



Friday, 5 December 2014

HARBOUR COMMITTEE

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

Monday, 15 December 2014

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)

Mr Stewart

Mr Buckpitt

Councillor Ellery (Vice-Chair)

Councillor Faulkner (J)

Councillor Hytche

Councillor McPhail

Councillor James

Mayor Oliver

Councillor Stringer

Vacancy

Working for a healthy, prosperous and happy Bay

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

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HARBOUR COMMITTEE AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 5)
To confirm as a correct record the Minutes of the meeting of the Committee held on 22 September 2014.
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. **Update on Marina Car Park -David White** (Verbal Report)
A verbal update on the Marina Car Park.
6. **Tor Bay Harbour Authority Budget Setting and Harbour Charges 2014/15** (Pages 6 - 36)
To consider a report which provides Members with the opportunity to consider the Harbour and Marine Service Budget Setting and Harbour Charges to be levied by Tor Bay Harbour Authority.
7. **Port Marine Safety Code - Annual Compliance Audit** (Pages 37 - 79)
To consider a report which provides Members with details of the annual Port Marine Safety Code compliance audit undertaken for the Council, as the Harbour Authority, by Nicholsons Risk Management Ltd.

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|-----|---|-----------------|
| 8. | Torquay/Paignton and Brixham Harbour Liaison Forums
To note the minutes of the above Harbour Liaison Forums. | (To Follow) |
| 9. | Tor Bay Harbour Authority Quarterly Budget Monitoring
For members to consider the quarterly Budget Monitoring Report. | (Pages 80 - 89) |
| 10. | Old Fish Market - Brixham Harbour
For members to consider the use of the Old Fish Market at Brixham. | (To Follow) |
| 11. | Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net)
To monitor the performance of the Tor Bay Harbour Authority Business unit (SPAR.Net). | (To Follow) |
| 12. | Tor Bay Harbour Policy Statement for Local Port Services (biennial 2014)
Tor Bay Harbour Policy Statement for Local Port Services (biennial 2014). | (Pages 90 - 96) |
| 13. | Quarterly Accident and Incident Data for Tor Bay Harbour
For Members to note the latest accident statistics for the Harbour Authority's operational area. | (Page 97) |



Minutes of the Harbour Committee

22 September 2014

-: Present :-

Councillor Amil (Chairwoman)

Councillors Ellery (Vice-Chair), Faulkner (J), Hytche, McPhail, James, Stringer and Addis (In place of Richards) and Mayor Oliver

External Advisor: Mr Ellis

(Also in attendance: Councillor Morey)

23. Apologies

Apologies for absence were received from Mr Buckpitt, Mr Stewart and Capt. Bob Curtis.

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.

24. Minutes

The Minutes of the meeting of the Harbour Committee held on 23 June 2014 were confirmed as a correct record and signed by the Chairman.

25. Exclusion of the Press and Public for Item 6 only

Prior to consideration of the item in Minute 26 only the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

26. Torbay British Sub Aqua Club Grant Update

Members considered an application by the Torbay British Sub Aqua Club for a grant to set-off rent that would otherwise be due.

Members were advised by the Executive Head of Tor Bay Harbour Authority, that in addition to the submitted report the Torbay British Sub Aqua Club had submitted a further representation dated 9 September 2014 which was circulated to Members via e-mail prior to the Committee taking place and a hard copy was circulated to Members at the meeting, in support of their new application.

Resolved;

That a grant of £810, which is 50% of the current market rent, be allowed for a period of one year but emphasise that should the Club wish to make a further grant application in 12 months they are encouraged to attain Charitable Status and Membership of the Sports Council as previously requested and continue to attain higher membership levels.

27. Torquay/Paignton and Brixham Harbour Liaison Forums

The Committee noted the Minutes of the Torquay and Paignton Harbour Liaison Forum meeting on 2 September 2014 and the Brixham Harbour Liaison Forum meeting on 11 September 2014.

The Executive Head, Tor Bay Harbour Authority advised the Committee that the Local Sustainable Transport Fund (LSTF) Cycle Routes had been considered at both Liaison Forum Meetings with the Forums having no issue with the proposed permissive route for Torquay harbour.

The Torquay/Paignton Forum raised concerns over the Paignton harbour proposal citing a number of incidents where cyclists approached the Harbour Light Building at speed, endangering pedestrians. It was decided to put this idea on hold, as the benefits did not outweigh the likely problems.

28. Harbour Authority Risk Register

The Committee noted the submitted report which provided Members with details of the Tor Bay Harbour Authority Business Risk Register for 2014/15.

29. Harbour Asset Review Working Party

The Committee noted the report from the Harbour Asset Review Working Party which met on 4 August 2014.

Members noted that the procurement of a replacement workboat may have to be delayed.

Other than the old workboat, no assets were identified as being surplus to the requirements of the Harbour Authority.

Members were advised that the Asset Review Working Party were looking at options for the development of the Harbour Light Restaurant building at Paignton harbour, including the options within the submitted exempt report as per Minute 13 and two additional dates had been arranged for the Working Party to enable the work to be completed and an update report to be brought back to the Harbour Committee in March 2015.

Two maps of the Torquay Harbour Estate were circulated to Members showing the proposal that the harbour estate boundary should be extended to include all of Princess Pier and the Boat Booking Kiosks located at the base of the Pier as set out in paragraph 2.6 of the submitted report.

Members were content for the Executive Head, Tor Bay Harbour Authority should use his Delegated Authority to implement this change after checking the proposed boundaries with the Executive Head, Commercial Services and advising the Mayor and the Executive Director.

Members advised the Executive Head of Tor Bay Harbour Authority that should there be any significant changes to the proposal then a report be brought to the next Harbour Committee in December for consideration.

30. Audit of Harbour Asset Management

Members noted a report which provided an overview of the results of the Internal Audit Report undertaken for Tor Bay Harbour Authority on Asset Management, which was concluded in March 2014.

31. Harbour Estate - Haldon and Princess Pier Structural Repairs

Members considered a report which outlined the works that have been undertaken at Haldon Pier and the remaining works that are required to be undertaken on both Piers which have an estimated cost in the sum of £5.7m.

Following advice from the Asset Review Working Party the Executive Head of Tor Bay Harbour Authority advised Members of the current condition of Haldon and Princess Piers.

Resolved;

- (i) that the Harbour Committee notes the serious structural condition of both Haldon and Princess Piers and the level of investment required to address the issues identified in the submitted Report; and
- (ii) that the Council be asked to consider making an allocation of £4.6m within the capital programme, as a matter of urgency, to allow repair work to proceed on both Haldon and Princess Piers; and

- (iii) that, given the strategic importance of Haldon and Princess Piers, the Mayor should be formally advised of the need for urgent repairs to both structures; and
- (iv) that, the Harbour Committee makes representations to the Heart of the South West Local Enterprise Partnership and the relevant Minister, regarding the need for urgent repairs to both structures; and
- (v) that Officers are requested to investigate other sources of funding, in addition to the Environment Agency, to help fund the Capital programme.

32. Tor Bay Harbour Authority Quarterly Budget Monitoring Report

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 2014.

The Committee further noted that the two harbour accounts had been merged to show one set of figures.

The Executive Head of Tor Bay Harbour Authority advised the Committee that there was a forecast deficit of £99,000 due mainly to a decrease in fish toll income.

33. Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net)

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

34. Tor Bay Harbour Marine Environmental Policy (biennial - 2014)

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

Resolved;

that the Environmental Policy Statement as shown in Appendix 1 of the submitted report be approved.

35. Tor Bay Harbour Pilotage Directions (biennial - 2014)

Members considered a report to review and endorse the Tor Bay Harbour Pilotage Directions.

The Executive Head of Tor Bay Harbour Authority advised Members that the revised Pilotage Directions were recommended by the Pilotage Review Working Party.

Resolved;

- (i) that the draft Tor Bay Harbour Pilotage Directions shown in Appendix 1 of the submitted report be approved, subject to statutory consultation; and
- (ii) that the Executive Head of Tor Bay Harbour Authority be asked to consult with interested parties prior to the implementation of the Tor Bay Harbour Pilotage Direction; and
- (iii) that the Executive Head of Tor Bay Harbour Authority seek further approval from the Harbour Committee if the consultation exercise results in significant objections or suggested amendments; and
- (iv) that on implementation of the Tor Bay Harbour Pilotage Directions shown in Appendix 1 of the submitted report , the previous Pilotage Direction for Tor Bay Harbour, shown as Appendix 2 of the submitted report, be revoked.

36. Quarterly Accident and Incident Data for Tor Bay Harbour

Members received a briefing note which provided a quarterly update of the current accident statistics for the Harbour Authority's operational area up until September 2014.

Members noted there had been 1 fatality which had been categorised as SU (suicide), 8 hospitalisations, 18 navigational incidents and 1 pollution incident.

Chairman/woman

Agenda Item 6



Meeting: Harbour Committee

Date: 15th December 2014

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Authority Budget and Harbour Charges 2015/16

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 2015/16. 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 2015/16, having considered the budgetary implications set out in this report.
- 1.3 The Committee is further asked to approve the 2015/16 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 2015/16, by a representative average increase of 2.0% 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 £310,000 for 2015/16.**
- 2.3 That, any operating surplus from the Tor Bay Harbour Authority accounts for this year (2014/15) and the next year 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 2015/16, based on a 2.0% representative average increase in harbour charges (as set out in Appendix 2, to this report) be approved.**
- 2.5 That during 2015/16 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 2016/17.**

3. Summary

- 3.1 The provisional Harbour Estimates for 2015/16, together with the Original Approved Estimate for 2014/15 and Projected Outturn for 2014/15 are attached at Appendix 2 and reflect the likely operating position for the consolidated harbour accounts for next year assuming a representative average increase of 2.0% in Harbour Charges.
- 3.2 It will be noted from Appendix 2 that there is the likelihood of a £51,000 deficit on the consolidated Harbour Account for 2015/16.
- 3.3 Appendix 3 provides a projection of future year's budgets and forecasts a deficit position with a depleted reserve fund balance before any growth in the income base. It also shows the position of the combine account 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	£6k
Brixham Harbour	£3k

- 3.5 The Harbour Committee's Budget Review Working Party held meetings on the 4th September 2014, 6th November 2014 and 27th November 2014 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 2.0% as shown at Appendix 1.

- 3.6 A continued outcome of the Budget Review Working Party is the recommendation that the harbour reserve fund 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 level is maintained.
- 3.7 Furthermore the Budget Review Working Party decided to continue to recommend to the Harbour Committee that the 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 2014/15 and they have made recommendations for a proposed budget for 2015/16. Membership of the Budget Review Working Party was agreed in June 2014 as Councillors Amil, Hytche and Stringer with External Advisors Mr Stewart and Mr Ellis, 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 In December 2013 the Harbour Committee agreed to make an additional contribution to the Council's General Fund to the equivalent value of £150,000 for the years 2014/15 and 2015/16. The Committee understood that the recommendation relating to the cash contribution be continued in 2015/16 but should then be reviewed. It was also agreed by the Harbour Committee that any operating surplus for the years 2013/14, 2014/15 and 2015/16 be passed to the Council's general fund. (Providing the harbour reserve levels are not below the minimum recommended level).
- 4.4 Since December 2013 further pressure has been placed on the Council's overall budget position and the Executive Head of Tor Bay Harbour Authority and the Chair

of the Harbour Committee have been asked to consider a further contribution to the Council's General Fund of £160,000 for 2015/16. This proposal was first considered by the Harbour Committee at its meeting in September 2014.

- 4.5 During November the Harbour Committee's Budget Review Working Party met twice to consider the commitments and proposals set out in 4.3 and 4.4 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"*. Members of the Working Party were reminded that the additional cash contribution agreed in December 2013 had been described as an asset rental fee. A range of other measures were also discussed with the Working Party, including the feedback received from consultation with the harbour users groups and other stakeholders. The Working Party also considered an appropriate increase in the level of harbour charges for 2015/16, linked to the level of RPI inflation. Originally they considered a 2.5% increase in line with the April 2014 RPI figure. Having considered the views of a number of customers the Working Party decided to use the CPI figure rather than RPI but they chose to keep using the April CPI figure rather than moving to the September or October figure. (April CPI = 1.8% ~ rounded to the nearest ½ percent = 2.0%)
- 4.6 The Harbour Committee's Budget Review Working Party concluded that they could support the budget saving measures set out in 4.3 and 4.4 above but that the level of the contribution beyond 2015/16 was simply **not sustainable**. At least £100,000 of the £310,000 'asset rental fee' could not be repeated in 2016/17 without a significant improvement in harbour income. In the absence of such an uplift in future harbour income, any further or continued call on the harbour account would lead to a significant impact on the provision of harbour services and consequently the very ability to raise income. The Harbour Committee had already agreed that the cash dividend to the general fund would remain capped at 6% of harbour account turnover.
- 4.7 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.
- 4.8 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 of £273k for 2014/15 and £433k for 2015/16 has and will continue to

put considerable pressure on the harbour authority budget.

4.9 The most recent meeting of the Harbour Committee's Budget Review Working Party was held on the 27th November 2014. 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.

On the 27th November 2014 the Harbour Committee's Budget Review Working Party added an additional guideline:

- that any inflationary increase in harbour charges should use the April CPI (consumer price index) figure from the previous year.

4.10 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:

	Revenue Deficit Reserve (minimum level)	Projects Reserve	Total Reserve
Harbour Reserve	£456,000	£217,000	£673,000

A list of proposed reserve-funded projects is regularly reported to the Harbour Committee through the budget monitoring process. The proposed schemes for the short term, if applied, are forecast to use up the Projects elements of the Reserve during 2015/16

4.11 There is uncertainty over future levels of income and expenditure as outlined in paragraph 9.3 below and this will put significant pressure on the Harbour account 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.

4.12 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 3.0%, 2.8%, 4.0 %, 2.5% and 5% have been applied. The table further illustrates the balance of the combined reserves at 1 April of the charges year.

Charges Year	Overall Increase	Actual RPI	Reserve Levels
2014/15	3.0%	2.50%	£860,148
2013/14	2.8%	2.90%	£1,144,654
2012/13	4.0%	3.5%	£1,164,624
2011/12	2.5%	5.3%	£1,169,408
2010/11	5%	-1.2%	£958,671

4.13 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	466	1,272
Torquay Harbour – Inner Harbour Pontooning	2013	800	912	912

4.14 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.

4.15 **Significant variations to harbour charges**

This report recommends that Harbour Charges be increased, on average, by 2.0%. 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. In 2013/14 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 2.0%) for ease of collection.
- Daily and weekly trailer parking charges have not been increased.
- A new credit card transaction fee of £2.50 is being recommended.
- A new payment plan charge of 2.5% is being recommended for those customers who opt to pay their annual account by Direct Debit payments over 9 monthly instalments.
- Fish Buyers and Sellers licences include a proposed £50 increase to facilitate the use of the "World Famous Fish Market" brand.
- The lowest gross value of annual fish landings required to meet the definition of a 'fishing vessel' is proposed to increase from £5,000 to £10,000. This is a fairer application of the definition and it means that the greatly reduced rate of harbour dues applicable to fishing vessels will only apply to those boats landing a significant value of fish and paying the appropriate fish tolls. Non qualifying fishing vessels will pay harbour dues at the private craft rate.
- It is proposed to introduce a fresh water consumption charge to fishing vessels taking water at Brixham.
- A new annual parking charge is proposed for vehicles parking on the harbour estate at Brixham. Similar charges already exist at Torquay and Paignton harbours.
- Jet Ski visitor charges have not increased for the third consecutive year.
- Fishing vessel alongside/pontoon charges at Torquay are in the fourth 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.
- Existing inner harbour mooring customers will have completed their phased increase to the new 'Inner Dock' charge and the full rate becomes payable from April 2015.

- 4.16 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 2015/16 by an average inflationary increase of 2.0% and increase the overall contribution to the General Fund as per recommendations in section 2 and as outlined in paragraphs 4.3 and 4.4.
- 5.2 Make no change to the level of harbour charges and accept increased operational deficits for 2015/16 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 2014 and continued in early 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. Meetings were also held with the Paignton Harbour Users Group and the Torquay Harbour Users Association. Some concerns were raised over an initial proposal of a 2.5% increase in harbour charges but others accepted the idea of an average increase in line with inflation. It was proposed that the CPI figure should be adopted rather than the traditional use of RPI. A meeting has not been held with users at Brixham harbours

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 2014/15	Proposed % Increase in Charges 2015/16
Chichester	2.8	1.9 ~ 2.2
Teignmouth	3.3	2.4
Tor Bay	3.0	2.0
Dartmouth	3.0	2.5
Salcombe	2.0	2.0
Fowey	2.5	2.0
Weymouth	Nil	Leisure – Nil Commercial – 3%
Langstone	2.7	1.2

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. A small rise in vacant facilities was seen in 2014. 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	<p>The Salary budgets reflect the revised staffing structure implemented by the Executive Head of Tor Bay Harbour Authority during 2014/15 and includes adjustments for “Green Book” payments and Pension Fund rates.</p> <p>A reduction in costs at outturn is possible in both 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.</p>
B	<p>The Repair and Maintenance budget shows a reduction for 2015/16 as part of overall budget cuts. The Brixham repairs and maintenance budget has previously been reduced back to base level but it remains prone to overspend.</p>
C	<p>External security arrangements are being terminated for 2015/16. The heading also reflects savings in NNDR liabilities.</p>
D	<p>Match funding costs relating to the European Interreg funding programme will not be required in 2015/16 following completion of the exercise in 2014/15.</p>
E	<p>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.</p>
F	<p>An increase in the contribution to the General Fund is being recommended as outlined in section 4.4 of this report.</p>
G	<p>The Rents income budget now reflects service charge income received from units at Brixham Harbour. Offsetting expenditure is included within the Repairs and Maintenance budget.</p>
H	<p>Marina rental income is unpredictable due to the uncertain economic climate. No growth has been built in for 2015/16 based on current indications.</p>
J	<p>Income from harbour dues and mooring fees has reduced following falls in occupancy levels during the current difficult economic period.</p>
K	<p>Visitor income remains unpredictable due to the uncertain economic climate.</p>
L	<p>The increase in income targets reflects the first year success of the Inner Dock at Torquay.</p>
M	<p>Future levels of fish toll income remain at risk from external factors such as the Common Fisheries Policy, quota allowances, market prices etc.</p>
N	<p>New income streams are planned from recharging of utilities.</p>
P	<p>A contribution of £96k equating to the anticipated surplus at Torquay Harbour is being applied as a one-off exercise to offset the effect of General Fund levies in 2015/16.</p> <p>A further contribution of £86k in respect of a loan to Children’s Services was approved by Council in November 2014.</p>

Appendices

- Appendix 1 Schedule of Tor Bay Harbour Charges 2015/16 showing a representative average increase of 2.0%.
- Appendix 2 Provisional Harbour Estimates for 2015/16 & Original Estimates for 2014/15 with an average 2.0% increase in Harbour Charges.
- Appendix 3 Projected Harbour Estimates for Future Years to 2018/19
- Appendix 4 Harbour Account - Estimated Internal Support Service Charges 2015/16

Additional Information

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

Schedule of Tor Bay Harbour Charges 2014/15

Tor Bay Harbour Act 1970

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

Minutes of Torquay & Paignton Liaison Forum – September & December 2014

Minutes of Brixham Harbour Liaison Forum – September & December 2014

TOR BAY HARBOUR AUTHORITY



Torquay Tel: 01803 292429

Brixham Tel: 01803 853321

Paignton Tel: 01803 557812

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Website: www.tor-bay-harbour.co.uk

SCHEDULE OF CHARGES, DUES & FEES 2015 – 2016

VAT Registration No. GB 142 2082 11

**For the period commencing 1st April 2015
until 31st March 2016**

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 State’s Representative (SOSREP) or by any other person legally entitled to direct vessels into a harbour are required to pay one month’s harbour dues in advance as a condition of entry. If using a mooring facility, they will also be required to pay one month’s 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 £10,000 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 underwater 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**
£3.08/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.
£ 13.96/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)
£1.29/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**
£120.00 per day
- 2.2.9 Vessels at anchor in Tor Bay for underwater survey, hull cleaning, repairs or associated activity**
£240.00 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).	£55.40/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).	£41.41/LOA/year or part
Passenger Vessels under 16.5m LOA or carrying 12 passengers or less	£55.40/m/LOA/year or part
Passenger Vessels over 16.5m LOA and carrying more than 12 passengers	£80.66/m/LOA/year or part
Motor Fishing Vessels based in and working from Tor Bay Harbour (Exclusive of VAT)	£8.60/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	£1.73 per tonne
Waste Bins (1,100 litres)	£2.31 per unit

Passenger Dues	
Cruise ship passenger landing fees, per passenger	£3.50 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)	£1.89 m/per day
Motor Fishing Vessels not working regularly from Tor Bay Harbour up to 4 days (Exclusive of VAT)	£1.45 m/per day
Passenger vessels	£2.08 m/per day
Tri-Marans	£2.83 m/per day
Catamarans	£2.36 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)	£6.04 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)	£1.89 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.	£36.94 per m
Launching and recovery pass for commercial use of Tor Bay Harbour slipways.	£50.54 per m
MCA Coded and MCA class V, VI, VIA Passenger Vessels and EU classes visiting Tor Bay Harbour (combined charge)	£276.49

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)	£59.39 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	£171.36 per craft /annum	£237.66 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 fee is not refundable or transferable. A non-refundable fee of £50 is required to join any of the commercial waiting lists.
- 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	£2.56 per passenger per visit
MCA coded vessels and MCA Class V, VI, VIA vessels and EU classes – over 15grt (VAT Exempt)	£2.14 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	£51.00 per annum
MCA class V, VI, VIA vessels, EU classes and coded vessels of 24m and over	£3.06 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)	£2.76 per m LOA/per day
Vessels carrying out repairs exclusive of harbour dues (where a bookable facility exists)	£2.66 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).	£1.66 per m LOA/per day
Use of Grids inclusive of harbour dues	£4.01 per m LOA/per day
Use of Grids exclusive of harbour dues	£3.94 per m LOA/per day
Use of slipway/beach to dry out/repairs	£3.24 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)	£65.70 per m LOA
Paignton Harbour (for MFV's please see charge below)	£50.90 per m LOA
Brixham Harbour (for MFV's please see charge below)	£50.90 per m LOA
Use of Brixham Town Pontoon by Tenders (At the Harbour Masters discretion)	£50.90 per m LOA
Registered MFV's (see definition 1.2.4) Torquay only	£58.00 per m LOA
Torquay Inner Harbour South Pier Pontoon	£169.50 per m berth
Torquay Inner Dock	£169.50 per m berth

Torquay Outer Harbour Town Dock	
Private Vessels - per year	£225.22 per m berth
Jet Ski Pods – per year	£730.00 per pod
Passenger Vessels	£225.22 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)	£65.04 per m LOA/per annum
Boat parking (under 6m LOA) – multi hull (occupying more than one space)	£83.93 per m LOA/per annum
Boat parking (under 6m LOA) – Haldon Pier only (Summer season only)	£32.52 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)	£2.74 per m LOA/per day
Boat parking (6m LOA and over) (subject to availability)	£98.10 per m LOA/per annum
Commercial boat parking on Haldon Pier (subject to availability)	£128.73 per m LOA/per annum
Dinghy/tender rack	£35.00 per rack per year
Use of courtesy tenders, subject to availability	£35.00 per year
Paignton horizontal racks, subject to availability (max, length 3.7m)	£161.00 per rack/per year
Kayak/Canoe rack (only available at certain harbours)	£105.00 per year or part
Paignton Harbour West Quay Parking	£140.00 (April to Sept)
Paignton Harbour South Quay & West Quay Parking	£280.00 per year or part
Car parking permit for Beacon Quay (quayside level only)	£475.00 per year or part
Car parking permit for Brixham (New Fish Quay & MFV Basin only)	£250.00 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)	£48.42 per m loa /per annum
Brixham Registered MFV's trot mooring (no risers provided)	£48.42 per m loa /per annum
Brixham Outer Harbour swinging mooring	£86.18 per m loa /per annum
Brixham Registered MFV's Outer Harbour swinging mooring	£86.18 per m loa /per annum
Brixham outhaul mooring (not exceeding 4.88m) (no tackle provided)	£19.96 per m loa /per annum
Paignton trot mooring (no risers provided)	£48.42 per m loa /per annum
Paignton outhaul mooring (not exceeding 4.88m) (no risers provided)	£39.12 per m loa /per annum
Mooring Licence Fee (Paignton Harbour only)	£5.00 per annum
Torquay outhaul mooring (not exceeding 4.88m)	£39.12 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 £2.74 per metre per day.

Winter Storage Charge	
Uncovered storage at Brixham or Paignton Harbours	£49.06 per m LOA
Lifting Charge (Brixham Harbour only)	£19.99 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
Smart Card (available at Torquay Inner Dock only)	To be determined by the Harbour Master
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	£3.06 per tonne
50 tonnes and over	£2.45 per tonne
Fishing Vessels at Brixham Harbour	To be determined by the Harbour Master

5.2 Crane, Labour and Equipment Hire Charges

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

Crane Charges	
Crane per lift (other than boat lifts) e.g. masts engines etc.	£78.20 per hour or part
Boat lift (minimum charge £78.20)	£10.09 per m
Lift out and re-launch same day before 1600 hours (Monday - Friday)	Charge as 1½ lifts
Hang in slings over 4 hours	£21.80
Block-up charge	£3.91 per m LOA
Block up charge, twin keel	£1.64 per m LOA
Storage on quay, per day or part per metre LOA (See 4.5)	£2.74 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)	£40.00 per crane
Use of mobile commercial crane and/or Hiab on Harbour Property/Estate over 4 hours. (Inclusive of Launch Fee)	£80.00 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 £1.91 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	£25.00 per hour or part
Hire of workboat including skipper and crew	£140.00 per hour or part
Hire of workboat including skipper and crew	£685.00 per day, 0900-1700 hours
Water taxi service to or from vessel in enclosed Harbour, including crew	£12.75 per single trip or per round trip if no waiting
Towing within enclosed harbour	£25.00 per ½ hour or part
Towing outside enclosed harbour to nearest enclosed harbour within Tor Bay	£30.00 per ½ hour or part
Pumping out of vessels within the enclosed harbours	£45.00 per hour or part
Hire of fork lift truck without driver (Requires qualified driver)	£80.00 per half day
Hire of fork lift truck with driver	£50.00 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 £45.00)	£10.10 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)	£178.50 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 (includes use of Fish Market brand)	£302.00 per annum
Fish buyer's licence (includes use of Fish Market brand)	£302.00 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)	£1.45p 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.	£97.00 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)	£50.00 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	£68.00 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)	£45.00 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	£250.00 per year or part
Daily Contractors Pass Exclusive of VAT	£8.50 per day or part
Advertising Charges	To be determined by the Harbour Master
Salt Water Extraction Charge (Use of quays to pump water for commercial purposes) (At the Harbour Masters discretion)	£25.00 per day or part £500.00 per year or part
Facilities for visiting Fishing Vessels at Brixham Harbour	
Use of showers	£2.50 per shower
Use of washing/drying machine	£2.50 per wash/dry
Tide Tables (Subject to availability)	To be determined by the Harbour Master
Credit Card payment fee	£2.50 per transaction
Payment Plan Charge (Direct Debit payments over 9 monthly instalments) (annual facility charges only)	2.5%

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.

Note – Add 50% surcharge to Pilotage Charges incurred on Bank Holidays

6.2 Charges for Pilotage Exemption Certificates

6.2.1 Pilotage Exemption Certificate, per issue £105.00

HARBOUR REVENUE ACCOUNTS 2015/16
 (including a proposed increase on Harbour Charges of 2.0%)

Appendix 2

TOR BAY HARBOUR AUTHORITY

Expenditure	2013/14 Outturn £ ,000	2014/15 Original Budget £ ,000	2014/15 Projected Outturn £ ,000	2015/16 Provisional Budget £ ,000	Change 2014/15 to 2015/16 (Col B to Col D)	
Operations and Maintenance :-						
Harbour Attendants Salaries and Wages	306	366	323	374	A	2.2%
Repairs and Maintenance	316	243	204	228	B	(6.2%)
Repairs and Maintenance-Storm Damage	33	0	0	0		
Rent Concessions	6	4	5	5		25.0%
Other Operating Costs	527	518	476	477	C	(7.9%)
Management and Administration :-						
Salaries	312	256	254	267	A	4.3%
Internal Support Services	162	153	153	151		(1.3%)
External Support Services	55	42	42	42		0.0%
Other Administration Costs	239	138	190	86	D	(37.7%)
Capital Charges	469	524	524	524	E	0.0%
Contribution to Patrol Boat Operation	2	6	0	2		(66.7%)
Contbn to General Fund - Cash Dividend	144	148	148	145	F	(2.0%)
Contbn to General Fund - Asset Rental	0	125	125	288	F	130.4%
	2,571	2,523	2,444	2,589		2.6%
Income						
Rents and Rights :-						
Property and Other Rents/Rights	480	484	475	511	G	5.6%
Marina Rental	420	397	397	397	H	0.0%
Operating Income :-						
Harbour Dues	165	149	108	143	J	(4.0%)
Visitor and Slipway	57	56	56	52	K	(7.1%)
Mooring fees	222	184	171	174	J	(5.4%)
Torquay Town Dock	252	265	264	270		1.9%
Torquay Inner Dock	0	126	176	183	L	45.2%
Fish Toll Income	588	650	500	510	M	(21.5%)
Boat and Trailer parking	34	38	38	35		(7.9%)
Other Income	266	130	143	167	N	28.5%
Grant Income - Storm Damage	22	0	0	0		
Contribution from Reserves	60	0	0	96	P	
	2,566	2,479	2,328	2,538		2.4%
Interreg Grants received	0	0	35	0		
Contribution to Reserve	0	0	(83)	0		
Operating Surplus /(Deficit)	(5)	(44)	(164)	(51)		

RESERVE FUND	
Estimated Opening Balance as at 1st April	673
Interest Receivable	6
Net Surplus / (Deficit) from Revenue Account	(51)
Withdrawal - General Fund Revenue Financing	(182)
Expected Closing Balance as at 31st March	446
Excludes any expenditure from the Projects Reserve	

HARBOUR ESTIMATES 2014/15 AND FUTURE YEARS

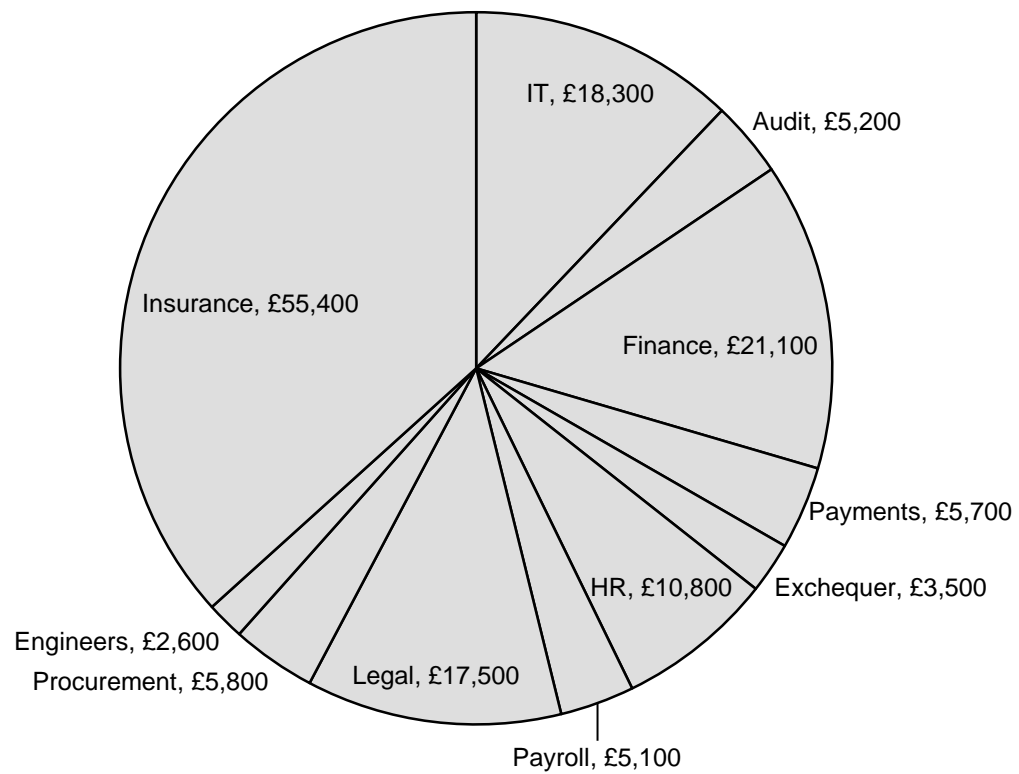
	OUTTURN 2013/14 £000	APPROVED ESTIMATE 2014/15 £000	PROJECTED OUTTURN 2014/15 £000	PROVISIONAL ESTIMATE 2015/16 £000	PROVISIONAL ESTIMATE 2016/17 £000	PROVISIONAL ESTIMATE 2017/18 £000	PROVISIONAL ESTIMATE 2018/19 £000
1. EXPENDITURE							
Employees	618	622	577	641	643	650	663
Maintenance	349	243	204	228	234	240	246
Rent Concessions	6	4	5	5	2	2	2
Other Costs	821	656	708	605	620	636	652
Capital Financing	469	524	524	524	524	524	524
Patrol Boat Deficit	2	6	0	2	2	2	2
Support Services	162	195	153	151	155	159	163
	2,427	2,250	2,171	2,156	2,180	2,213	2,252
2. INCOME							
Marina Rent	420	397	397	397	397	397	397
Rent and Other	480	484	475	511	511	511	511
Fish Tolls	588	650	500	510	510	510	510
User Charges /Other	826	683	644	850	754	754	754
User Charges - Town Dock	252	265	264	270	270	270	270
	2,566	2,479	2,280	2,538	2,442	2,442	2,442
Contributions to General Fund	144	273	273	433	433	433	433
Projected Net Surplus/(Deficit) before charges increases	(5)	(44)	(164)	(51)	(171)	(204)	(243)
<u>Cumulative effects of increasing charges/growth</u>							
User charges 2.5% year on year					19	38	58
Town Dock charges 2.5% year on year					7	14	21
Marina rentals 1% year on year					4	8	12
Potential Net Surplus/(Deficit)	(5)	(44)	(164)	(51)	(141)	(144)	(152)

Total Reserve level at Year End	860	673	235	-537	-695	-865
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Revenue Deficit Reserve level at Year End (minimum level)	483	456	508	494	500	507
Capital Projects Reserve level at Year End *	138	217	-273	-1,031	-1,195	-1,372

* 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
Harbour Account
Estimated Internal Support Service Charges 2015/16





Meeting: Harbour Committee

Date: 15th December 2014


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**

 **Email: 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 2014, attached as Appendix 1.
- 1.4 The Committee is asked to note the contents of the PMSC Compliance Audit Report for 2014, including the actions identified for implementation during 2014, attached as Appendix 2.
- 1.5 A table of Accident/Incident Statistics for 2014, as recommended in the PMSC Audit Report 2008, is attached as Appendix 3.
- 1.6 The Committee is asked to note the contents of the revised Tor Bay Harbour Committee Safety Management System, as attached as Appendix 4.

2. Summary

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

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

Supporting Information

3. Position

- 3.1 The Code states that ***“it is fundamental to an effective safety management system that each harbour authority should assign the functions of a ‘designated person’ to provide independent assurance to the ‘duty holder’ that the safety management system is working effectively and to audit the authority’s compliance with the Code”.***
- 3.2 Nicholsons Risk Management Ltd has been appointed the Designated Person to review the Tor Bay Harbour Safety Management System and annually report on compliance with the Port Marine Safety Code.
- 3.3 The last Port Marine Safety Code Compliance Audit Report was dated 19th November 2013 and was presented to the Harbour Committee on 16th December 2013.

Appendices

Appendix 1 - Port Marine Safety Code Compliance Statement for 2014

Appendix 2 - Port Marine Safety Code Compliance Audit Report for 2014

Appendix 3 – Table of Accident/Incident Statistics 2014

Appendix 4 – Tor Bay Harbour Committee Safety Management System – Issue 13

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



Nicholsons

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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 12, dated 19 November 2013 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 13, dated 20 November 2014. 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

20th November 2014



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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

20 November 2014

Dear Kevin,

The “deliverables” from the annual review are the Safety Management System, Issue 13 and the attached certificate of compliance.

For the Safety Management System to be effective it relies heavily on the revised risk assessments, the amended set of risk controls, the new Standard Safe Operating Procedures and the ongoing instruction of staff in their use. As we agreed these are not yet fully implemented and I would therefore recommend that I should audit their implementation early next year.

I would now add some detailed comments arising out of the review process.

Harbour Activities

Activity was at the normal level this year as a wet spring was followed by a good summer. The mix of fishing, commercial, local passenger craft and leisure activities in Tor Bay Harbour remains much as before.

The work to complete the new passenger landing pontoons, both at Torquay and at Brixham, has been completed.

A new commuter ferry service is planned to operate throughout the year, commencing in December 2014.

Legislative Powers

There is no new legislation to effect management of Tor Bay Harbour and there are no obvious changes in accepted best practice.

No application has been made for powers of Harbour Directions, as the existing harbour byelaws have been updated quite recently and the process of acquiring new powers might be time consuming and of little immediate benefit.

Management Review

The posts of Deputy Harbour Master, Brixham, Paignton Harbour Master, Assistant Harbour Master, Torquay and the Assistant Harbour Master Brixham/ Business Manager now all report direct to the Harbour Master.

Quality and Risk Control

The other main change has been the preparation of a set of fresh risk assessments and Standard Safe Operating Procedures [SSOPs]. The risk assessments use the MarNIS software but retain nearly all the same risk controls that were recorded in the previous system. The SSOPs are mainly new and will provide a syllabus for the instruction of each member of staff in core activities.

The Safety Management System now includes an index of the new risk assessments, a list of all the controls and an index of the SSOPs so they are effectively integrated into Tor Bay Harbour's compliance document for the Port Marine Safety Code. The task now is to roll out these controls and use the training programme to help the staff make use of all this documentation to improve the quality of service and risk control.

Accidents and Incidents

For another year there were no fatalities, no fires and no significant environmental accidents or incidents relating to harbour operations. Such pollution as there was came from small and minor diesel spills. There was no incident that merited reporting to the Marine Accident Investigation Branch (MAIB).

The records show no adverse trends and in total there have been less reported accidents this year than last.

The reporting forms are now located within the MarNIS software. This will be adapted to make clear and to record the examination of each incident to see whether it merits any action to prevent a reoccurrence. It will also be modified so that it is only the Harbour Master who can close off the accident record.

A summary of accidents and incidents is published along with the annual Port Marine Safety Code compliance report.

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

1. Review of management structure.
2. Harbour Master has asked Brixham Yacht Club to review the safety of the dinghy slipway with the unprotected edge at the bottom. They have been asked to display a danger warning notice similar in many ways to the one posted at the nearby Oxen Cove slipway.
3. Complete the 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. Provide a report summarising accidents and incidents at each of the quarterly Harbour Committee Meetings.

5. 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

Policy of continuous improvement,

The following actions have commenced and are ongoing: -

1. 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 and the various Standing Orders – Started but not yet completed.
2. Revise, sign off and re-issue a full set of risk assessments, including ones for fire risk.
3. Update the training records and plans on completion of the Standard Safe Operating Procedures, so each employee is sure to be instructed in the procedures relevant to his work.
4. Consider amending the MarNIS risk assessment software to:-
Display the matrix that shows clearly that the risk is as low as reasonably practical.
Change the descriptions of the controls to those listed in Appendix 2 of the SMS, linking them to Standard Safe Operating Procedures and the specific controls set out in the SMS.
5. Endeavour to have the MarNIS accident reporting software modified to: -
Clarify the need for any further controls and the rule that each report is shown to the Harbour Master and he is the only one able to close off a report.
Have a short form report where there is no ship involved.
6. 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 more use of social media, 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.
7. Review security measures in place at the Brixham Fish Market.
8. 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.
9. Structural improvement plans are in hand for:-
 - Haldon Pier
 - Brixham Breakwater
 - North Arm Breakwater at Brixham

The following further actions are planned,

1. Review and update where necessary
Tor Bay Harbour Emergency Plan
Local Port Services Policy
Harbour Legislation
2. Consider linking the local authority based induction process (I-Learn) to the new Standard Safe Operating Procedures now being drafted.
3. Undertake a detailed review of the Safety Management System, cross referenced to the MCA aide memoire for inspection, and amend wording accordingly.

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

Yours sincerely,



Peter Nicholson

Agenda Item 7

Appendix 3

Appendix 3 - Table of Accident/Incident Statistics 2014

	Year to Dec 2009	Year to Dec 2010	Year to Dec 2011	Year to Dec 2012	Year to Dec 2013	Year to Dec 2014
Number of recorded accidents/incidents	63	62	86	89	82	65

Type of Accident/Incident						
Fatalities	1	2	0	3	3	1
Hospitalisation	7	6	12	7	4	4
Navigational	12	9	21	15	14	23
Fire	0	1	0	1	0	0
Abuse or antisocial behaviour afloat or ashore	6	3	6	8	4	0
Pollution	3	0	3	1	2	10

Type of Accident/Incident	Number & Code	Number & Code	Number & Code	Number & Code	Number & Code	Number & Code
Fatalities	1 x (D & A)	2 x (D)	0	2 x (D) 1 x (DIV)	2 x (D) 1 x (SU)	1 x (SU)
Hospitalisation	1 x (ASU)	1 x (A)	1 x (ASU)	1 x (ASU)	1 x (A)	1 x (ASU)
	2 x (MED)	3 x (I)	2 x (C)	1 x (L)	1 x (ASU)	1 x (I)
	1 x (TF)	1 x (MO)	3 X (I)	1 x (I)	1 x (I)	1 x (SWIM)
	3 x (I)	1 x (SWIM)	2 x (MED)	1 x (MO)	1 x (MED)	6 x (STF)
			1 x (MO)	3 x (STF)		
			3 x (STF)			
Navigational	5 x (C)	3 x (C)	11 x (C)	4 x (C)	4 x (C)	1 x (AD)
(AD) (C) (DP)	4 x (N)	3 x (N)	1 x (G)	1 x (G)	1 x (G)	2 x (C)
(G) (L) (MF) (N)	2 x (NM)	2 x (NM)	5 x (N)	2 x (N)	3 x (N)	1 x (DP)
(NM) (OT) (P)	1 x (S)	1 x (S)	2 x (NM)	4 x (NM)	6 x (NM)	1 x (G)
(S) (SF) (SK)			2 x (S)	4 x (S)		2 x (L)
(W)						3 x (MF)
						4 x (N)
						4 x (NM)
						1 x (OT)
						1 x (SF)
						1 x (SK)
						2 x (W)
Fire	0	1	0	1	0	0
Abuse or antisocial behaviour afloat or ashore	2 x (AS)	1 x (AS)	3 x (AS)	3 x (AS)	1 x (AS)	0
(AS) (VATB)	4 x (VATB)	2 x (VATB)	3 x (VATB)	5 x (VATB)	3 x (VATB)	0
Pollution	3	0	3	1	2	10

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

20th November 2014

ISSUE 13

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

ADVISORS :-

- Mr David Buckpitt
- Mr Michael Stewart
- Capt. Paul Lloyd
- Mr Michael Ellis

OFFICERS :-

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

DESIGNATED PERSON :-

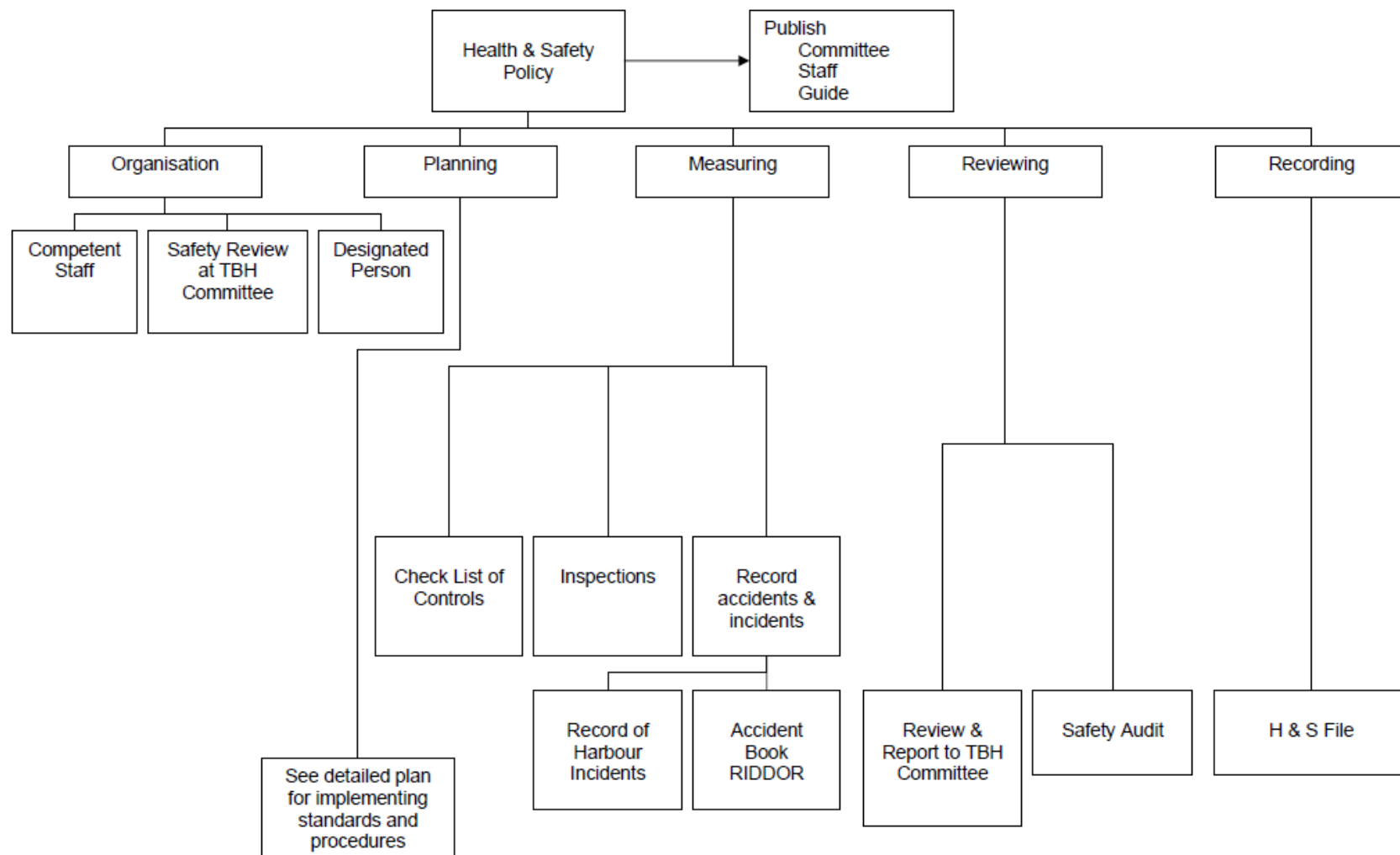
- Peter Nicholson - Nicholsons Risk Management Ltd

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.
2) Organisation	Establishing a positive organisation and culture which puts the policies into effective practice.
	Structure/Organisation Chart
	Training
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.
	3.1 Risk Assessments and Risk Register
	3.2 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
4) Measuring	Measuring health and safety performance against predetermined standards.
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.
6) Recording	What has been done? Safety controls and responsibilities Maintaining a record of due diligence

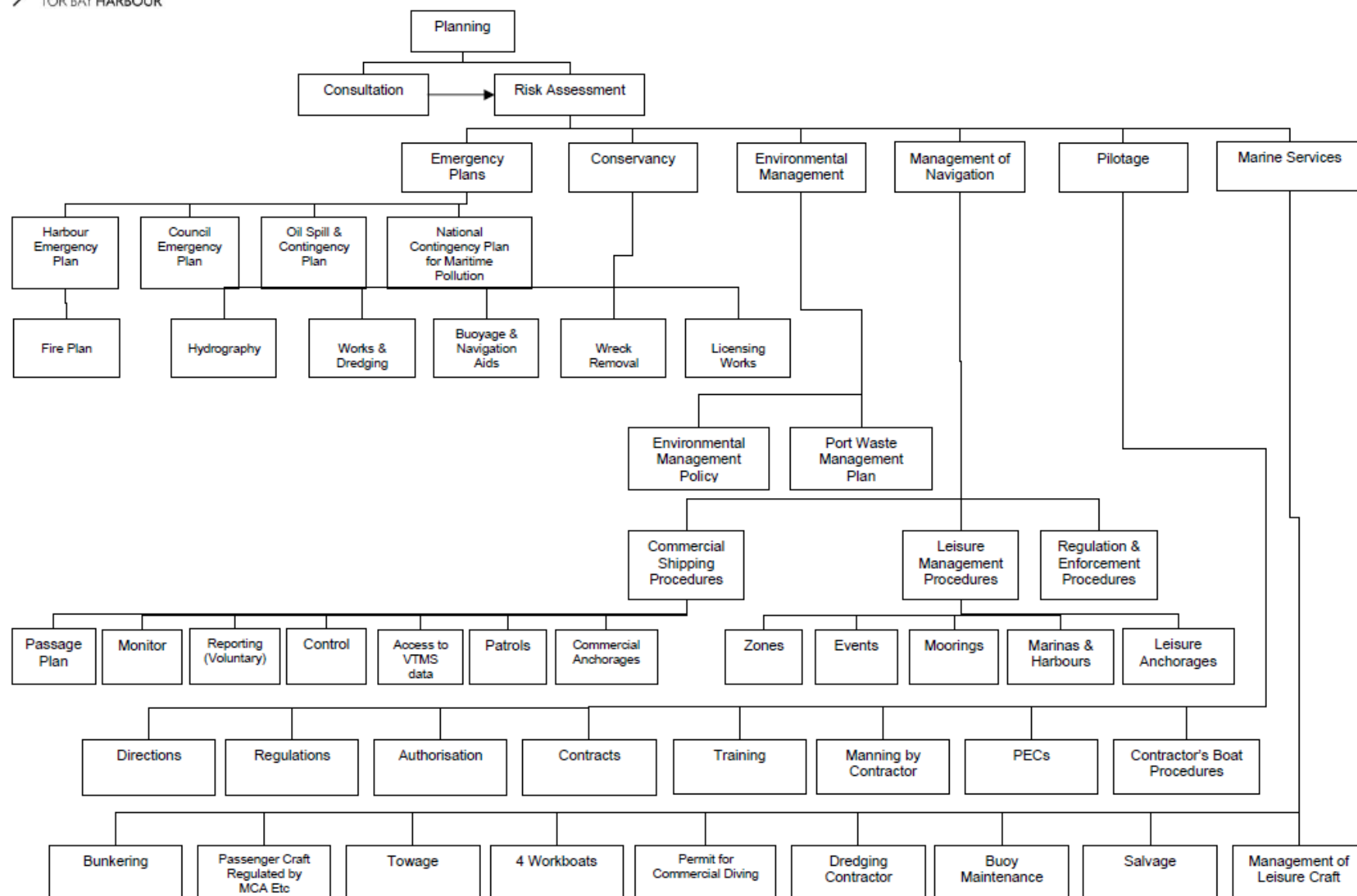
Torbay Council, through the Tor Bay Harbour Committee, is responsible for policy. The Harbour Master is responsible for the organisation and the facilities. The staff implement the policy. Together these three categories form the system that puts policy into effective practice.

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;

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.

Tor Bay 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:

- Take care regarding their own health and safety and that of other harbour users and of those who might be affected by their acts or omissions.
- 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 Simon Pinder 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, 2014

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.

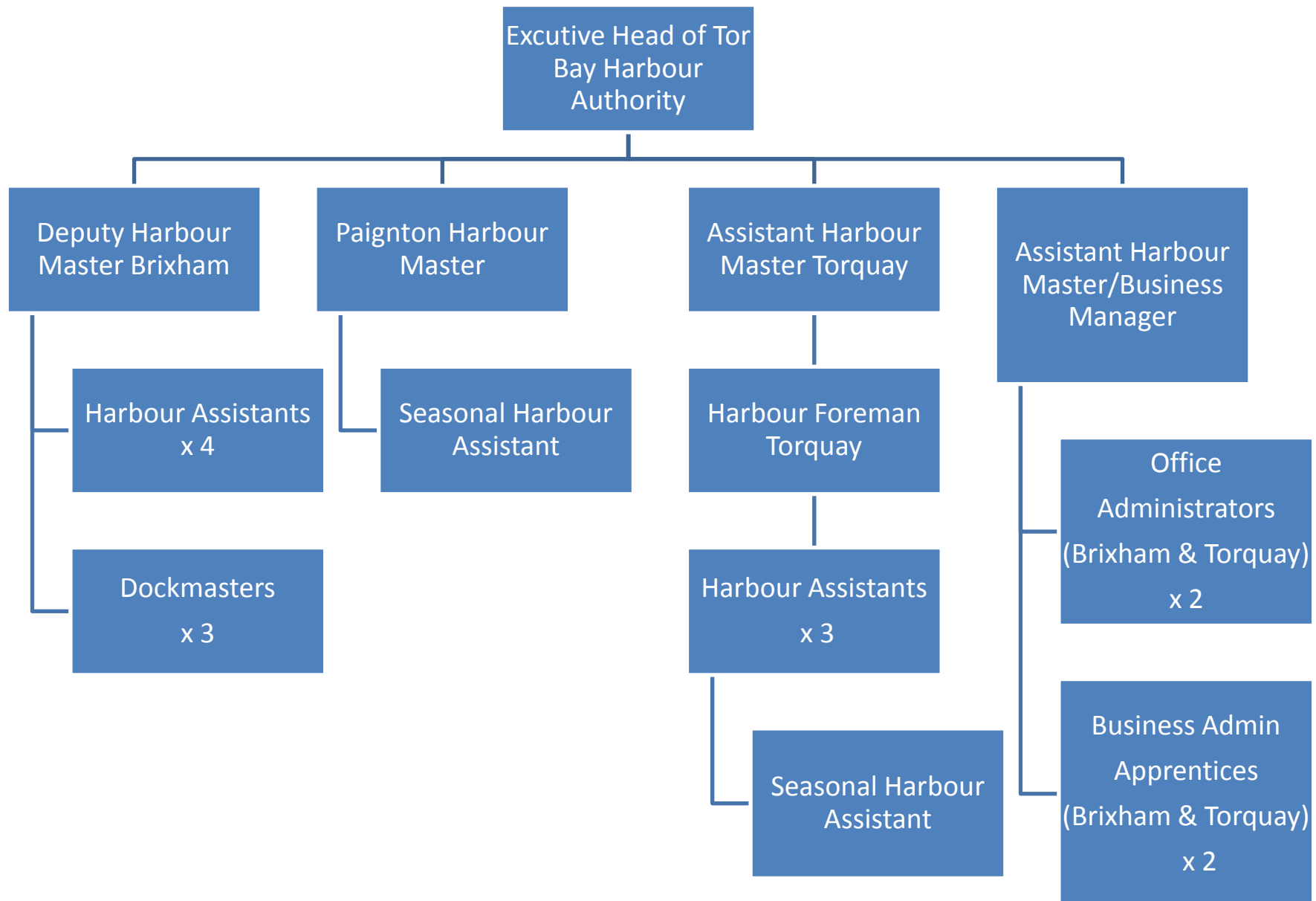
The pilots, contracted through Marine & Towage Services Group Ltd, are responsible for safe pilotage of large vessels within the waters of Tor Bay Harbour and for reporting marine risks, incidents and near misses to the Harbour Master.

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 Tor Bay Harbour Authority staff Structure Chart is set out on the next page.

Tor Bay Harbour Authority – Structure Chart October 2014



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 the annual appraisal process.
- 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 Records

The Harbour Authority holds a Training Record for all staff and the respective line managers are responsible for its upkeep. Staff are trained in the Standard Safe Operating Procedures listed in Appendix 3.

Training Plan Responsibilities

Post	Training Responsibility
Deputy & Assistant Harbour Masters	Executive Head of Tor Bay Harbour Authority
Assistant Harbour Master/Business Manager	Executive Head of Tor Bay Harbour Authority
Harbour Master, Paignton	Executive Head of Tor Bay Harbour Authority
Office Administrators	Assistant Harbour Master/Business Manager
Business Administration Apprentices	Assistant Harbour Master/Business Manager
Torquay Staff	Assistant Harbour Master, Torquay
Brixham Staff	Deputy Harbour Master, Brixham
Paignton Staff (seasonal only)	Harbour Master, Paignton
Pilots	Marine & Towage Services Group Ltd
Pilot Boat crews & technical staff	Marine & Towage Services Group Ltd
Launch crews Technical staff	Marine & Towage Services Group 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 & Business Manager

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.

The formal risk assessments incorporating the Risk Register are listed in Appendix 1 and 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.

Tor Bay 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.

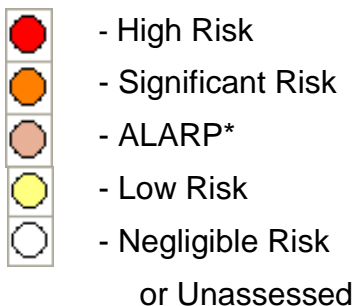
A set of risk assessments, Appendix 1, has been reviewed and signed off in November 2014 and there is a ranked hazard list. The control measures emanating from the risk assessments are listed in Appendix 2 and the Standard Safe Operating Procedures used by staff to minimise their risks are listed in Appendix 3.

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', as defined in the following diagram.

MarNIS Risk Assessment Matrix Grid and Calculation

The matrix grid allows the user to select a grid cell matching frequency and consequence descriptors.

Symbol showing the level of each hazard:



* ALARP stands for :-
'As Low As Reasonably Practicable'.

Risk matrix for the consequences to PROPERTY resulting from a PORT EFFICIENCY incident					
Major (> €10,000,000)	Cat 4				
Serious (€ 500,000 - 10,000,000)	Cat 3				
Moderate (€ 50,000 - 500,000)	Cat 2				
Minor (€ 3000 - 50,000)	Cat 1				
Negligible (< € 3000)	Cat 0				
Consequences		Once every 10 years	Every year	Every month	Every week
		Frequency			
		Every day			

The following matrix values are loaded into the MarNIS software.

Category	People	Property	Planet	Port Business
0	None	Negligible (£0 - £2,000)	None	None
1	Minor (Single slight injury)	Minor (£2,000 - £10,000)	Tier 1 (No outside assistance, no Harbour Authority response necessary)	Minor (£0 - £2,000 - Little local publicity. Minor damage to reputation. Minor loss of revenue)
2	Moderate (Multiple slight or single major injury)	Moderate (£10,000 - £100,000)	Tier 1 (Limited outside assistance, oil spill manageable with own means)	Moderate (£2,000 - £20,000 - Negative local publicity. Moderate damage to reputation. Moderate loss of revenue)
3	Serious (Multiple major injuries)	Serious (£100,000 - £1,000,000)	Tier 2 (Regional assistance needed, large oil spill, several amenities impaired)	Serious (£20,000 - £200,000 - Negative national publicity. Serious damage to reputation. Serious loss of revenue)
4	Major (One or more fatalities)	Major (> £1,000,000)	Tier 3 (National disaster, massive oil spill, widespread and/or extensive damage to amenities)	Major (> £2,000,000 - Negative national and international publicity. Major damage to reputation. Major loss of revenue)

Using the matrix, values for Frequency of Occurrence and Consequence can be selected for each of the four groups in both the Worst Credible and Most Likely scenarios. Each group has three cells associated with it, the first shows the selected frequency of occurrence, the second shows the consequence and the third is the matrix score. The values from the matrix are then used to arrive at the Overall Risk Score.

The following calculation is used to determine the Overall Score.

- Matrix Score from Worst Credible: People + Property + Planet + Port ÷ 4 = Average Worst Credible Value;
- Matrix Score from Most Likely: People + Property + Planet + Port ÷ 4 = Average Most Likely Value;
- Maximum score from the Worst Credible Scenario;
- Maximum score from the Most Likely Scenario;
- = Average Worst Credible + Average Most Likely + Max Worst Credible + Max Most Likely ÷ 4 = Overall Score.

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. 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 and the various Standing Orders – Started but not yet completed.

2. Revise, sign off and re-issue a full set of risk assessments, including ones for fire risk.
3. Update the training records and plans on completion of the Standard Safe Operating Procedures, so each employee is sure to be instructed in the procedures relevant to his/her work.
4. Consider amending the MarNIS risk assessment software to :-
 - Display the matrix that shows clearly that the risk is as low as reasonably practical.
 - Change the descriptions of the controls to those listed in Appendix 2 of the SMS, linking them to the Standard Safe Operating Procedures and the specific controls set out in the SMS.
5. Endeavour to have the MarNIS accident reporting software modified to :-
 - Clarify the need for any further controls and the rule that each report is shown to the Harbour Master and he is the only one able to close of a report.
 - Have a short form report where there is no ship involved.
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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 using social media, 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.
7. Review security measures in place at the Brixham Fish Market.
8. Pilotage:
 - Finalise the contract between Marine & Towage Services Group Ltd and T B H A
 - Pilotage Review Working Party to meet annually.
 - Consider pilot training needs i.e. Bridge Management and ECDIS.
9. Structural improvement plans are in hand for :-
 - Haldon Pier
 - Princess Pier
 - Northern Arm Breakwater at Brixham
10. Review and update where necessary :-
 - Tor Bay Harbour Emergency Plan
 - Local Port Services Policy
 - Harbour Legislation
11. Consider using Torbay Council's remote learning platform, 'i-Learn', to provide a link to the new Standard Safe Operating Procedures currently being drafted.
12. Undertake a detailed review of the Safety Management System, cross referenced to the Maritime and Coastguard Agency's aide memoire for inspection, and amend the wording as required.

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:

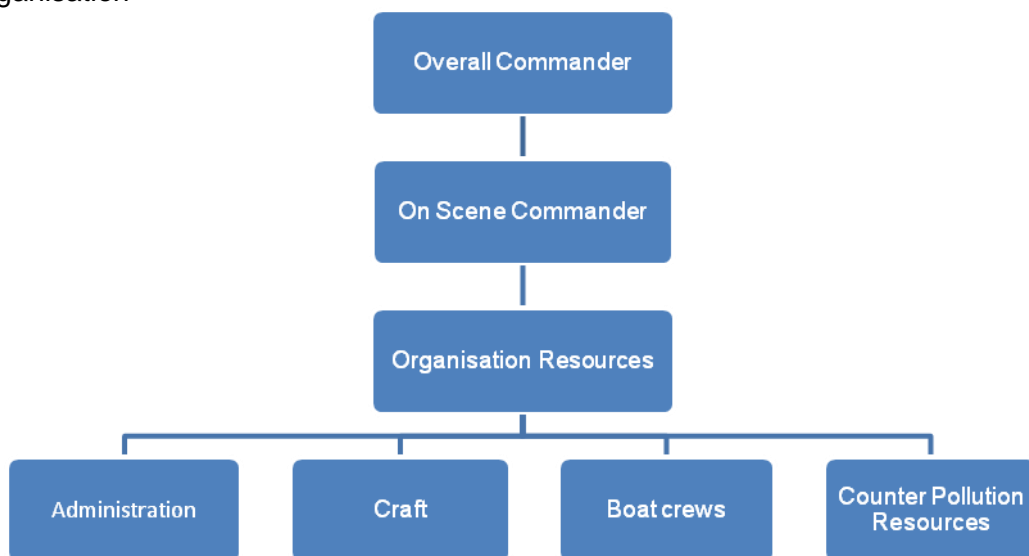
The safety management system shall include preparations for emergencies – and these should be identified as far as practicable from the formal risk assessment. Emergency plans need to be published and exercised.

Emergency Organisation and Management Responsibility

Review of Emergency and Oil Pollution Plans

Harbour Master

Emergency Organisation



Emergency Plans and Procedures

Tor Bay Harbour Emergency Plan – Sept 2014

The Tor Bay Oil Spill and Contingency Plan – redrafted in 2014

National Contingency Plan for Marine Pollution

Standard Safe Operating Procedure 22 – Harbour Emergency

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

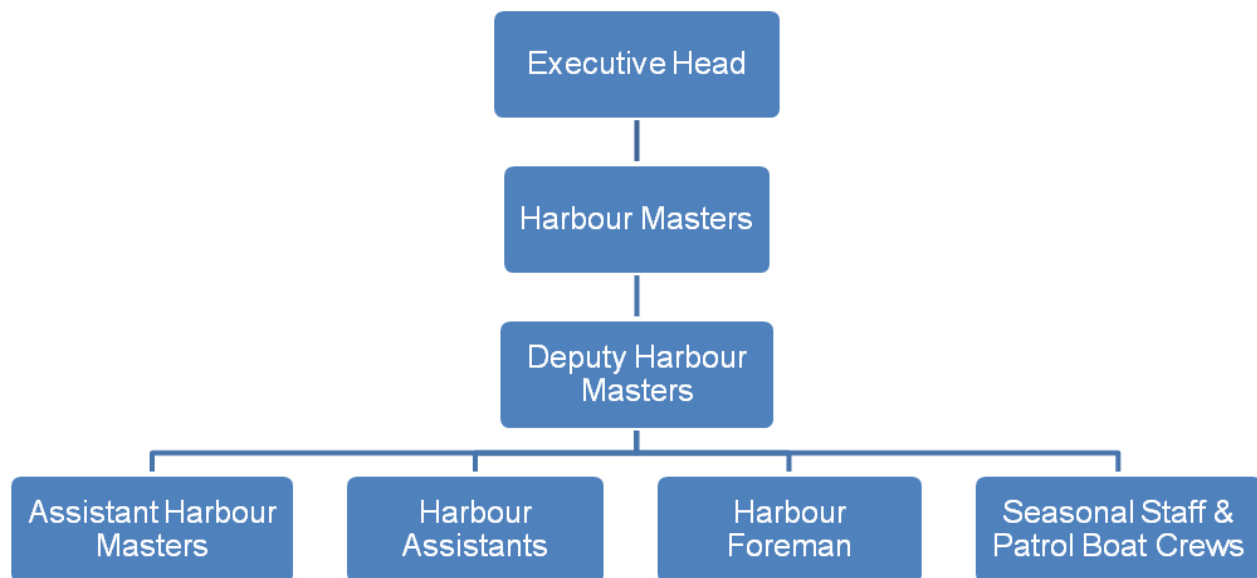
Conservancy Policy:

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.

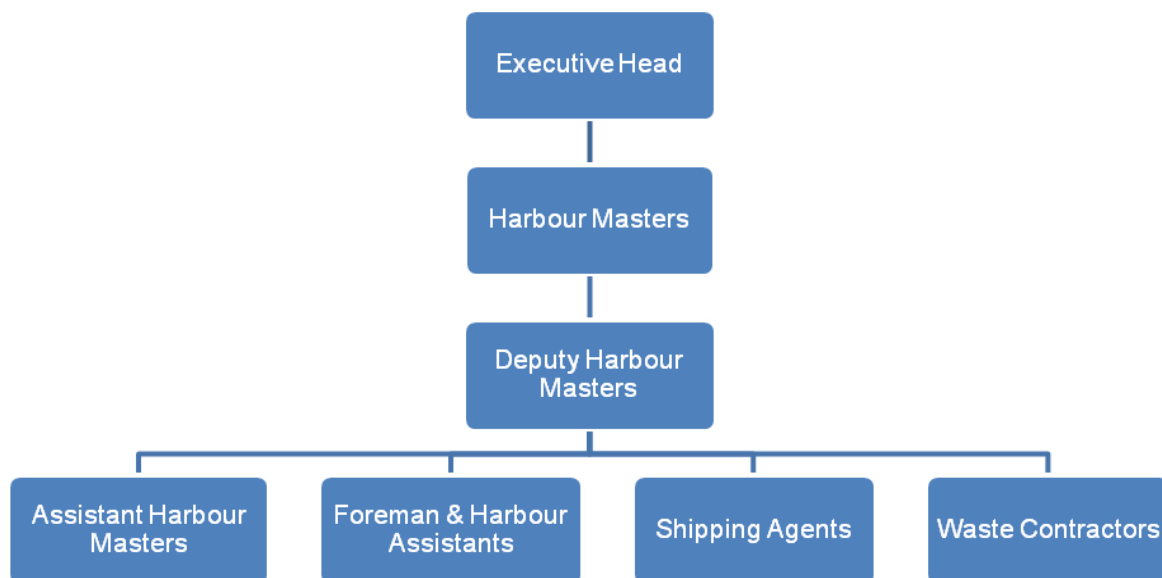
3.2.3 Environment

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

Tor Bay Harbour Environmental Policy Statement – Sept 2014

Port Waste Management Plan – Oct 2011 (Under review)

Port Marine Safety Code – A Guide to Good Practice on Port Marine Operations

Natural England's Advice

SeaTorbay Membership (Coastal Partnership)

Standard Safe Operating Procedure 46 – Oil Pollution

Standard Safe Operating Procedure 30 – Surge Barriers & Flood Defence

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.

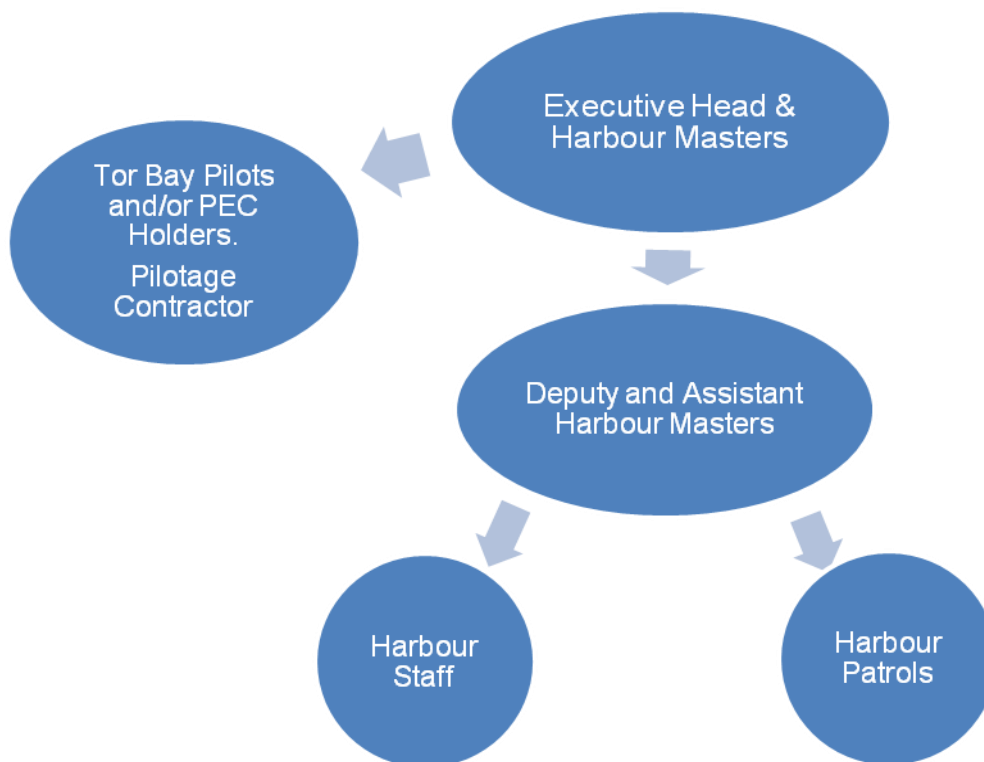
Torbay Council and its Harbour Master recognise their duty to assess risk and make proper use of powers to make byelaws, and to give directions (including pilotage directions), to regulate all vessel movements in their waters.

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 in the Tor Bay Harbour Pilotage Directions and Pilotage Manual. SSOP 28 – Pilotage & Defective Vessel Notification also applies.

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 & Plans

Standard Safe Operating Procedures - Appendix 3

Tor Bay Harbour Authority Emergency Plan – Sept 2014

3.2.5 Pilotage

Policy for Pilotage:

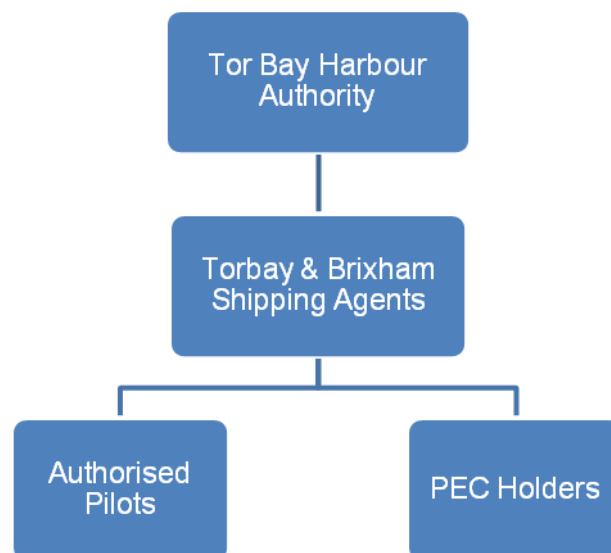
Torbay council, through its TBHC, is the competent harbour authority and accountable for the duty to provide a pilotage service; and for keeping the need for pilotage and the service provided under constant and formal review.

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

Standard Safe Operating Procedure 22 – Harbour Emergency

Standard Safe Operating Procedure 28 – Pilotage & Defective Vessel Notification

Standard Safe Operating Procedure 23 – Harbour Master's Directions

Standard Safe Operating Procedure 47 – Security

Standard Safe Operating Procedure 33 – Visiting Ships, Fishing Vessels, etc.

Tor Bay Harbour Emergency Plan – Sept 2014

The Port Marine Safety Code - A Guide to Good Practice on Port Marine Operations

3.2.6 Marine Services – Harbour Operations

Policy for Marine Services:

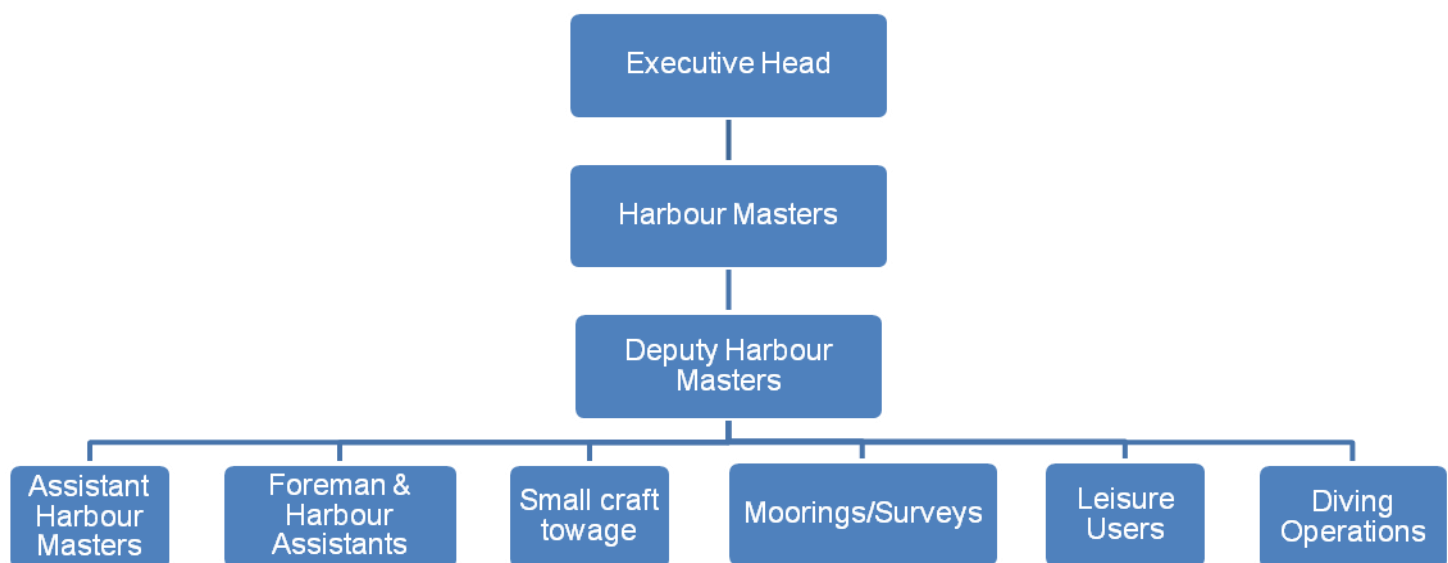
TBHC's safety management system shall cover the use of harbour craft and the provision of moorings.

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

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

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

Harbour Operations Organisation and Management Responsibility



Marine Services Procedures

Bunkering

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

The Harbour Authority issues procedures for bunkering.

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

Cargo Transfer

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

Craft Regulation

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

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

Towage

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

Work Boats

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

Commercial Diving

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

Dredging

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

Moorings/Buoy Maintenance

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

Salvage

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

Procedures

Standard Safe Operating Procedures - Appendix 3

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

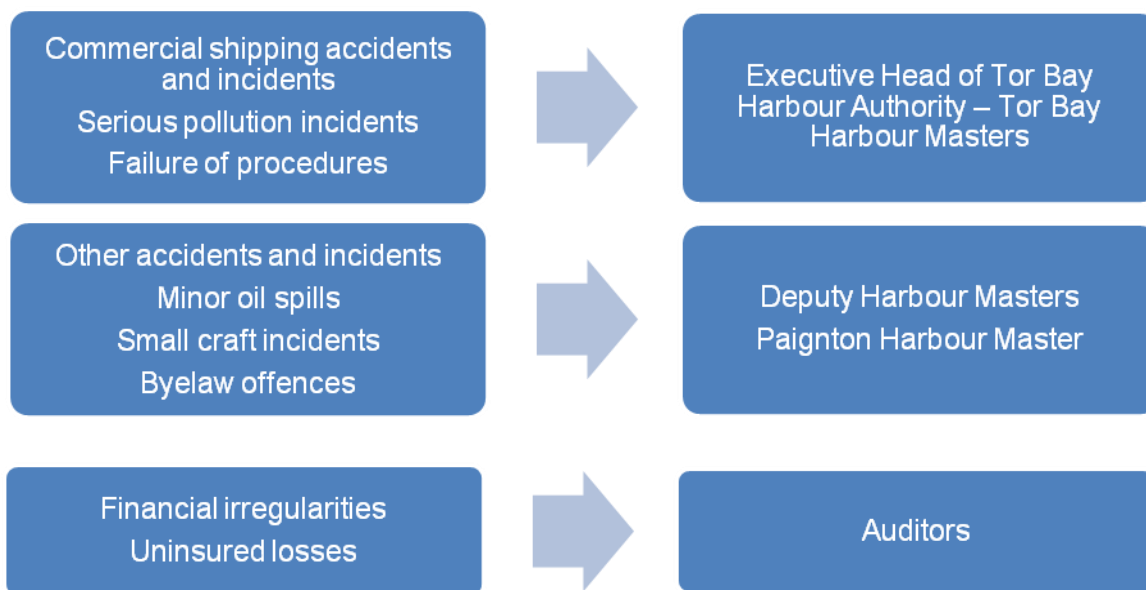
Reviewing Policy

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 :-

- a) to determine the cause of the incident, with a view to preventing a recurrence of that incident (or similar); and
- b) 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.

Appendix 1**RISK ASSESSMENTS - MarNIS Hazard List**

ID	Scenario Name	Risk Score
PE0028	Port infrastructure delay: Fishing Industry	
PE0029	Port infrastructure delay: Torquay Bridge & Cill	
PE0031	Road traffic congestion	
EP0032	Air pollution	
EP0033	Ballast water discharge	
EP0034	Other environmental: Hull Cleaning	
EP0036	Illegal waste discharge	
EP0041	Bunkering: and Fuelling	
CM0044	Natural Emergency: Storm event - surge and wave	
CM0045	Terrorist threat: Bomb Threat	
EP0072	Pollution in water	
NS0067	Other nautical safety: Diving commercial	2.5
NS0063	Fire/Explosion: Berthed	3.06
NS0003	Fire/Explosion: Anchored or Underway	3.44
NS0006	Capsizing/Listing: Large Vessels	3.94
NS0008	Collision - Multiple underway: Large Vessels - Underway and-or Anchor	3.94
NS0064	Vessel Wash: In harbours and shoreline	4.06
NS0062	Other nautical safety: Winter lift - towage and lifting	4.13
NS0009	Collision - Multiple underway: Small Vessels - Under 36m - Underway and-or Anchor	4.13
NS0001	Grounding/Stranding: Large vessels	4.19
NS0012	Contact - Floating object: Buoyage or Debris	4.19
NS0015	Equipment failure (Port): Cill Failure	4.44
NS0071	Flooding/Foundering: Large vessel	4.5
NS0065	Other nautical safety: Swimmers - In harbour and shoreline	4.81
NS0007	Capsizing/Listing: Small Vessels - under 36m	4.81
NS0014	Contact - Fixed object: Heavy berthing - All vessel types	4.81
NS0024	Salvage	5.06
NS0002	Grounding/Stranding: Small vessels - under 36m	5.56
NS0070	Flooding/Foundering: Small Vessels - under 36m	5.56
NS0069	Other nautical safety: Towage	5.81
NS0068	Other nautical safety: Event management - maritime	6
NS0066	Other nautical safety: Diving recreation	6.25

Number of Hazards listed = 32**Average Risk Assessment Score = 4.53**

RISK ASSESSMENTS - not listed on MarNIS

ID	Name	Date	Review Date	Status	Department
2	Angling	10/11/2010	31/12/2014	Active	Marine
3	Boatyard Working	17/02/2010	31/12/2014	Active	Marine
4	Car Parks & Boat Parks	17/02/2010	31/12/2014	Active	Marine
5	Cranes (Mobile, Static & Hoists)	10/11/2010	31/12/2014	Active	Marine
6	Harbour Events	17/02/2010	31/12/2014	Active	Marine
7	Harbour Office	27/10/2014	27/10/2015	Active	Admin
8	Harbour Workboats	17/02/2010	31/12/2014	Active	Marine
9	Licensed Works (e.g. Dredging, Sea Defences)	14/11/2010	31/12/2014	Active	Marine
10	Marina Working	17/02/2010	31/12/2014	Active	Marine
12	Mooring & Unberthing	10/11/2010	31/12/2014	Active	Marine
11	Mooring Maintenance	10/11/2010	31/12/2014	Active	Marine
13	Public Access to Quays	16/11/2010	31/12/2014	Active	Marine
14	Public Slipways & Launching Hards	17/02/2010	31/12/2014	Active	Marine
15	Scrubbing Grids	10/11/2010	31/12/2014	Active	Marine
16	Workshops	16/11/2010	31/12/2014	Active	Marine

Appendix 2

RISK CONTROLS

- 1) Accurate tidal information - published & on internet
- 2) Aids to navigation, provision & maintenance - Trinity House inspected & audited, SMS 3.2.4
- 3) AIS coverage - public, on internet
- 4) Anchorage positions, designated – as per chart
- 5) Arrival/Departure, advance notice - AIS, CERS – SSOP 33
- 6) Availability of latest hydrographic information - Hydrographic Office, SMS 3.2.2
- 7) Availability of pollution response equipment - Tier 1 onsite, Tier 2 contracted – SSOP 46
- 8) Availability of suitably qualified workboat skippers - as recorded training
- 9) BSAC & PADI training schemes - public, SSOP 50 Diving Permit
- 10) Bunkering areas, restricted - directions
- 11) Bunkering vessel checklist – SSOP 31
- 12) Byelaws - 1994, and General Directions, SMS 2 – SSOP 52
- 13) CCTV coverage - Council policy and guidance
- 14) Codes of practice - use of gill nets
- 15) Codes of practice - Yacht Harbours Association
- 16) COLREGS, applied within port/harbour - public
- 17) Communications - Dock/Jetty and all traffic - voice & VHF
- 18) Communications - Port and Agents - phone & email
- 19) Communications – Stakeholder - consultancy, SMS 5
- 20) Communications equipment - radios, walky-talky, VHF and emails
- 21) Contingency plan exercises - Emergency, Oil Spill & Resuscitation , SMS 3.2.1
- 22) Contractors Pass – provides access to work on the harbour estate
- 23) Diving at work regulations, HSE - public
- 24) Diving permit – SSOP 50
- 25) Draught, accurate declared and within max limits - passage plans – SSOP 33
- 26) Dredging programme – 3 yearly surveys, SMS 3.2.6
- 27) Emergency Plan (Council/Regional) – Torbay Council & Devon County Council
- 28) Emergency power supply - for Cill – SSOP 17
- 29) Emergency services/ shoreside equipment – SMS 3.2.1
- 30) Environmental policy - SMS 3.2.3
- 31) Fatigue & health monitoring - as per Torbay Council Policy
- 32) General directions – Tor Bay Harbour Act 1970
- 33) Guidance for small craft - Stay Safe leaflet & Maritime Guide
- 34) Harbour Emergency Plan (local) - SMS 3.2.1
- 35) Harbour Master's powers of direction (Special Direction) – Tor Bay Harbour Act 1970
- 36) Hazardous cargoes, advance notice - CERS – SSOP 53

- 37) Health & Safety policy - SMS 1
- 38) Hot works permit – SSOP 24
- 39) Hydrocarbon tankers certified gas free – via ship's Agents
- 40) Hydrographic surveying program - SMS 3.2.2
- 41) Illness on board ship – SSOP 25
- 42) Injurious vessel notice (Sec.23 Tor Bay Harbour Act)
- 43) Lifting operations & lifting equipment regs 1998 (LOLA) - SSOPs 19 & 42
- 44) Local authority petroleum licence – required for South Pier, Torquay
- 45) Local Port Services – SMS 3.2.4 - SSOP 33
- 46) LPS broadcast – VHF Radio Ch 14
- 47) Marine engineering support - public
- 48) Marine guidance notes (MCA MGNs) - public
- 49) Marine Safety Management System - SMS
- 50) MCA certificates of competency – training/manning requirement
- 51) MCA harmonised code of practice for commercial vessels - public document
- 52) MCA passenger vessel certification
- 53) Merchant shipping notices (MCA MSNs)
- 54) Monthly safety equipment checklist – internal control
- 55) Mooring plans - chartered and as directed
- 56) Notices to Mariners - emailed & social media - SSOP 51
- 57) Official warning - Enforcement Policy and SSOP
- 58) Oil spill contingency plans – SMS 3.2.1 - SSOP 46
- 59) PANAR Trinity House reports - online
- 60) Passage planning (Pilot/PEC) - Pilotage Manual, SMS 3.2.5
- 61) Passenger numbers declared - ferry operator MCA requirement
- 62) Patrol vessel – reactive, SSOP 53
- 63) PECs, authorisation and control of - Pilotage Manual, SMS 3.2.5
- 64) Personal protective equipment – SSOP 27
- 65) Personal safety risk assessment - Safety Policy SMS 1
- 66) Personal watercraft registration
- 67) Pilot boarding point, designated – marked on Chart 26
- 68) Pilot launch - licensed to contractor
- 69) Pilotage & Navigation procedure - Pilotage Manual, SMS 3.2.5
- 70) Pilotage directions - SMS 3.2.5
- 71) Pilotage service - SMS 3.2.5
- 72) PMSC compliance – Safety Management System (SMS) throughout.
- 73) Policy – Conservancy - SMS 3.2.2
- 74) Policy - Operational Moorings and Facilities - published annually
- 75) Port Equipment - SSOPS 17 & 19
- 76) Port state control inspection by MCA
- 77) Port waste management plan - SMS 3.2.3

- 78) Portable appliance testing records – covered by SLA with the TDA
- 79) Prohibited anchorage areas - as Byelaws and directions
- 80) Proof of third party liability insurance – Contractors pass/competence, SSOP 21
- 81) Provision & use of work equipment regs 1998 (PUWER)
- 82) Public access to working quays procedure - SSOP 29
- 83) Requirement for notification of vessel defects - CERS – SSOP 33
- 84) Risk based monitoring and assessment - SMS 3.1
- 85) Safe allocation of berths (depth, available, suitable) – SSOP 33
- 86) Scrubbing grid/repair berth booking form - at Brixham, SSOP 51
- 87) Shoreside facility maintenance programme - planned maintenance
- 88) Standard Safe Operating Procedures – covering a range of activities
- 89) Tor Bay Harbour website – useful information & external links
- 90) Towage guidelines - SSOP 53
- 91) Towage, appropriate and available - by coded boats – SSOP 53
- 92) Towage SMS – third party operators
- 93) Training & authorisation of harbour personnel - SMS 2
- 94) Training & authorisation of pilots - Pilotage Manual, SMS 3.2.5
- 95) Training of pollution response personnel - SSOP 46
- 96) Weather forecast - public, on internet & posted in window
- 97) Weekly lifebuoy inspection – internal control
- 98) Workboats - maintained to certification standard – SSOP 53

Appendix 3

STANDARD SAFE OPERATING PROCEURES

ID	Name
43	Abrasive Wheels
54	Boat Haul Out and Storage
17	Bridge & Cill
52	Bye Law Enforcement
21	Contractors & Construction
18	Control of Substances Hazardous to Health (COSHH)
19	Crane and Davit Operations
50	Diving Permit
48	Entering or Moving Vessels
20	Facility Audits
22	Harbour Emergency
45	Harbour Events
23	Harbour Master's Directions
24	Hot Work
25	Illness On Board Ship
44	Induction
56	International Catering Waste
26	Lone Working
42	Manual Handling
49	Mooring Maintenance
51	Office Procedures
46	Oil Pollution
27	Personal Protective Equipment (PPE)
28	Pilotage & Defective Vessel Notification
29	Public Access in Adverse Weather Conditions
47	Security
30	Surge Barriers & Flood Defence
31	Taking on Fuel
55	Unexploded Ordinance
32	Vehicles on Harbour Estates
34	Working at Height
53	Working on Workboats
33	Visiting Ships, Fishing Vessels etc

Agenda Item 9



Meeting: Harbour Committee

Date: 15th December 2014

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Authority Budget Monitoring 2014/15

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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1. Purpose

- 1.1 This report provides Members with projections of income and expenditure for the year 2014/15 compared with approved budgets.
- 1.2 This report identifies the overall budgetary position for Tor Bay Harbour Authority as at end of October 2014 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels.
- 1.3 The Committee is asked to note that the amended outturn positions of the combined harbour account 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 amounted to £3,021.31 (excl VAT) and which were spread across both Harbour accounts. No additional charges have been levied.

2. Summary

- 2.1 The Tor Bay Harbour Authority budget was approved by the Harbour Committee on 16th December 2013.

- 2.2 This is the third budget monitoring report presented to the Harbour Committee for the financial year 2014/15.
- 2.3 The Harbour Revenue account continue to suffer from a decline in income streams particularly fish toll income at Brixham. Torquay Harbour though has benefited from additional income from the successful inner harbour pontoon scheme. Robust spending control measures by the Executive Head of Tor Bay Harbour have succeeded in reducing the projected overspend.

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 In line with the recommendations of the Harbour Committee meeting on the 23rd June 2014 Appendix 1 now shows the consolidated position of the Harbour Authority. i.e. the income, expenditure and reserve fund position relating to all harbour operations across the Bay.
- 3.2 The performance against budget is summarised below:

	£000
Original Budget 2014/15	(44)
Current Budget 2014/15	(99)
Projected Outturn 2014/15	(164)

- 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	466	1,272	(i)
Torquay Inner Harbour Pontoons	800	912	912	(ii)

- (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. Additional underwater repairs to both Princess and Haldon Piers are scheduled to take place between January & March 2015. Work towards a further bid of funding from the Environment Agency has now been submitted. In May 2014 a Partnership Funding Bid was submitted to the Local Enterprise Partnership (LEP) for £4.57m towards essential flood defence work for these Piers. Although this bid was not successful the bid was resubmitted to the LEP in October 2014.

- (ii) This project was approved by Council in February 2013 for delivery in March 2014. Unfortunately, additional costs have been incurred due to the need to rock-socket some of the steel piles. The original project cost of £800k has been funded by prudential borrowing with the residual costs being met from the Reserve.

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 30th September 2014
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£792,089
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£1,051,901
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£4,278,815
Torquay Inner Harbour Pontoons (Inner Dock)	£800,000	2014/15	£782,246
TOTAL	£7,890,000		£6,905,051

3.5 The Tor Bay harbour Authority debt position at the end of November 2014 is set out in the table below:-

	Corporate Debtor System		HMS	
	Unpaid by up to 60 days	Unpaid over 60 days	Unpaid by up to 60 days	Unpaid over 60 days
Debt outstanding	£25k	£72k	£80k	£53k
Bad Debt Provision	£16k		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 a healthy Harbour Reserve Fund.
- 3.8 In December 2013 the Harbour Committee was reminded that Torbay Council's General Fund budget was facing a significant shortfall of some £22m over the period 2014/15 through 2015/16 and that all Council business units had been asked to make further savings and/or look at income opportunities to help reduce the corporate deficit. Consequently the Harbour Committee agreed to make an additional contribution to the Council's General Fund to the equivalent value of £150,000 for the years 2014/15 and 2015/16. Since December 2013 further pressure has been placed on the Council's overall budget position and the Executive Head of Tor Bay Harbour Authority and the Chair of the Harbour Committee were asked to consider a further contribution to the Council's General Fund of £160,000 for 2015/16.
- 3.9 The additional request for funding outlined in 3.8 above was considered by the Harbour Committee in September following advice from the Budget Review Working Party. Consequently it was concluded that the additional contribution could be achieved when the Harbour Committee sets the 2015/16 harbour budget. However, the Harbour Committee's Budget Review Working Party was very clear that such a contribution should be viewed as a one-off event and was not in their opinion something that could be sustained.
- 3.10 It has been brought to the attention of the Harbour Committee that, 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.
- 3.11 The Committee is asked to note a withdrawal from the Reserve Fund of £86k (10%) earmarked for the 1st April 2015. This action was agreed by the Council in November when they approved the funding of a Children's Services 5 year Strategy by borrowing funds from various sources, including the harbour reserve. It has been accepted that this withdrawal is a loan to another Council department and will be

repaid between 2017/18 and 2018/19. This should be seen as a good use of a Council reserve fund as it represents a contribution towards a spend to save investment scheme.

Appendices

Appendix 1 Harbour Revenue Accounts for 2014/15

Appendix 2 Harbour Reserve Funds Project List

Additional Information

None

Appendix 1

HARBOUR REVENUE ACCOUNT 2014/15

TOR BAY HARBOUR AUTHORITY

Expenditure	2014/15 Original Budget £ ,000	2014/15 Current Budget £ ,000	2014/15 Profiled Budget £ ,000	2014/15 Actual to Date £ ,000	2014/15 Projected Outturn £ ,000	Notes
Operations and Maintenance :-						
Harbour Attendants Salaries and Wages	366	366	223	188	323	1
Repairs and Maintenance	243	195	126	158	204	2
Repairs and Maintenance-Storm Damage	0	42	0	0	0	3
Rent Concessions	4	4	0	0	5	
Other Operating Costs	518	497	324	324	476	4
Management and Administration :-						
Salaries	256	256	149	133	254	1
Internal Support Services	153	153	138	143	153	
External Support Services	42	42	28	33	42	
Other Administration Costs	138	138	88	155	190	5
Capital Charges	524	524	498	498	524	
Contribution to Patrol Boat Operation	6	6	0	0	0	
Contbn to General Fund - Cash Dividend	148	148	0	0	148	
Contbn to General Fund - Asset Rental	125	125	0	0	125	
	2,523	2,496	1,574	1,632	2,444	
Income						
Rents and Rights :-						
Property and Other Rents/Rights	484	484	350	382	475	6
Marina Rental	397	397	232	122	397	
Operating Income :-						
Harbour Dues	149	149	128	108	108	7
Visitor and Slipway	56	56	56	56	56	
Mooring fees	184	184	169	171	171	7
Torquay Town Dock	265	265	265	264	264	
Torquay Inner Dock	126	160	108	176	176	8
Fish Toll Income	650	550	277	267	500	9
Boat and Trailer parking	38	38	38	38	38	
Other Income	130	120	61	106	143	10
Grant Income - Storm Damage	0	42	0	0	0	11
	2,479	2,445	1,684	1,690	2,328	
Interreg Grants received	0	35	35	35	35	12
Contribution to Reserve	0	(83)	(35)	(35)	(83)	13
Operating Surplus /(Deficit)	(44)	(99)	110	58	(164)	

RESERVE FUND	
Opening Balance as at 1st April	860
Interest Receivable	6
Net Surplus / (Deficit) from Revenue Account	(164)
Withdrawal - Capital Financing	(112)
Contribution from Revenue Account	83
Expected Closing Balance as at 31st March	673
<i>Withdrawals earmarked post 1st April 2015</i>	(182)
	14
	13

Note: In line with Harbour Committee minute 398 (5) December 2011 the minimum Reserve level at year end 2014/15 is **£483k** 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 ACCOUNT 2014/15

NOTES

TOR BAY HARBOUR AUTHORITY

- 1 Savings identified within the Original Budget in respect of "Green Book" payments will now not be achieved in the current year due to a corporate decision to defer proposed changes to the existing arrangements. Further pressure on the salary budgets has arisen from an increase in the Pension Fund rate. It is anticipated that these pressures will be met in the current year from vacancies in current posts.
The Projected Outturns reflect the in year effects of the new staffing structure which has now been put in place.
As previously reported 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 program for maintenance at Torquay and Paignton Harbours has been stripped back by a figure of £48k to achieve the identified savings targets. This provision will be transferred to the Reserve (see note 13) to part fund the contribution to the General Fund in 2015/16.
The additional costs at outturn include costs recharged within Other Income.
- 3 The costs of repair work to pontoon walkways has been transferred to the Council's capital budget to receive the relevant external funding (see also line 11).
- 4 The effect of the harbour rating review was not fully reflected within the approved budget.
- 5 Additional costs have been incurred in respect of the Interreg European funding program and the Cruise Ships Study. A proportion of these costs will be reclaimed within the overall Interreg grant process.
- 6 Income from rent at Paignton Harbour was over estimated.
- 7 Dues and Moorings income streams have been affected by a decrease in occupancy levels.
- 8 The budgeted income target for the new Torquay inner harbour berths (Torquay Inner Dock) was prudently based on 75% - 80% capacity. Actual capacity is close to 100%.
- 9 The anticipated level of Fish Toll income has been further reduced to reflect the income levels to date and industry projections for the current year.
The previous five years have produced incomes of £588k, £675k, £739, £557k and £474k.
- 10 The budgeted Advertising income streams will not be realised in 2014/15 but other income streams have been generated.
- 11 Funding of storm damage repairs has been secured within the Council's capital budgets. All relevant expenditure and income budgets have been transferred (see also note 3).

- 12 The first claim for European Interreg funding has now been received in relation to the Port Masterplan and supporting consultancy costs. The grant income has been transferred to the reserve to repay funding of the original costs in previous years (see note 13).
- 13 Contribution to the Reserve in respect of European Interreg funding received (see note 12) and savings in the maintenance program at Torquay and Paignton harbours (see note 2).
- 14 Additional costs of the Torquay Inner Harbour Pontoon capital scheme (Inner Dock) have been met from the reserve instead of increasing the prudential borrowing liability.

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.”

	£
Consolidated Reserve Balance at 31st March 2014	859,683
Planned withdrawals in year	(112,000)
Planned contributions in year	82,877
Anticipated interest for year	7,100
Projected Surplus/(Deficit) for year	(164,000)
Projected Consolidated Reserve Balance at 31st March 2015	673,660
Planned contributions in 2015/16 to General Fund	(182,000)
Projected Consolidated Reserve Balance at 1st April 2015	491,660
less: 20% of Budgeted Turnover	(483,000)
= Balance for Projects	8,660
Total costs of proposed Projects (as listed below).	989,400
<i>Shortfall in Reserve funding available</i>	<i>(980,740)</i>

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

Torquay harbour - cathodic protection study		£7,500	Short
Harbour Infrastructure Valuation Survey	£7,500	£7,500	Short
Socio-economic Impact Study	£6,000	£6,000	Short
Brixham harbour - new work boat	£45,000		Medium
Torquay harbour - Haldon Pier brow		£80,000	Medium
Torquay harbour - Old Fish Quay refurbishment		£200,000	Medium
Brixham harbour – photo-voltaic solar panels on roof *	£48,000		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 *	£45,000		Medium
Torquay harbour - new dinghy park & seaward slipway feasibility study		£30,000	Medium
Torquay harbour - Haldon Pier crane		£50,000	Long
Torquay harbour - Fuel Station refurbishment		£100,000	Long
TOTALS	£201,500	£787,900	

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

2014-15
Short
Medium
Long

Agenda Item 12



Meeting: Harbour Committee

Date: 15th December 2014

Wards Affected: All wards in Torbay


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

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat

Executive Head of Tor Bay Harbour Authority

Tor Bay Harbour Master

 **Telephone: 01803 292429**

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

1. Purpose

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

2. Proposed Decision

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

3. Summary

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

- 3.4 In Tor Bay Harbour our formal risk assessments show that a VTS system is not required and Local Port Services (LPS) have therefore been established.
- 3.5 It is essential that Tor Bay Harbour Authority has a fit for purpose Local Port Services (LPS) Policy Statement. Keeping such a policy under regular review reflects national best practice.
- 3.6 Statutory Harbour Authorities should review the details of their VTS / LPS on a regular basis. The existing LPS Policy Statement was last reviewed in December 2012.
-

Supporting Information

4. Position

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

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

4.6 The prerequisites for a LPS are as follows :-

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

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

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

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

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

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

5. Possibilities and Options

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

6. Preferred Solution/Option

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

7. Consultation

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

8. Risks

- 8.1 The significant risks associated with taking this decision relate to whether a LPS system is sufficient for the level of navigation and marine activity within Tor Bay harbour.
- 8.2 The adoption of a clear Local Port Services Policy Statement will enhance the Council's reputation for transparency and accountability in respect of its function as a Harbour Authority.

Appendices

Appendix 1 Local Port Services (LPS) Policy Statement – December 2014

Appendix 2 Local Port Services – Equipment and Capability Table

Additional Information

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

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

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

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

Marine Guidance Note MGN 401 (M+F) - Amendment (February 2013)

<https://www.gov.uk/government/publications/mgn-401a-vessel-traffic-services-and-local-port-services-in-uk>

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

Appendix 1

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

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

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

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

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

15/12/2014

Appendix 2

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

Service / Category	Equipment ¹														Capabilities					
	Communications					Traffic Image ²				Sensors										
	VHF	VHF / DF	Telephone	Facsimile	Email	Manual Plotting Facility	Stand-alone Radar Display with ARPA	Unofficial Electronic Charts with Radar Display and ARPA	Official Electronic Charts with Radar Display and ARPA	Radar	AIS	CCTV	Meteorological	Hydrological	Equipment Performance Monitoring	Redundancy	Data Recording	Data Management System	Data Export	Log & Record Keeping
Local Port Service	√	O	√	√	O	√	O	O	O	O	O	O	O	O	√	√	O	O	O	√
Tor Bay Harbour	√	X	√	√	√	√	X	X	X	X	√	√	√	√	√	√	√	X	X	√

- √ - Recommended / Available
 O - Optional
 X - Not currently available

Notes:

1. The use of equipment carries with it the requirement that its operators are appropriately trained.
2. Traffic Image systems marked Optional, can either exceed recommended minimum capability or be assessed through Risk Assessment as a possible acceptable alternative.

Table of Accident/Incident Statistics 2013/14

Year commenced 1 st December 2013	Year to 7 th March 2014	Year to 11 th June 2014	Year to 10 th Sept 2014	Year to 30 th Nov 2014
Number of recorded accidents/incidents (2013)	12 (10)	24 (41)	48 (64)	65 (82)

Type of Accident/Incident	Number	Number	Number	Number
Fatalities	1	1	1	1
Hospitalisation	1	3	4	4
Navigational	0	2	18	23
Fire	0	0	0	0
Abuse or antisocial behaviour afloat or ashore	0	0	0	0
Pollution	0	0	1	10

Type of Accident/Incident	Incident Code	Incident Code	Incident Code	Incident Code
Fatalities	SU	SU	SU	SU
Hospitalisation	ASU	ASU, SWIM, STF.	ASU, I, SWIM, STF.	ASU, I, SWIM, STF.
Navigational	0	MF, C.	MF, C, N, G, NM, OT, W, L, DP, SK, AD.	MF, C, N, G, NM, OT, L, DP, SK, AD, SF, W
Fire	0	0	0	0
Abuse or antisocial behaviour afloat or ashore	0	0	0	0
Pollution	0	0	0	10

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