,000 litres (minimum charge £25.00)	£0.02p per litres per vessel
For fuel oil delivered to ships from tankers on shore or afloat over 4,000 litres (minimum charge £25.00)	£1.40p per 500 Litres
For fuel oil delivered to ships from tankers afloat in Tor Bay	To be determined by the Harbour Master

5.6 Waste Charges

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

Transportation to the Council refuse tip, Including attendants and use of Council transport etc.	£95.00 per truck load or part load
Council tipping charge.	As per weighbridge load

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

Passenger Craft Waste Reception Facilities	To be determined by the Harbour Master
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5.7 Miscellaneous Charges

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

Administration Charge (This charge is at the discretion of the Harbour Master)	£30.00 Minimum
Officer Charge (this charge applies when time has been spent by officers in preparing reports or supervising work that is not the responsibility of the Harbour Authority)	To be determined by the Harbour Master
Parking of Exhibition Vehicle on Harbour Estate	£66.00 per day or part
Replacement Swipe Card or Fob for controlled access/electricity meters	£10.00 per unit
Additional pontoon cleat (subject to Harbour Master's agreement)	£45 per unit fitted
Vessels of exceptional construction or methods of propulsion, or not otherwise covered.	Such charges as may from time to time be fixed.
Contractors Pass (for Tradesmen working on the harbour estate) Exclusive of VAT	£245.00 per year or part
Daily Contractors Pass Exclusive of VAT	£8.00 per day or part
Advertising Charges	To be determined by the Harbour Master
Salt Water Extraction Charge (Use of quays to pump water for commercial purposes) (At the Harbour Masters discretion)	£20.00 per day or part £240.00 per year or part
Facilities for visiting Fishing Vessels at Brixham Harbour	
Use of showers	£2.00 per shower
Use of washing/drying machine	£2.00 per wash/dry
Tide Tables (Subject to availability)	To be determined by the Harbour Master

PART 6 – Pilotage

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

6.1.1 Extract from Tor Bay Harbour Pilotage Directions

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

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

See www.tor-bay-harbour.co.uk for the latest version of the Tor Bay Harbour Pilotage Directions

From sea to Brixham or Torquay Harbours	£63.00 per metre draught
From Brixham or Torquay Harbours to sea	£58.00 per metre draught
Shift berth within Torquay or Brixham Harbours	£35.00 per metre draught
From sea to Tor Bay Harbour anchorage	£26.00 per metre draught
From Tor Bay Harbour anchorage to sea	£19.00 per metre draught
Sea to Tor Bay Harbour & Tor Bay Harbour to sea – surcharge for vessels over 150m LOA	£1.10 per metre for each metre over 150m
Minimum charge (with or without a Pilot on board)	£95.00
Detention, after 1 hour	£57.00 per hour or part
Pilot Boat Charges (Shipping or Landing a Local Pilot)	Levied by Torbay & Brixham Shipping Agents Ltd.

6.2 Charges for Pilotage Exemption Certificates

6.2.1 Pilotage Exemption Certificate, per issue £105.00

Appendix 2

HARBOUR REVENUE ACCOUNTS 2014/15 (including a proposed increase on Harbour Charges of 3.0%)

TORQUAY and PAIGNTON HARBOURS

Expenditure	2012/13 Outturn £ ,000	2013/14 Original Budget £ ,000	2013/14 Projected Outturn £ ,000	2014/15 Provisional Budget £ ,000	Change 2013/14 to 2014/15 (Col B to Col D)
Operations and Maintenance :-					
Harbour Attendants Salaries and Wages	138	144	141	143	A (0.7%)
Repairs and Maintenance	163	153	153	123	B (19.6%)
Rent Concessions	1	2	2	2	0.0%
Other Operating Costs	97	110	153	143	C 30.0%
Management and Administration :-					
Salaries	175	181	173	139	A (23.2%)
Internal Support Services	109	105	81	83	D (21.0%)
External Support Services	20	19	19	21	10.5%
Other Administration Costs	53	48	78	77	E 60.4%
Capital Charges	177	178	178	232	F 30.3%
Contribution to Patrol Boat Operation	5	3	0	3	0.0%
Contbn to General Fund - Cash Dividend	25	59	59	65	G 10.2%
Contbn to General Fund - Asset Rental				64	G
	963	1,002	1,037	1,095	9.3%
Income					
Rents and Rights :-					
Property and Other Rents/Rights	268	260	260	262	(0.8%)
Marina Rental	200	222	240	227	H (2.3%)
Operating Income :-					
Harbour Dues	64	79	72	54	J 31.6%
Visitor and Slipway	44	41	49	43	K (4.9%)
Mooring fees	64	69	78	42	J 39.1%
Town Dock	251	250	253	265	(6.0%)
Torquay Inner Harbour Pontoons				126	J
Boat and Trailer parking	37	37	37	38	(2.7%)
Other Income	48	25	28	29	L (16.0%)
Contribution from Reserve	0	0	30	0	0.0%
	976	983	1,047	1,086	(10.5%)
Operating Surplus /(Deficit)	13	(19)	10	(9)	

RESERVE FUND			
Opening Balance as at 1st April	621	621	586
Interest Receivable	11	7	4
Net Surplus / (Deficit) from Revenue Account	13	10	(9)
Withdrawals/Contributions	(24)	(52)	(256)
Closing Balance as at 31st March	621	586	325

Note: In line with Harbour Committee minute 398 (5) the minimum Reserve level at year end 2014/15 is **£205k** 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 2014/15
(including a proposed increase on Harbour Charges of 3.0%)

BRIXHAM HARBOUR

Expenditure	A	B	C	D	Change	
	2012/13	2013/14	2013/14	2014/15	2013/14 to 2014/15	
	Outturn	Original Budget	Projected Outturn	Provisional Budget	(Col B to Col D)	
	£ ,000	£ ,000	£ ,000	£ ,000		
Operations and Maintenance :-						
Harbour Attendants Salaries and Wages	149	228	194	223	A	(2.2%)
Repairs and Maintenance	143	120	180	120	B	0.0%
Rent Concessions	4	4	2	2		(50.0%)
Other Operating Costs	405	352	359	375	C	6.5%
Management and Administration :-						
Salaries	136	148	148	117	A	(20.9%)
Internal Support Services	93	88	68	70	D	(20.5%)
External Support Services	20	19	19	21		17.8%
Other Administration Costs	71	37	95	61	E	64.9%
Capital Charges	292	291	291	292	F	0.3%
Leased properties	26	0	0	0		0.0%
Contribution to Patrol Boat Operation	5	3	0	3		0.0%
Contbn to General Fund - Cash Dividend	36	81	81	83	G	2.5%
Contbn to General Fund - Asset Rental				61	G	
	1,380	1,371	1,437	1,428		4.2%
Income						
Rents and Rights :-						
Rents and Rights	216	215	215	222	M	3.3%
Marina Income	147	162	179	170	H	4.9%
Operating Income :-						
Harbour Dues	90	87	87	95	J	9.2%
Visitor and Slipway	12	13	5	13	K	0.0%
Mooring fees	138	138	138	142	J	(2.9%)
Fish Tolls income	675	650	650	650	N	0.0%
Other Income	99	91	96	101	L	(11.0%)
Contribution from Reserve	83	0	30	0		0.0%
	1,460	1,356	1,400	1,393		2.7%
Operating Surplus /(Deficit)	80	(15)	(37)	(35)		

RESERVE FUND			
Opening Balance as at 1st April	543	523	174
Interest Receivable	9	4	1
Net Surplus / (Deficit) from Revenue Account	80	(37)	(35)
Withdrawals/Contributions	(109)	(316)	(25)
Closing Balance as at 31st March	523	174	115

Note: In line with Harbour Committee minute 398 (5) the minimum Reserve level at year end 2013/14 is **£278k** based on 20% of budgeted turnover to meet any deficit in the revenue budget or winter storm damage. The balance is earmarked for harbour related capital projects.

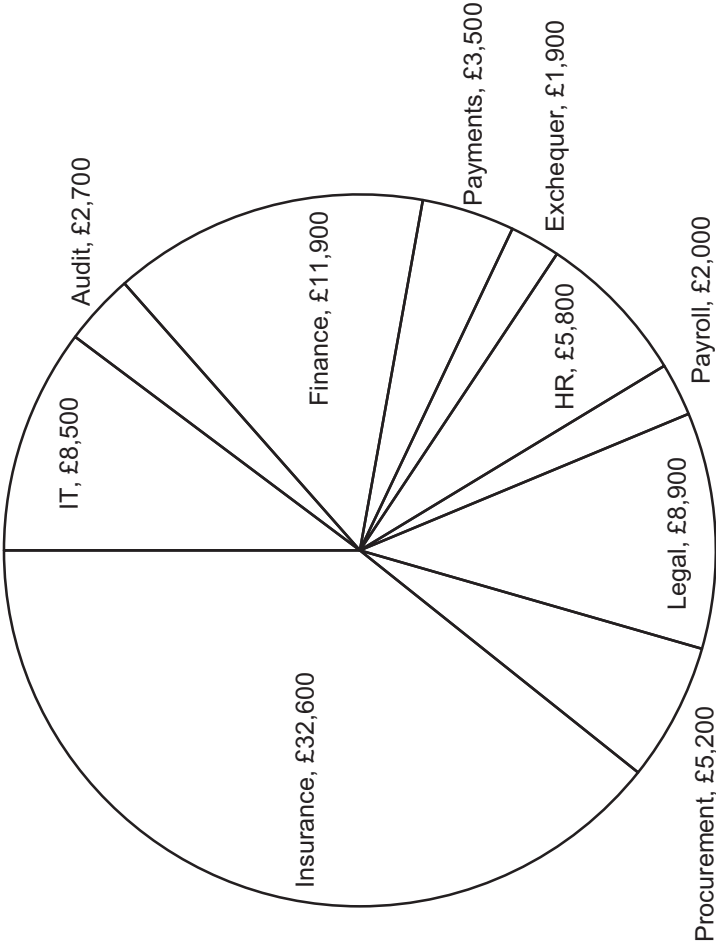
HARBOUR ESTIMATES 2014/15 AND FUTURE YEARS

	TORQUAY AND PAIGNTON					BRISHAM								
	OUTTURN 2012/13 £000	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	OUTTURN 2012/13 £000	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	313	325	314	282	287	291	297	285	376	342	340	345	349	356
Maintenance	163	153	153	123	126	129	132	169	120	180	120	123	126	129
Rent Concessions	1	2	2	2	2	2	2	4	4	2	2	2	20	2
Other Costs	150	153	239	231	237	243	249	476	389	473	457	468	480	492
Town Dock excl Cap Financing	0	5	11	5	5	5	5	0	0	0	0	0	0	0
Capital Financing	177	178	178	178	178	178	178	292	291	291	292	292	292	292
Patrol Boat Deficit	5	3	0	3	3	3	3	5	3	0	3	3	3	3
Support Services	129	124	81	83	85	87	89	113	107	68	70	72	74	76
	938	943	978	907	923	938	955	1,344	1,290	1,356	1,284	1,305	1,344	1,350
2. INCOME														
Marina Rent	200	222	240	227	227	227	227	147	162	179	170	170	170	170
Rent and Other	268	260	260	262	262	262	262	216	215	215	222	232	240	240
Fish Tolls	0	0	0	0	0	0	0	675	650	650	650	650	650	650
User Charges /Other	257	251	294	273	273	273	273	422	329	356	351	351	351	351
User Charges - Town Dock	251	250	253	265	265	265	265	0	0	0	0	0	0	0
	976	983	1,047	1,027	1,027	1,027	1,027	1,460	1,356	1,400	1,393	1,403	1,411	1,411
Dividend to General Fund	25	59	59	129	129	129	129	36	81	81	144	144	144	144
Projected Net Surplus/(Deficit) before charges increases	13	(19)	10	(9)	(25)	(40)	(57)	80	(15)	(37)	(35)	(46)	(77)	(83)
<i>Cumulative effects of increasing charges/growth</i>														
User charges 2.5% year on year				7	7	14	21					9	18	27
Town Dock charges 2.5% year on year				7	7	14	21							
Marina rentals 1% year on year				2	2	2	2					2	2	2
Potential Net Surplus/(Deficit)	13	(19)	10	(9)	(9)	(10)	(13)	80	(15)	(37)	(35)	(35)	(57)	(54)

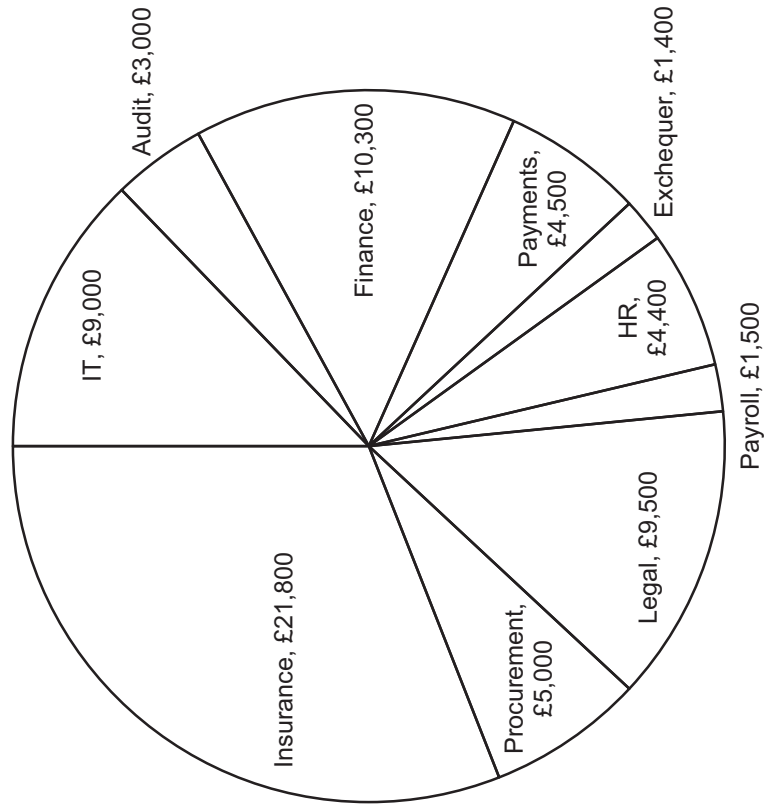
Total Reserve level at Year End	621	586	325	110	102	91	543	174	115	81	25	-29
Revenue Deficit Reserve level at Year End (minimum level)	237	209	205	209	211	214	237	280	279	283	286	288
Capital Projects Reserve level at Year End *	384	377	120			306						

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

Appendix 4
Torquay and Paignton Harbour Account
Estimated Internal Support Service Charges 2014/15



Appendix 5
Brixham Harbour Account
Estimated Internal Support Service Charges 2014/15



Agenda Item 9



Meeting: Harbour Committee

Date: 16th December 2013

Wards Affected: All wards in Torbay

Report Title: Port Marine Safety Code - Annual Compliance Audit

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat

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

 **Telephone: 01803 292429**

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

1. Purpose

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

2. Summary

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

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

Supporting Information

3. Position

- 3.1 The Code states that ***“it is fundamental to an effective safety management system that each harbour authority should assign the functions of a ‘designated person’ to provide independent assurance to the ‘duty holder’ that the safety management system is working effectively and to audit the authority’s compliance with the Code”.***
- 3.2 Nicholsons Risk Management Ltd has been appointed the Designated Person to review the Tor Bay Harbour Safety Management System and annually report on compliance with the Port Marine Safety Code.
- 3.3 The last Port Marine Safety Code Compliance Audit Report was dated 30th November 2012 and was presented to the Harbour Committee on 17th December 2012.

Appendices

Appendix 1 - Port Marine Safety Code Compliance Statement for 2013

Appendix 2 - Port Marine Safety Code Compliance Audit Report for 2013

Appendix 3 – Table of Accident/Incident Statistics 2013

Appendix 4 – Tor Bay Harbour Committee Safety Management System – Issue 12

Additional Information

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

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

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



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REPORT

To Tor Bay Harbour Committee.

As the independent designated person appointed by Tor Bay Harbour Committee, we have reviewed compliance during the past year with the Safety Management System, Issue 11, dated 28 November 2012 and conclude that in our opinion Tor Bay Harbour has complied with the Port Marine Safety Code.

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

We have reviewed this updated Safety Management System, Issue 12, dated 19 November 2013. In our opinion there is now in place a safety management system which complies with the requirements of the Port Marine Safety Code and enables the Tor Bay Harbour Committee to continue to set out their safety policies, their organisation which can put them into practice and their procedures for a planned and systematic approach to policy implementation.

Nicholsons Management Limited

19th November 2013



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peter@peternicholson.com

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

19 November 2013

Dear Kevin,

The “deliverables” from the annual review are the Safety Management System, Issue 12, emailed already, and the attached certificate of compliance.

Issues raised in the audit.

The review did not reveal many changes in the activities in the harbour. Paddle boards are the latest fashion. Generally the mix of fishing, commercial, ferry and leisure activities in Tor Bay Harbour remains much as before.

The one change in safety law is the Marine Navigation Act 2013. The harbour will need to amend the wording of its Pilot Directions to cover changes to the criteria for the issue of Pilotage Exemption Certificates. The potential use of new powers of direction will be monitored.

This year there have been significant improvements to the infrastructure. There are new pontoons for the landing of passengers by ferries at Torquay and Brixham. The remedial work on fenders, edge capping and ladders at Brixham MFV basin has been completed. This will be followed by work on the latent defects outstanding from the Fish Market rebuild, now that the funding issue has been determined. The Brixham Breakwater maintenance programme is in hand. At Paignton the improvements have been in street lighting, resurfacing the slipway and widening some steps for the ferry passengers.

Documentation now includes a Tor Bay Authority Port Masterplan. There is a new policy and programme for hydrographic surveying. Each of the detailed risk assessments has been reviewed and signed off by the Harbour Master and Executive Head in November 2013. Work has started on drawing up a comprehensive yet straightforward set of Standard Safe Operating Procedures. Practical safety and quality controls, with the maintenance of high standards depends on having a full set of clear operating procedures and having staff being trained to work to them.

The two Harbour Liaison Forums are effectively a measure of performance. Consultation is important for the management of the harbour and this continues to be effected through the quarterly meetings with wide ranging agendas. The decision to add an extra starboard hand buoy outside the entrance to Torquay harbour was one direct outcome of this consultation process.

Another measure of performance is in the accident records. These are now in a standard format with a dozen main categories, 46 types of accident or incident and tabled alongside a 6 year comparison.

There have been three fatalities in Tor Bay. One was a suicide, one was an accident when an angler fell into the sea when trying to recover a mobile phone and the third was a fisherman whose boat was swamped as he was returning to harbour in heavy weather. None of these could have been prevented by any action for which the Harbour Authority might be held responsible. In the last year there has been no fire and only minor pollution incidents. There was an accident when a Harbour Authority truck shed its load, but no one was injured, and this has prompted a change in procedure. At Brixham the accident involving the *Lloyd Tyler* and a RIB and the incident of the *Van Dijk* and a Sonata class racing yacht also merited full investigation and reports, but they did not identify the need for any further action.

The trend of navigational, abuse and hospitalisation accidents and incidents have all been falling recently.

In the current economic climate it is unlikely that a developer could be found to provide a long term solution to the various risks associated with the slipway at Paignton. There remains a conflict of pedestrians (including children) and commercial vehicles (which include articulated lorries and forklift trucks) trying to share the same area.

Where actions were identified last year the following have now been completed

1. Installed the twin bar barriers, painted clear lines and improved signage at the Brixham Passenger Pier to keep passengers away from the quay edge where fishermen may be loading or unloading.
2. A meeting has been held with the pilotage contractors to provide answers to questions in Section 9 of the Aide Memoire for investigating MCA officers.
3. There is now a policy and programme for hydrographic surveys, in line with the Code of Practice of the Hydrographic Office.

Some actions identified more than a year ago still require further action,

- 1 Harbour Master to write to Brixham Yacht Club to ask them to review the safety of the dinghy slipway with the unprotected edge at the bottom. At the very least they should display a danger warning notice similar in many ways to the one posted at the nearby Oxen Cove slipway. – Started but not yet completed.
2. Complete a comprehensive set of harbour specific Standard Safe Operating Procedures. These would consolidate the existing 19 procedures, 3 codes of practice and 3 SMS guidelines with examples of procedures adopted in other harbours – Started but not yet completed.
5. Training records are then to be expanded to include in house training of the procedures relevant to each employee's work. – Started but not yet completed.

Policy of continuous improvement

The following actions have also commenced and are ongoing: -

1. Structural improvement plans are in hand for:-
 - Haldon Pier
 - Brixham Breakwater
 - North Arm Breakwater at Brixham
2. Promotion of safe seamanship,
There is forever a need to maintain, refresh, improve and emphasise the advice already being given through notices, brochures, emails of Notices to Mariners, the website, in person by harbour staff and through sea schools.
Regularly review how IT developments can improve communications with customers.
Consider ways to promote the identity of Tor Bay Harbour Authority, possibly by expanding the Tor Bay Harbour Visitor Guide and by improving the web site and providing a clear link to the Safety Management System and compliance with the Port Marine Safety Code.
One specific improvement would be to make it clearer on the web how to subscribe to the distribution by email of Notices to Mariners. Links to weather information could readily be improved.
3. Review of management structure.

The following further actions are planned,

1. Always provide a report summarising accidents and incidents at each of the quarterly Harbour Committee Meetings.
2. Link the local authority based induction process (I-Learn) to the new Standard Safe Operating Procedures now being drafted.
3. Complete signage on New Pier Brixham and the passenger ferry landing pontoons. Have safe queuing arrangements. Make sure that the Brixham LPG canister store is safe.
4. Pilotage:
Finalise the contract between Marine Towage and Salvage [MTS] and T B H A Pilotage Review Working Party to meet annually.
Consider pilot training needs i.e. Bridge Management and ECDIS.
5. Review security measures in place at the Brixham Fish Market.
6. Emergency Plans:
Full review and re-issue of the Tor Bay Harbour Emergency Plan.
Formally adopt and re-issue the new Tor Bay Harbour Oil Spill Contingency Plan

Many thanks to you and your staff for your help in undertaking this review.

Yours sincerely,



Peter Nicholson

Agenda Item 9

Appendix 3

Appendix 3 - Table of Accident/Incident Statistics 2013

	Year to Dec 2008	Year to Dec 2009	Year to Dec 2010	Year to Dec 2011	Year to Dec 2012	Year to Dec 2013
Number of recorded accidents/incidents	75	63	62	86	89	82

Type of Accident/Incident						
Fatalities	1	1	2	0	3	3
Hospitalisation	3	7	6	12	7	4
Navigational	10	12	9	21	15	14
Fire	0	0	1	0	1	0
Abuse or antisocial behaviour afloat or ashore	9	6	3	6	8	4
Pollution	1	3	0	3	1	2

Type of Accident/Incident	Number & Code	Number & Code	Number & Code	Number & Code	Number & Code	Number & Code
Fatalities	1 x (D)	1 x (D & A)	2 x (D)	0	2 x (D) 1 x (DIV)	2 x (D) 1 x (SU)
Hospitalisation	1 x (CAP)	1 x (ASU)	1 x (A)	1 x (ASU)	1 x (ASU)	1 x (A)
	2 x (MED)	2 x (MED)	3 x (I)	2 x (C)	1 x (L)	1 x (ASU)
		1 x (TF)	1 x (MO)	3 X (I)	1 x (I)	1 x (I)
		3 x (I)	1 x (SWIM)	2 x (MED)	1 x (MO)	1 x (MED)
				1 x (MO)	3 x (STF)	
				3 x (STF)		
Navigational	2 x (C)	5 x (C)	3 x (C)	11 x (C)	4 x (C)	4 x (C)
(C) (G) (N) (NM)	3 x (N)	4 x (N)	3 x (N)	1 x (G)	1 x (G)	1 x (G)
(P) (S) (W)	4 x (NM)	2 x (NM)	2 x (NM)	5 x (N)	2 x (N)	3 x (N)
	1 x (S)	1 x (S)	1 x (S)	2 x (NM)	4 x (NM)	6 x (NM)
				2 x (S)	4 x (S)	
Fire	0	0	1	0	1	0
Abuse or antisocial behaviour afloat or ashore	1 x (AS)	2 x (AS)	1 x (AS)	3 x (AS)	3 x (AS)	1 x (AS)
(AS) (VATB)	8 x (VATB)	4 x (VATB)	2 x (VATB)	3 x (VATB)	5 x (VATB)	3 x (VATB)
Pollution	1	3	0	3	1	2

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

6 November 2013

ISSUE 12

TOR BAY HARBOUR COMMITTEE
SAFETY MANAGEMENT SYSTEM

in compliance with

The Port Marine Safety Code

THE TOR BAY HARBOUR COMMITTEE (TBHC) :-

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

ADVISORS :-

- Mr David Buckpitt
- Capt. Robert Curtis
- Mr Michael Stewart
- Capt. Paul Lloyd
- Mr Michael Ellis (to be confirmed)

OFFICERS :-

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

DESIGNATED PERSON :-

- Peter Nicholson - Nicholsons Risk Management Ltd

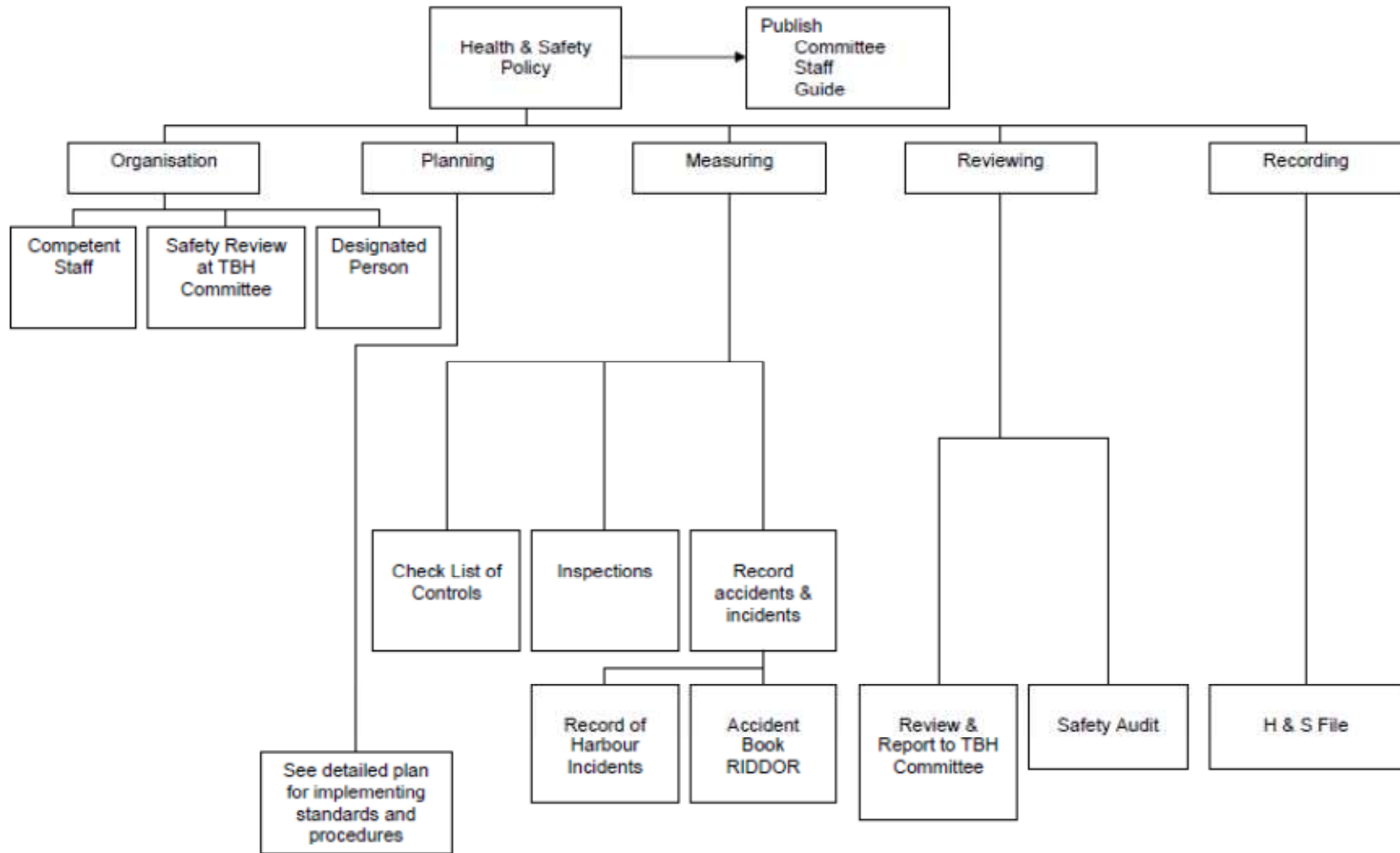
SAFETY MANAGEMENT SYSTEM

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

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

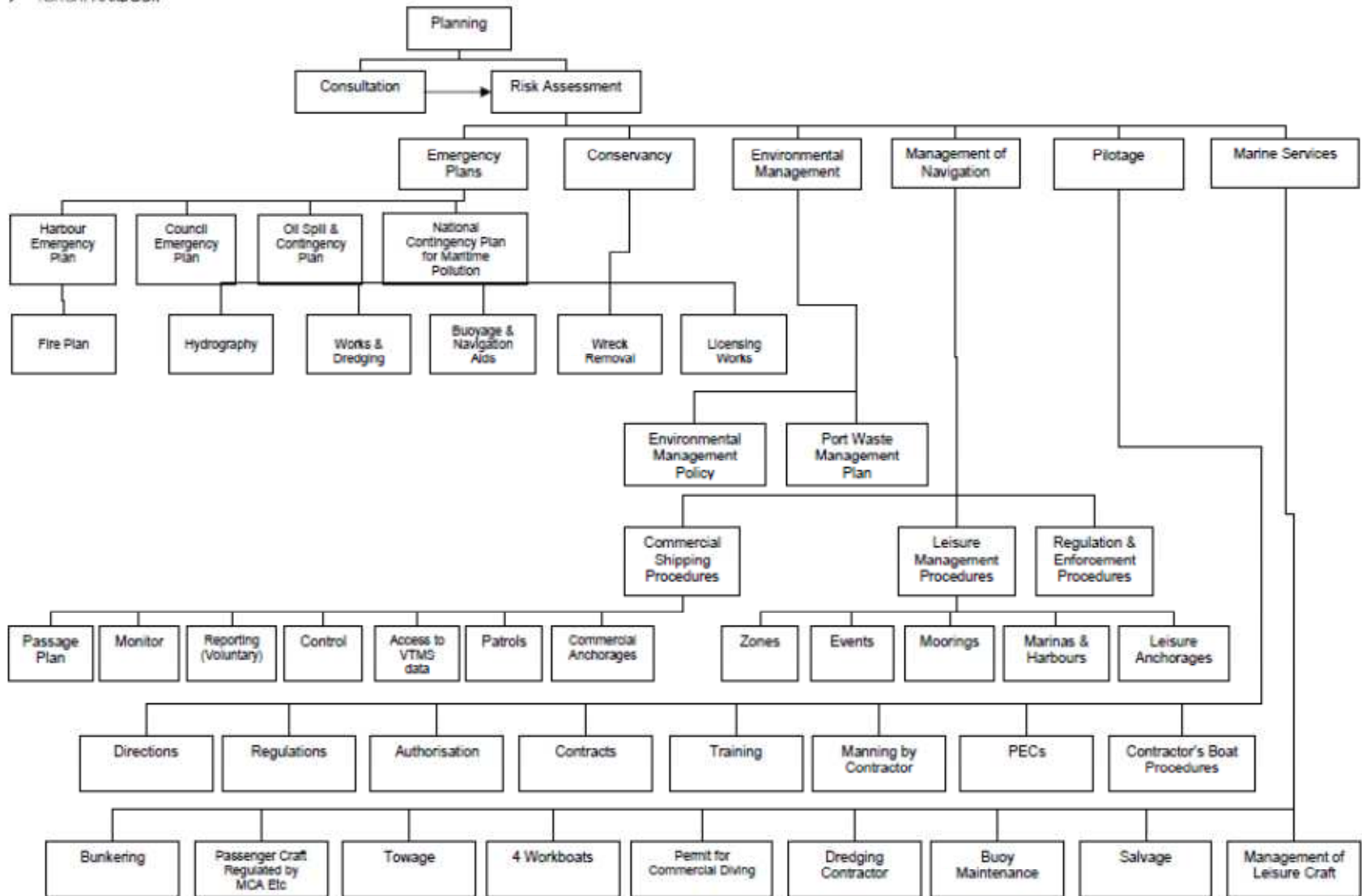


TOR BAY PMSC SAFETY MANAGEMENT SYSTEM



OUTLINE CHART OF SAFETY MANAGEMENT SYSTEM

TOR BAY HARBOUR PLANNING FOR PMSC



1. Tor Bay Harbour Safety Policy

Health and Safety Management System;

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

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

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

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

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

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

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

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

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

All employees have a duty to:

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

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

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

Nominated Harbour Safety Officers

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

Emergencies in the Harbour

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

Reporting of Accidents Incidents and Near Misses

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

Adopted by Torbay Council's Harbour Committee - December, 2013

2. Tor Bay Harbour Authority (TBHA) Organisation

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

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

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

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

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

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

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

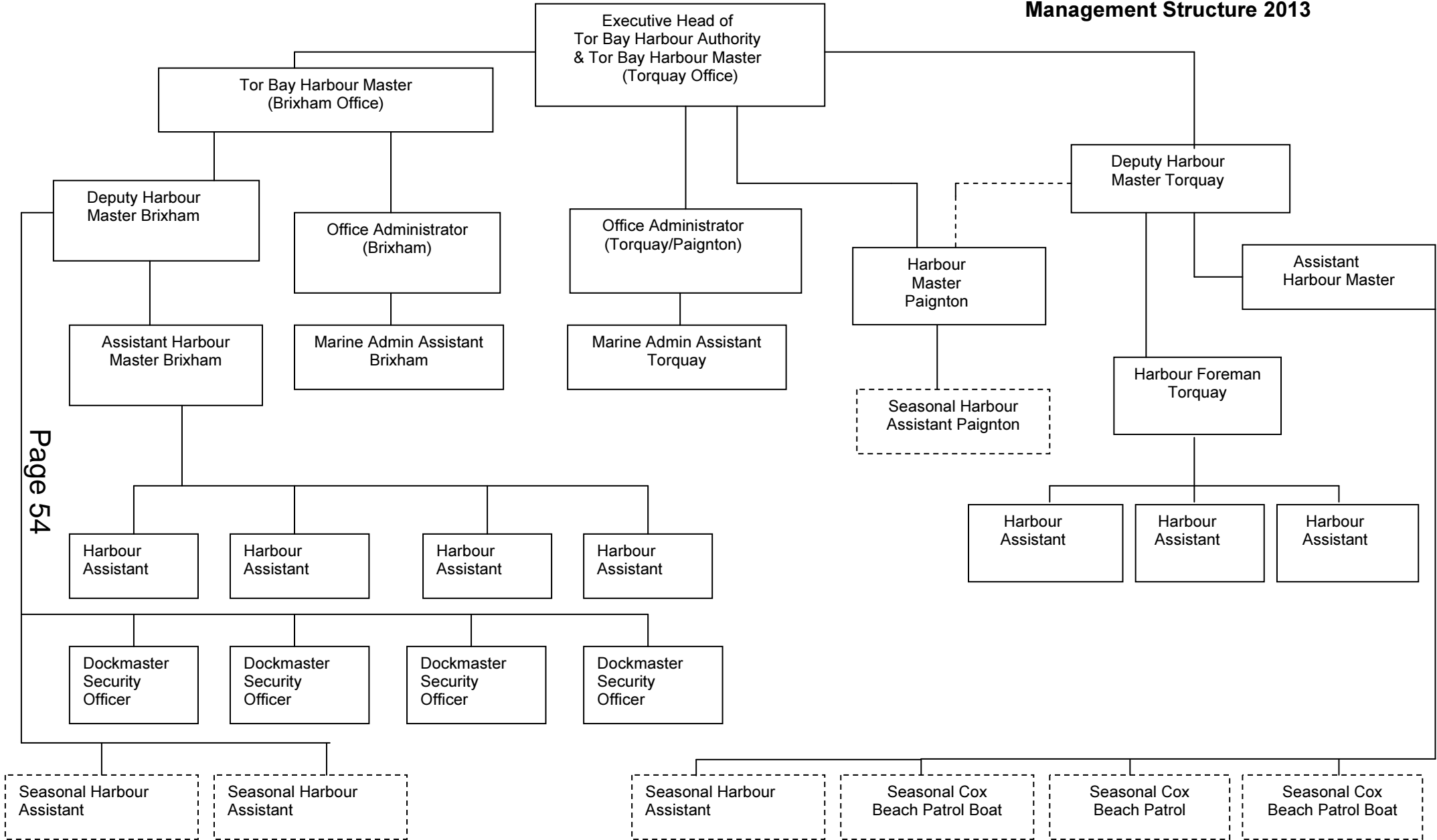
The pilots, contracted through Torbay and Brixham Shipping Agents Ltd, are responsible for safe pilotage of large vessels within the waters of Tor Bay Harbour and for reporting marine risks, incidents and near misses to the Harbour Master.

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

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

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

Tor Bay Harbour Authority Management Structure 2013



Training

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

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

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

Training Matrix

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

Training Plan Responsibilities

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

3. Tor Bay Harbour Safety Planning

Planning Policy

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

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

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

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

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

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

Organisation of Annual Reviews

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

3.1 Tor Bay Harbour Committee Risk Assessments

Risk Assessment Policy:

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

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

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

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

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

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

There is a preferred hierarchy of risk control principles :-

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

A set of risk assessments has been reviewed and signed off on 6th November 2013.

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

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

1. Harbour Master to write to Brixham Yacht Club to ask them to review the safety of the dinghy slipway with the unprotected edge at the bottom. At the very least they should display a danger warning notice similar in many ways to the one posted at the nearby Oxen Cove slipway. – Started but not yet completed.
2. Complete a comprehensive set of harbour specific Standard Safe Operating Procedures. These would consolidate the existing 19 procedures, 3 codes of practice and 3 SMS guidelines with examples of procedures adopted in other harbours – Started but not yet completed.
3. Training records are then to be expanded to include in house training of the procedures relevant to each employee's work. – Started but not yet completed.
4. Structural improvement
Structural improvement plans are in hand for:-
 - Haldon Pier
 - Brixham Breakwater
 - North Arm Breakwater at Brixham

5. Promotion of safe seamanship

There is forever a need to maintain, refresh, improve and emphasise the advice already being given through notices, brochures, emails of Notices to Mariners, the website, in person by harbour staff and through sea schools. Regularly review how IT developments can improve communications with customers. Consider ways to promote the identity of Tor Bay Harbour Authority, possibly by expanding the Tor Bay Harbour Visitor Guide and by improving the web site and providing a clear link to the Safety Management System and compliance with the Port Marine Safety Code. One specific improvement would be to make it clearer on the web how to subscribe to the distribution by email of Notices to Mariners. Links to weather information could readily be improved.

6. Review of management structure.

7. Always provide a report summarising accidents and incidents at each of the quarterly Harbour Committee Meetings.

8. Link the local authority based induction process (I-Learn) to the new Standard Safe Operating Procedures now being drafted.

9. Complete signage on New Pier Brixham and the passenger ferry landing pontoons. Have safe queuing arrangements. Make sure that the Brixham LPG canister store is safe.

10. Pilotage

- Finalise the contract between Marine Towage and Salvage [MTS] and T B H A
- Pilotage Review Working Party to meet annually.
- Consider pilot training needs i.e. Bridge Management and ECDIS.

11. Review security measures in place at the Brixham Fish Market.

12. Emergency Plans

- Full review and re-issue of the Tor Bay Harbour Emergency Plan.
- Formally adopt and re-issue the new Tor Bay Harbour Oil Spill Contingency Plan

3.2 Tor Bay Harbour Committee Risk Control Procedures

3.2.1 Emergency plans

3.2.2 Conservancy

3.2.3 Environment

3.2.4 Management of Navigation

3.2.5 Pilotage

3.2.6 Marine Services

3.2.1 Emergency plans

Emergency Policy:

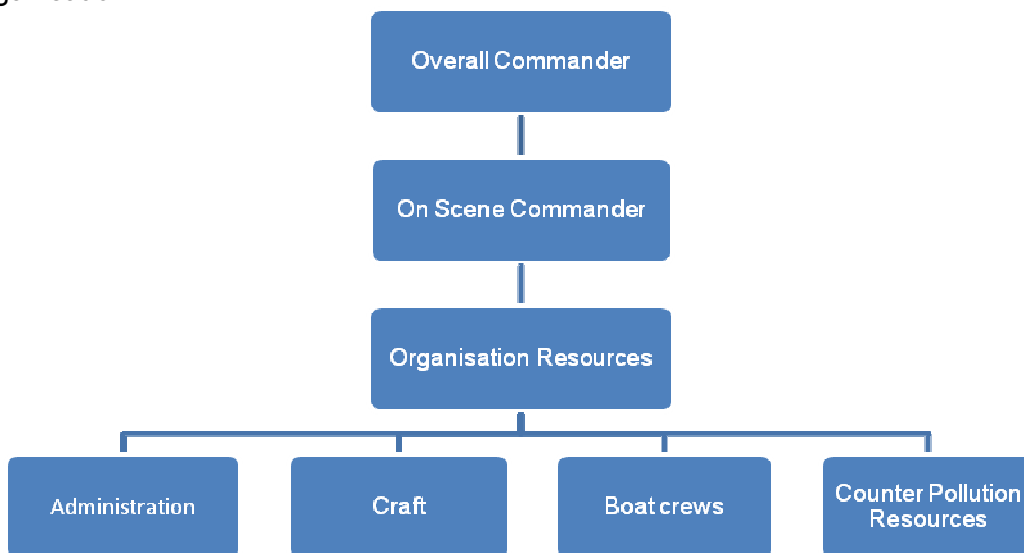
The safety management system shall include preparations for emergencies – and these should be identified as far as practicable from the formal risk assessment. Emergency plans need to be published and exercised.

Emergency Organisation and Management Responsibility

Review of Emergency and Oil Pollution Plans

Harbour Master

Emergency Organisation



Emergency Plans and Procedures

TBHA/ P / 002 Emergency Procedure

Tor Bay Harbour Emergency Plan – April 2011

The Tor Bay Oil Spill and Contingency Plan – redrafted in 2013
National Contingency Plan for Marine Pollution

All officers trained to Tier 2 Response

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

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

3.2.2 Conservancy

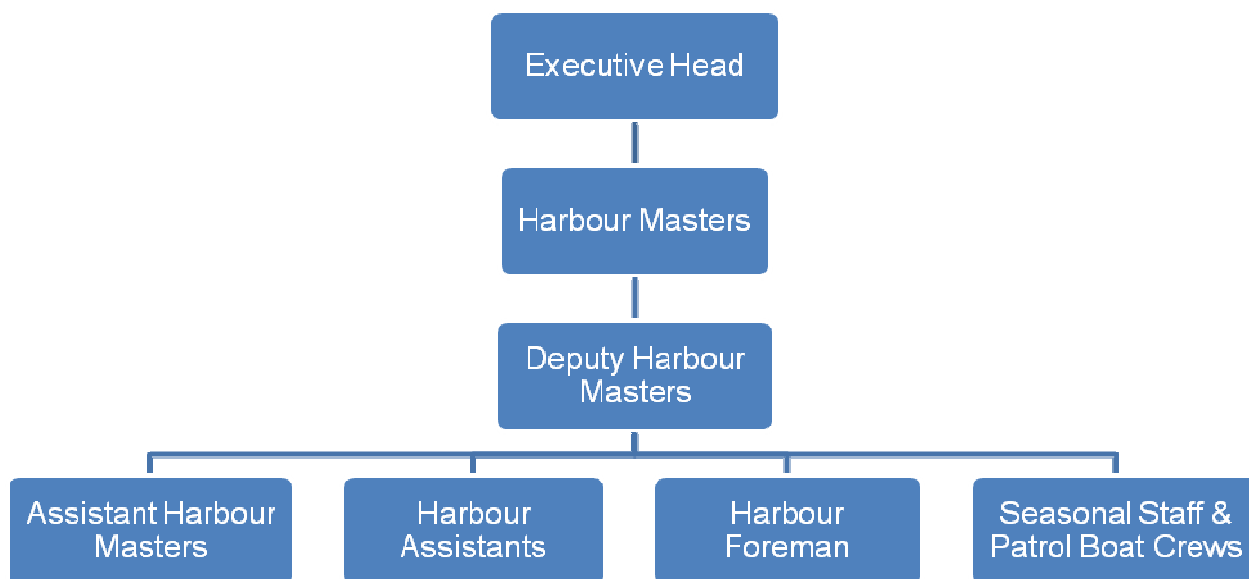
Conservancy Policy:

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

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

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

Conservancy Organisation and Management Responsibility



Conservancy Procedures

Hydrography

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

Dredging

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

Buoyage and Navigational Aids

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

Wreck Removal

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

Licensing of Work

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

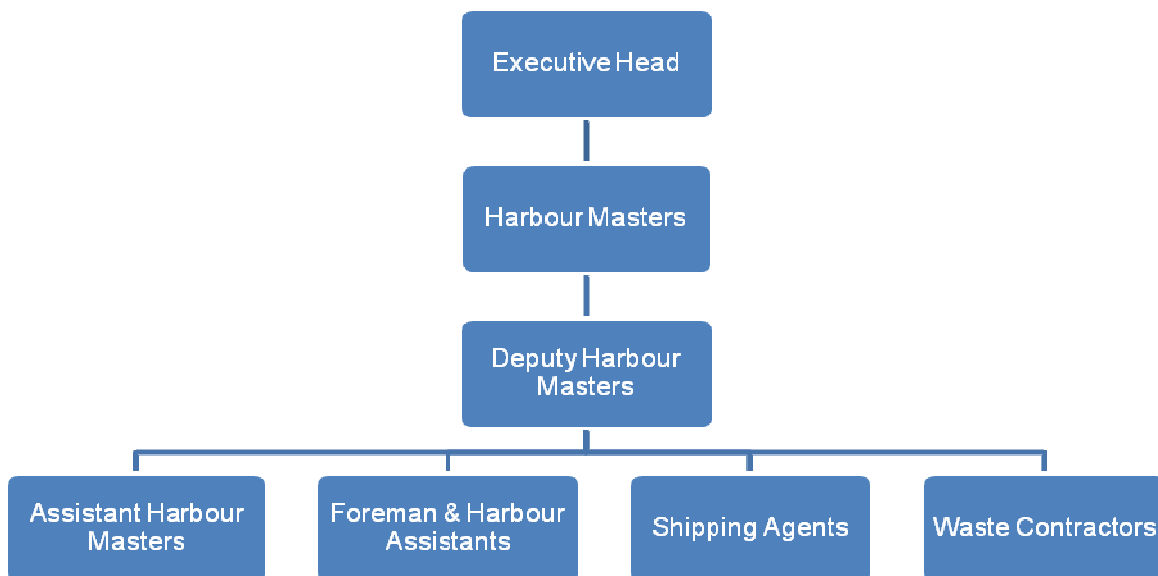
3.2.3 Environment

Environment Policy:

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

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

Environment and Port Waste Management Plan Organisation and Responsibility



Environment Policies, Plans & Procedures

Environmental Policy Statement, Tor Bay

Port Waste Management Plan - Under review

Guide to Good Practice on Port Marine Operations

Natural England's Advice

SeaTorbay Membership (Coastal Partnership)

TBHA/ P / 008 New Harbour Developments

3.2.4 Management of Navigation

Policy for Management of Navigation:

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

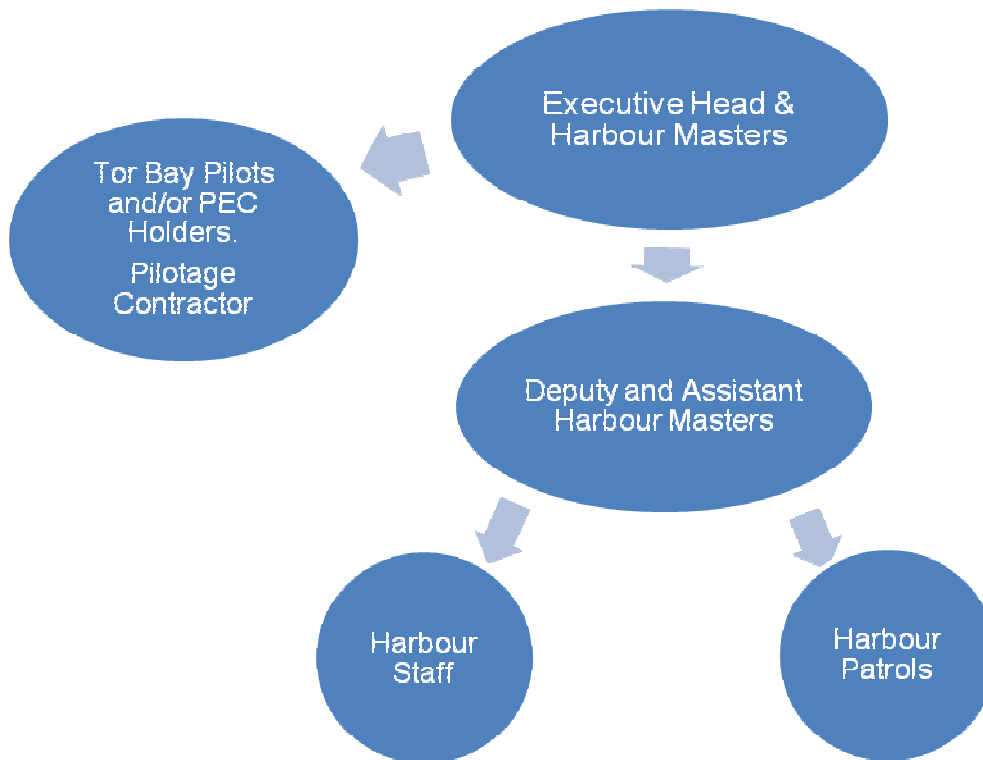
Torbay Council and its Harbour Master recognise their duty to assess risk and make proper use of powers to make byelaws, and to give directions (including pilotage directions), to regulate all vessel movements in their waters.

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

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

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

Management of Navigation Organisation and Management Responsibility



Procedures for Management of Commercial Navigation

Passage Plans

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

Monitor

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

Reporting

Reporting is mandatory, as per Tor Bay Harbour Pilotage Directions.

Control

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

Access to Vessel Traffic Management System (VTS) data

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

Patrols

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

Bunkering

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

Cargo Transfer

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

Commercial Anchorages

Anchorages are specified for large vessels.

Procedures for Leisure Management

Zones

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

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

Events

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

Moorings

Moorings are allocated by TBHC.

Marinas

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

Enclosed Harbours

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

Leisure Anchorages

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

Procedures

TBHA/ P / 002 Navigation and Pilotage

TBHA/ P / 002 Emergency Procedure

Tor Bay Harbour Authority Emergency Plan – April 2011

3.2.5 Pilotage

Policy for Pilotage:

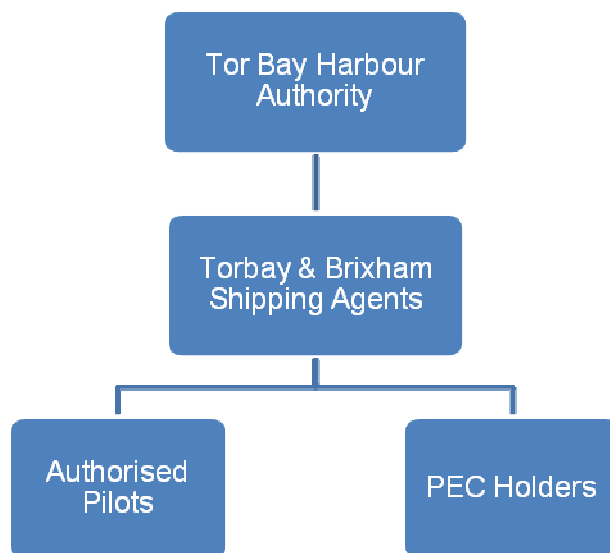
Torbay council, through its TBHC, is the competent harbour authority and accountable for the duty to provide a pilotage service; and for keeping the need for pilotage and the service provided under constant and formal review.

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

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

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

Pilotage Organisation and Management Responsibility



Procedures, Plans, Codes and Guides for Pilotage

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

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

Tor Bay Harbour Emergency Plan – April 2011

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

3.2.6 Marine Services – Harbour Operations

Policy for Marine Services:

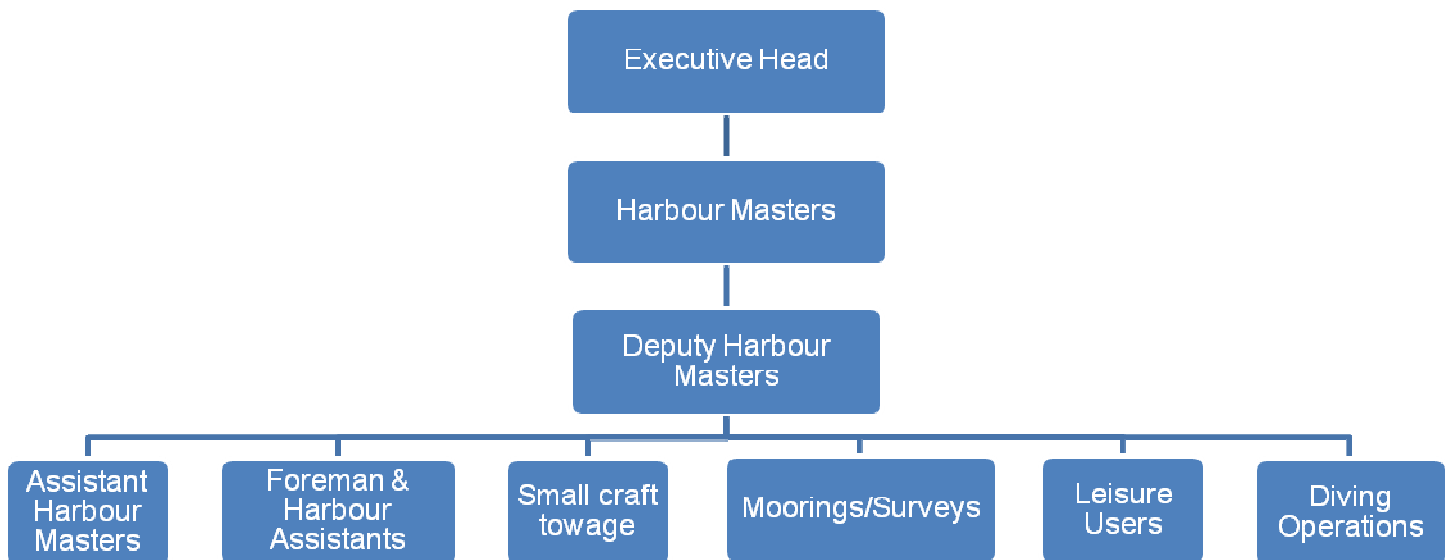
TBHC’s safety management system shall cover the use of harbour craft and the provision of moorings.

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

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

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

Harbour Operations Organisation and Management Responsibility



Marine Services Procedures

Bunkering

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

The Harbour Authority issues procedures for bunkering.

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

Cargo Transfer

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

Craft Regulation

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

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

Towage

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

Work Boats

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

Commercial Diving

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

Dredging

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

Moorings/Buoy Maintenance

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

Salvage

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

Procedures

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

Procedures adopted in 2010 :-

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

4. MEASURING OF PERFORMANCE

Measuring Policy

TBHC will measure health and safety performance against predetermined standards.

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

Appropriate performance indicators will be set.

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

Management of Standard Setting

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

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

Performance indicators are to include the following :-

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

5. REVIEWING

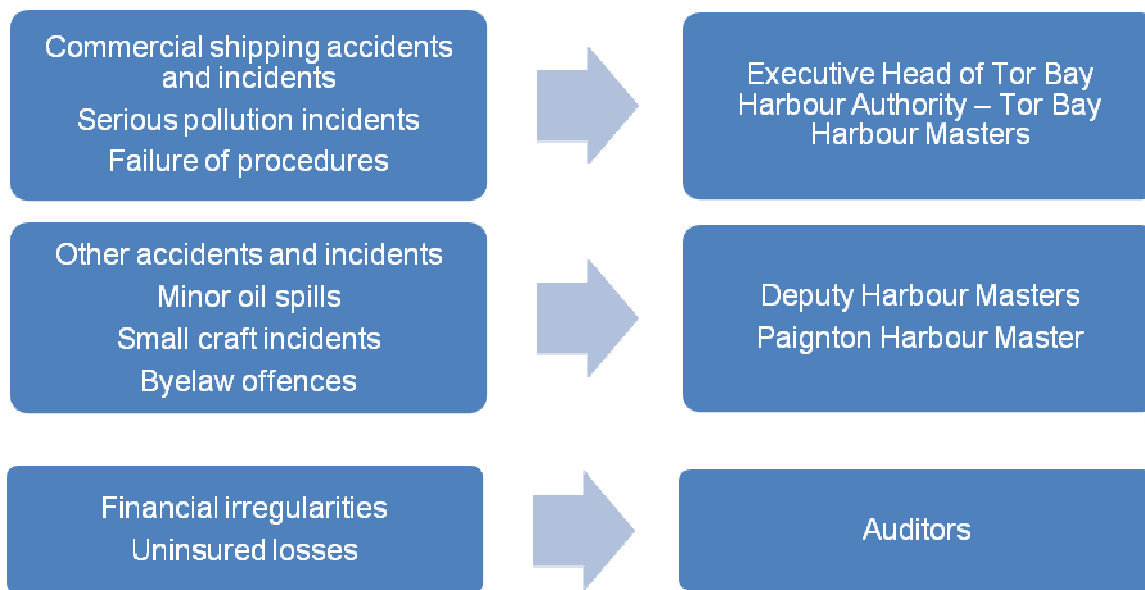
Reviewing Policy

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

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

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

The responsibility for investigations and reports is assigned as follows:



Procedure for Reviews

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

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

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

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

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

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

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

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

6. RECORDING

Recording Policy

TBHC will maintain records of what has been done

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

Publication of Plans and Reports

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

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



Meeting: Harbour Committee

Date: 16th December 2013

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**

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Pete Truman

Principal Accountant

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1. Purpose

- 1.1 This report provides Members with projections of income and expenditure for the year 2013/14 compared with approved budgets.
- 1.2 This report identifies the overall budgetary position for Tor Bay Harbour Authority as at end of October 2013 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 the Harbour Master's use of delegated powers to waive certain harbour charges, which this financial year amounts to £1,504.93 (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 third 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 other income headings are unlikely to reach budgeted target levels. 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 will introduce measures to remedy this situation within future years budget planning.

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:

	Current Budget 2013/14	Projected Outturn 2013/14
	£000	£000
Torquay and Paignton Harbours Surplus/(Deficit)	(13)	10
Brixham Harbour Surplus/(Deficit)	(14)	(37)

- 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	365	1,272	(i)
Brixham Harbour – Various Repairs	240	184	250	(ii)

Brixham Breakwater Repairs	150	deferred	150	(iii)
Fish Market Roof – PV Panels	48	0	48	(iv)
Torquay Inner Harbour Pontoons	800	26	800	(v)

- (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 almost complete. Costs are now expected to exceed the original budget, rising to £250k.
- (iii) The Environment Agency (EA) has approved £150k within their medium-term financial plan (2014/15) for the works required to the Brixham Breakwater. Council Engineers are working with the EA to secure an early release of funds (circa £50k) to start some essential work in 2014. In the meantime the Council's approved £150k capital work will remain deferred.
- (iv) Approximately £48k has been earmarked from the Brixham Harbour reserve to fund a 10kw Photovoltaic solar energy system on the new Fish Market roof. This capital spend has already been approved by Torbay Council but may require re-submission. Further evaluation is now underway with the Torbay Economic Development Company to determine a clear business case.
- (v) This project was approved by Council in February 2013 for delivery in March 2014.

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 1 st 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 November 2013 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	£18k	£31k	£18k	£42k
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

HARBOUR REVENUE ACCOUNTS 2013/14

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	141	1
Repairs and Maintenance	153	153	64	70	153	
Rent Concessions	2	2	2	2	2	
Other Operating Costs	105	131	107	120	142	2
Town Dock Costs	5	5	5	11	11	3
Management and Administration :-						
Salaries	181	173	172	164	173	4
Internal Support Services	105	105	81	81	81	5
External Support Services	19	19	0	0	19	
Other Administration Costs	48	78	57	61	78	6
Capital Charges	178	178	169	169	178	
Contribution to Patrol Boat Operation	3	3	0	0	0	7
Dividend to General Fund (based on 6% of total income)	59	59	0	0	59	
	<u>1,002</u>	<u>1,047</u>	<u>798</u>	<u>817</u>	<u>1,037</u>	
Income						
Rents and Rights :-						
Property and Other Rents/Rights	260	260	179	188	260	
Marina Rental	222	240	79	79	240	8
Operating Income :-						
Harbour Dues	79	72	67	65	72	
Visitor and Slipway	41	44	44	49	49	9
Mooring fees	69	74	71	78	78	9
Town Dock	250	252	252	253	253	
Boat and Trailer parking	37	37	37	34	37	
Other Income	25	25	18	28	28	
Contribution from Reserve	0	30	0	0	30	10
	<u>983</u>	<u>1,034</u>	<u>747</u>	<u>774</u>	<u>1,047</u>	
Operating Surplus /(Deficit)	<u>(19)</u>	<u>(13)</u>	<u>(51)</u>	<u>(43)</u>	<u>10</u>	

RESERVE FUND	
Opening Balance as at 1st April	621
Interest Receivable	7
Net Surplus / (Deficit) from Revenue Account	10
Withdrawal	(22)
Contribution to Revenue Account	(30)
Expected Closing Balance as at 31st March	<u>586</u>

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 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.
- 3 New power and water supply points have been installed on the Torquay Town Dock
- 4 It is anticipated that there will be a reduction in employee costs due to the waiving of superannuation contributions by some employees.
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.
- 5 Central Support Charges have reduced as a result of budget reduction measures implemented by the Council.
- 6 Costs relating to the Port Masterplan have been carried forward from the previous financial year with a corresponding contribution from the Reserve (see note 10).
- 7 Operational efficiencies have been applied to the Patrol Boat operation which is now expected to break even for 2013/14.
- 8 The Marina turnover for the 2012 trading year was higher than anticipated with the additional benefit falling in the current year.
- 9 Additional income has been generated at Torquay Harbour.
- 10 Contribution to fund the costs of the Port Masterplan (see note 6).
- 11 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. No Reserve funding will therefore be required in 2013/14 but the withdrawal figure has been amended to reflect funding of the Inner Harbour investigative works (see note 2).

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	
Operations and Maintenance :-						
Harbour Attendants Salaries and Wages	228	194	194	165	194	1/2
Repairs and Maintenance	120	150	137	151	180	3
Rent Concessions	4	2	0	0	2	
Other Operating Costs	352	352	213	225	359	4
Management and Administration :-						
Salaries	148	148	148	146	148	1
Internal Support Services	88	88	68	68	68	5
External Support Services	19	19	0	0	19	
Other Administration Costs	37	89	44	46	95	6
Capital Charges	291	291	281	281	291	
Contribution to Patrol Boat Operation	3	3	0	0	0	7
Dividend to General Fund (based on 6% of total income)	81	81	0	0	81	
	1,371	1,417	1,085	1,082	1,437	
Income						
Rents and Rights :-						
Rents and Rights	215	215	164	174	215	
Marina Income	162	179	79	79	179	8
Operating Income :-						
Harbour Dues	87	87	80	80	87	
Visitor and Slipway	13	13	11	5	5	9
Mooring fees	138	138	132	134	138	
Fish Tolls income	650	650	321	327	650	10
Other Income	91	91	51	65	96	
Contribution from Reserve	0	30	0	0	30	11
	1,356	1,403	838	864	1,400	
Operating Surplus /(Deficit)	(15)	(14)	(247)	(218)	(37)	

RESERVE FUND	
Opening Balance as at 1st April	523
Interest Receivable	4
Net Surplus / (Deficit) from Revenue Account	(37)
Withdrawals - Capital Financing	(286)
Contribution to Revenue Account	(30)
Closing Balance as at 31st March	174

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 It is anticipated that there will be a reduction in employee costs due to the waiving of superannuation contributions by some employees. However, this has not been reflected in the projected outturn at this stage as employees are entitled to join the scheme at any time.
- 2 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 The Executive Head of Tor Bay Harbour Authority has reviewed the marine insurance cover and approved additional cover for specific risks.
- 5 Central Support Charges have reduced as a result of budget reduction measures implemented by the Council.
- 6 Costs relating to the Port Masterplan have been carried forward from the previous financial year with a corresponding contribution from the Reserve (see note 11). Additional costs continue to be incurred in securing European Interreg funding.
- 7 Operational efficiencies have been applied to the Patrol Boat operation which is now expected to break even for 2013/14.
- 8 The Marina turnover for the 2012 trading year was higher than anticipated with the additional benefit falling in the current year.
- 9 Lower than anticipated use of the slipway facility in 2013/14.
- 10 Other income levels have been boosted by sales of arrested and abandoned craft.
- 11 Contribution to fund the costs of the Port Master Plan (see note 6).
- 12 Capital funding for quayside capping repairs, new ladders and new fenders is now expected to come in at £250k. 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.

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	(316,300)	(52,300)
Anticipated interest for year	4,000	7,000
Projected Surplus/(Deficit) for year	(37,000)	10,000
Revised Reserve Balance	173,700	585,700
less: 20% of Budgeted Turnover	271,200	196,600
= Balance for Projects	(97,500)	389,100
Total costs of proposed Projects (as listed below).	365,700	810,300
<i>Shortfall in Reserve funding available</i>	<i>(463,200)</i>	<i>(421,200)</i>

Projects	Brixham	Torquay & Paignton	Timeframe
Tor Bay Harbour - HMS software upgrade	£25,000	£25,000	Short
Torquay harbour - Haldon Pier brow		£80,000	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

Passenger ferry real-time signage & new shelters *	£18,500	£18,500	Short
Brixham harbour - new work boat	£45,000		Short
Torquay harbour - Old Fish Quay refurbishment		£200,000	Medium
Brixham harbour – photo-voltaic solar panels on roof *	£48,000		Medium
Torquay harbour - fishermen's pontoons		£24,900	Medium
Torquay harbour – office/welfare improvements		£24,900	Medium
Torquay harbour - Inner Harbour Slipway repairs		£75,000	Medium
Torquay harbour - South Pier cathodic protection		£30,000	Medium
Tor Bay Harbour Patrol Boat replacement	£25,000	£25,000	Medium
Brixham harbour - Maritime E training programme *	£54,200		Medium
Torquay harbour - new dinghy park & seaward slipway feasibility study		£30,000	Medium
Torquay harbour - Haldon Pier crane		£50,000	Long
Brixham Breakwater	£150,000		Long
Torquay harbour - Fuel Station refurbishment		£100,000	Long
TOTALS	£365,700	£810,300	

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