



Friday, 13 March 2015

## **HARBOUR COMMITTEE**

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

**Monday, 23 March 2015**

commencing at **5.30 pm**

The meeting will be held in the Brixham Harbour Office, New Fish Quay,  
Brixham TQ5 8AJ

### **Members of the Committee**

Councillor Amil (Chairwoman)

Mr Stewart

Mr Buckpitt

Mr Ellis

Capt. Lloyd

Councillor Ellery (Vice-Chair)

Councillor Faulkner (J)

Councillor Hytche

Councillor McPhail

Councillor James

Mayor Oliver

Councillor Stringer

Vacant

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**Working for a healthy, prosperous and happy Bay**

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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 - 4)  
To confirm as a correct record the Minutes of the meeting of the Committee held on 15 December 2015.
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. **Working Party Update on Paignton Development Opportunity** (Verbal Report)  
Update requested from June 2014 Committee.
6. **Oxen Cove Development** (Pages 5 - 10)  
To consider the Oxen Cove Development Proposal.
7. **Review of the delegated powers of the Executive Head of Tor Bay Harbour Authority** (Pages 11 - 23)  
To Review the delegated powers of the Executive Head of Tor Bay Harbour Authority.

8. **Tor Bay Harbour Business Plan** (Pages 24 - 50)  
To agree the Tor Bay Harbour Business Plan.
9. **Operational Moorings Policy** (Pages 51 - 77)  
To review the Operational Moorings Policy.
10. **Torquay/Paignton and Brixham Harbour Liaison Forums** (To Follow)  
To note the minutes of the above Harbour Liaison Forums.
11. **Tor Bay Harbour Authority Quarterly Budget Monitoring Report** (Pages 78 - 87)  
To consider the Tor Bay Harbour Authority Quarterly Budget Monitoring Report.
12. **Harbour Committee Work Programme** (Pages 88 - 89)  
To agree the Harbour Committee Work Programme.
13. **Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net)** (To Follow)  
To monitor the Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net).
14. **Tor Bay Harbour Asset Management Plan** (Pages 90 - 100)  
To review and approve the Tor Bay Harbour Asset Management Plan.
15. **Quarterly Accident and Incidents for Tor Bay Harbour** (Page 101)  
To review the Quarterly Accident and Incidents for Tor Bay Harbour.



## Minutes of the Harbour Committee

15 December 2014

-: Present :-

Councillor Amil (Chairwoman)

Councillors Faulkner (J), Hytche, McPhail, James and Stringer  
and Mayor Oliver (until Item 7)

External Advisors: Mr Ellis, Mr Stewart and Buckpitt

(Also in attendance: Mr David White (for Item 5 only))

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### 37. Apologies

Apologies for absence were received from Councillor Ellery and from Capt Lloyd.

### 38. Minutes

The Minutes of the meeting of the Harbour Committee held on 22 September 2014 were confirmed as a correct record and signed by the Chairman.

### 39. Update on Marina Car Park -David White

Members heard a verbal update on the Marina Car Park and the proposed plans for redevelopment at Torquay harbour that will affect physical areas of the Harbour Estate.

All the proposals outlined to the Committee are available on-line and will be heard at a Development Management Committee in the future.

Members heard of the proposal to widen the inner harbour walkway and extend it over the line of the fenders such that would not require a Harbour Revision Order, although concerns were raised by Members generally over accessibility to the harbour.

The old Fish Quay would also be affected with an additional 1.75 meter strip of land which tapers down to zero being required to provide as access ramp solution between a higher walkway and the existing promenade level.

The Executive Head of Tor Bay Harbour Authority, the Chairman of the Harbour Committee and the Elected Mayor have been speaking with local fishermen and the Fisherman's Association to ensure that the strip of land does not infringe on access to the old Fish Quay and advised that meetings are ongoing.

Members noted that proposals did not show a detailed plan over revisions to the existing Dock masters Office.

Concern was raised by some Members that the height of the proposed development may block out sunlight into the harbour area, at certain times of the day and year. Members were advised that the architects had been asked to provide a Sun Path Projection as part of their application.

The Executive Head of Tor Bay Harbour Authority advised Members that the Principal Accountant had been working with him to ensure that the Tor Bay Harbour Authority was not disadvantaged financially by the proposed development, in line with agreed Council minutes.

#### **40. Tor Bay Harbour Authority Budget Setting and Harbour Charges 2014/15**

The Committee considered the report which provided Members with the opportunity to determine 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. Harbour charges are considered in December to enable implementation and payment to be made in advance of the granting of facilities for the coming financial year.

A paper was circulated at the meeting which provided the correct figures for the 2015/2016 proposed Pilotage Charges.

Resolved;

- (i) 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; and
- (ii) that, as set out in the submitted report, an additional contribution be made to the Council's General Fund from the Tor Bay Harbour Authority accounts, to the equivalent value of £310,000 for 2015/16; and
- (iii) that, any operating surplus from the Tor Bay Harbour Authority accounts for the 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; and

- (iv) 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, of the submitted report) be approved; and
- (v) that during 2015/16 the Tor Bay Harbour Budget Review Working Part should continue to review the full range of harbour charges, monitor the revenue budget, and recommend a budget for 2016/17.

**41. Port Marine Safety Code - Annual Compliance Audit**

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

The Committee also noted the contents of the PMSC Compliance Statement for 2014 and the PMSC Compliance Audit Report 2014.

**42. Torquay/Paignton and Brixham Harbour Liaison Forums**

Members noted the minutes of the Torquay/Paignton and Brixham Harbour Liaison Forum meetings held on 1 December 2014 and 4 December 2014.

**43. Tor Bay Harbour Authority Quarterly Budget Monitoring**

Members noted the report which provided them with projections of income and expenditure for the year 2014/15 with approved budgets and identified the overall budgetary position for Tor Bay Harbour Authority.

Members also noted the Executive Head of Tor Bay Harbour Authority's use of delegated powers to make decisions in relation to the budget allocated to Tor Bay Harbour and the delegated powers used to waive certain harbour charges.

**44. Old Fish Market - Brixham Harbour**

Members noted the report which provided them with an update on the current use and management of the Old Fish Market area, including the old market canopy on the harbour estate and the adjacent berthing facilities.

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

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

**46. Tor Bay Harbour Policy Statement for Local Port Services (biennial 2014)**

Members reviewed the Tor Bay Harbour Authority Local Port Services (LPS) Policy Statement.

**Resolved:**

- (i) that the Local Port Services (LPS) Policy Statement, as set out in Appendix 1 of the submitted report, be approved.

**47. 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 the end of November 2014.

Members noted there had been 1 fatality which had been categorised as SU (suicide), 4 hospitalisations, 18 navigational incidents and 10 pollution incidents.

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Chairman



**Meeting: Harbour Committee**

**Date: 23<sup>rd</sup> March 2015**

**Wards Affected: Berry Head with Furzeham**

**Report Title: Oxen Cove – Proposals for employment use**

**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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## 1. Purpose

- 1.1 This report identifies an alternative use for Oxen Cove as employment space to support the marine sector and provide employment in Torbay.
- 1.2 The Harbour Committee is asked to provide strategic advice to the Council and the Mayor as to the future use of Oxen Cove and specifically in respect of the proposals set out in this report.

## 2. Proposed Decision

- 2.1 **That, as suggested by the Harbour Asset Review Working Party, the Harbour Committee recommends to the Council and the Mayor, that Oxen Cove should be considered for use as employment space to support the marine industry, in line with the aspirations contained within the Port Masterplan.**

## 3. Action Needed

- 3.1 The Committee needs to consider the content of this report in the context of the Tor Bay Harbour Port Masterplan and provide appropriate advice, from a harbour authority perspective, to the Council and to the Mayor.

## 4. Summary

- 4.1 The inclusion of Brixham in the Plymouth & Peninsula City Deal as a location for marine businesses has already brought forward several enquiries for employment space in Brixham for different employment uses relating to the marine economy. One particular enquiry, being handled by the Torbay Development Agency (TDA), is now well developed and would bring a fully functioning boat building & assembly operation to Brixham and create initially 12 skilled jobs and apprenticeships. The operation would also increase the Torbay and the Heart of the South West Local



Enterprise Partnership (HoSW LEP) export figures and provide the ability for the area to be recognised for marine investment from overseas and UK.

- 4.2 This business and investment enquiry needs a response in terms of the suitability of the proposed location, the strategic fit and the impact on existing use, including immediate stakeholders and the local community.

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## Supporting Information

### 5. Position

#### 5.1 Strategic Fit

##### Local Plan

Oxen Cove is listed in the Local Plan under Part 4 Spatial Strategy and policies for strategic direction – SDB2 – suggesting a focus on marine related employment uses.

##### Port Masterplan

This Plan makes reference to a “new reclaimed area along the south western side of the Outer Harbour to provide a berth for Pelagic fishing vessels, facilities for a hatchery and shellfish storage and depuration, a boat maintenance facility, a recreational slipway (to replace the Oxen Cove slipway), boat repair businesses, boat building, marine related retail premises, additional car parking, boat storage and a facilities building for a new marina”. It also refers to “improved access to Oxen Cove and Freshwater Quarry via Overgang Road and Blackball Lane”, which has been delivered in part. The Executive Head of Tor Bay Harbour Authority sees the proposal as aligned to the Port Masterplan.

##### Neighbourhood Plan

The neighbourhood plan explicitly identifies Oxen Cove as being appropriate for development to support the employment needs of the town particularly “for marine related industries and small workspace”.

##### Economic Strategy

The Economic Strategy under Priority 2 – Sustaining the core economy - lists a key action of supporting the delivery of the ‘Marine Action Plan’. This relates to improvement of harbour infrastructure and development of the marine science sector. Opening up Oxen Cove would complement the Brixham Laboratory space, which is positioned for this sector. The current live enquiries are also consistent with Priority 3 Raising Skill Levels and creating employment opportunities for all. In the case of this enquiry skilled boat building, repair and welding skills (which are difficult to find in the workforce) would be enhanced and the company would work with South Devon College in this regard. Other live enquiries include marine science as well as fish and seafood processing, all of which are key sectors in the inward investment strategy.

## City Deal

Oxen Cove is highlighted in the City Deal as a strategic site for the marine economy and specifically marine engineering.

- 5.2 With regards to the boat building enquiry the company is considering the opportunity to relocate their boat building and repair operation to Brixham, specifically at Oxen Cove. A primary reason for this is for better, less restricted access to open water. With direct access to the sea, that the location in Oxen Cove would provide, the company would be able to compete for larger contract orders, which would boost the excellent working relationship they already have with international suppliers. The company have also been made a conditional offer of support under the Torbay Growth Fund.

(The international supplier linked to the current enquiry is a global defence prime contractor and a designer and manufacturer of defence and commercial ships. For more than 25 years, the company has been a leader in the design, construction and maintenance of revolutionary ships for Governments, Navies and Ferry operators around the world. More than 250 vessels have been delivered in that time)

The TDA also have other live enquires at the site from companies interested in aquaculture and seafood processing. It should be noted that these enquires, including the above, have occurred without proactive marketing of the site and are in target sectors for inward investment for Torbay and in part for the Local Enterprise Partnership.

### 5.3 Additional complementary services to the local marine sector

A large proportion of the boats built are for overseas markets. The company also has a fabrication and marine salvage/reclamation business and holds a licence from the Environment Agency allowing them to scrap/decommission old boats including fishing vessels. Furthermore the company would be keen to provide services to the fishing fleet and leisure craft in terms of boat lifting, repairs, etc.

### 5.4 Proposed rental income

The relevant rent will be dictated by the lease terms and if the lease is to contain a restriction as to use then such will impact on the value. If the restriction is as to industrial use then the Council may struggle to achieve a high rental value. The Council could fund and provide a building or just provide the site for the company to build their own accommodation. Although the rent of a building will be much higher than a simple ground rent, the Council would need to deduct the cost of borrowing, which could make the ground rent a more attractive option. Likely rents and costs are not detailed in this report as the Harbour Committee is only being asked for strategic advice. The company are looking for a 25-year lease and require a building footprint of 60m long, 20m wide and 12m high.

### 5.5 Parking Implications

Any form of development on Oxen Cove will inevitably result in implications for Torbay Council and the local community owing to the number of car parking spaces

(84) and the coach parking spaces (12) located at Oxen Cove. These spaces currently deliver income to the Council, so in determining whether to develop Oxen Cove the Council will want to have regard for that income and consider whether those lost spaces might be recreated or displaced elsewhere. A suitable park and ride scheme may provide a solution or perhaps the number of car park spaces at alternative sites could be expanded through creating a multi storey car park if required. Torbay Council's transport planners have worked up a scheme for a park and ride transport hub (near the junction of A379 with A3022), which indicates a cost in the region of £750,000. Funding of £600,000 has been sought for this scheme from the LEP Growth Deal and the Council intend to work with the existing bus operator to deliver this new facility.

#### 5.6 Potential business rates

The Council's business rates team estimate that a building of around 1200 square metres will have a rateable value of around £54,000 with a rate income of £26,622. However, the final determination on rateable value is with the Valuation Office Agency. The existing income from rates is around £11,600 pa based on 84 car parking spaces and 12 coach bays. Therefore, the uplift in business rates income would be approximately £15,000.

#### 5.7 Brixham Regeneration Funding

Members of the Harbour Committee may recall that the funding received for the Brixham Regeneration project from the South West Regional Development Agency had clauses in the offer letter relating to the use of the site. There continues to be an obligation on Torbay Council to seek to deliver the regeneration scheme outlined at that time which envisaged the development of Oxen Cove and Freshwater Quarry for a mix of uses including residential, leisure and commercial. Discussions with the Homes & Communities Agency, now responsible for administering the offer letter, have not resulted in any concerns being identified regarding the use of Oxen Cove for employment.

### 6. **Possibilities and Options**

#### **Advantages**

- 6.1 To better position Torbay for future additional inward investment in this key sector.
- 6.2 To secure employment in a target sector for Torbay and the LEP with growth potential in terms of jobs and exports.
- 6.3 To provide Torbay with much needed skilled employment and apprenticeship opportunities for young people, linking with South Devon College.
- 6.4 Provide additional services to the fishing fleet and leisure craft with lifting, boat storage and other ancillary services.
- 6.5 Uplift in business rates for the Council over the current use, the specific amount to be determined due to many variables.
- 6.6 To be the home of a successful exporting boat building operation or other employment generating uses.

## **Disadvantages**

- 6.1 Potential net loss of car parking revenue to the council of circa £50,000, however, a park and ride scheme and other Council car parking sites may provide suitable mitigation.
- 6.2 Potential loss of coach parking spaces but this could be the catalyst to consider other alternative options.
- 6.3 Income from a ground rent only is unlikely to cover the revenue shortfall from parking. Equally, a higher rent will not achieve this shortfall and at the same time fund all of the necessary capital investment. Other sources of capital funding would be required to construct a building and/or develop a park and ride scheme.
- 6.4 A public slip is located in Oxen Cove, which is important for Brixham Yacht Club, the launching of small boats and the owners of kayaks & canoes.
- 6.5 Oxen Cove is also used for the winter storage of boats and the harbour authority derive a modest income from this activity. Winter storage could, at best, continue at this location and at a similar level, but in the worse case, it would be lost or displacement.

## **7. Preferred Solution/Option**

- 7.1 To recommend to the Council and Mayor that, subject to further consultation with harbour users and the community, Oxen Cove can be considered for use as employment space to support the marine industry and in particular boat building and boat repair activity.

## **8. Consultation**

- 8.1 This proposed change of use at Oxen Cove has been discussed with the Executive Head of Tor Bay Harbour Authority, the Senior Service Manager (Planning), the Head of Highways, Brixham Town Council and the Brixham Future group. Members of Brixham Town Council and Brixham Future visited the company's existing facility, with the TDA, to look at the extent of the boat building operations and the restrictions with their current site. They supported the company's need for an alternative site and the proposal for a boat building operation in Oxen Cove.
- 8.2 On the 5<sup>th</sup> March 2015, the Harbour Committee's Asset Review Working Party discussed this proposal and agreed to recommend that Oxen Cove should be considered for use as employment space to support the marine industry, in line with the aspirations contained within the Port Masterplan.
- 8.3 It has been suggested that a community consultation event should be held in Brixham with wider stakeholders. e.g. Brixham Yacht Club, Chamber of Trade, etc.

## **9. Risks**

- 9.1 The investment will reduce the number of car and coach parking spaces in Oxen Cove, leading to displaced parking. Direct parking income to the Council could be eroded up to the net value of £50,000. However, the Council's proposed park and ride transport hub would provide additional parking space and therefore reduce

vehicle congestion in the centre of Brixham.

- 9.2 Advice from the TDA is that the enquiry should be supported; otherwise, Torbay could lose the opportunity to attract a growing potential inward investor and further inward investment. If this became a site of strategic importance within the LEP marine industry sector our profile would be increased amongst UK Trade & Investment for foreign direct investment enquiries (UKTI have overseas posts Worldwide promoting the UK for investment).
- 9.3 There are potential risks from a planning perspective with residents at Dalverton Court who may oppose the change of use.
- 9.4 The company has the capacity to generate further increases in export revenues, which would be lost if they cannot move operations to Oxen Cove.
- 9.5 Boat building, as an industry, is known to have 'peaks & troughs' but this risk can be mitigated by ensuring that a diverse range of services are on offer.
- 9.6 The change of use could affect the route of the South West Coastal Footpath and the current access arrangements to the public slipway at Oxen Cove.

### **Appendices**

None

### **Additional Information**

Tor Bay Harbour Port Masterplan - 2013



**Meeting: Harbour Committee**

**Date: 23<sup>rd</sup> March 2015**


**Wards Affected: All wards in Torbay**

**Report Title: Review of Delegated Powers**

**Executive Lead Contact Details: Non-Executive Function**

**Supporting Officer Contact Details: Kevin Mowat**

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Tor Bay Harbour Master**

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## **1. Purpose**

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

## **2. Proposed Decision**

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

## **3. Action Needed**

- 3.1 No further action required.

## **4. Summary**

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

## Supporting Information

### 5. Position

- 5.1 In November 2000, in '**Modern Ports – A UK Policy**', the Department for Transport promised a review of municipal ports management structures and practices to ensure that municipal ports were playing a full and accountable part in the local and regional economy.
- 5.2 In May 2006 the Department for Communities and Local Government and Department for Transport jointly published '**Opportunities for Ports in Local Authority Ownership; A review of municipal ports in England and Wales**'.
- 5.3 In the review they stated that within the current framework for decision-making in local government there is scope for responsive and dynamic management of municipal ports. The key findings identified in the Executive Summary of the review concerned:-
- 1 Accountability and decision making
  - 2 Strategy and Business Planning
  - 3 Management and Performance Review
  - 4 Municipal Port Finances
- 5.4 Furthermore the review document states that decisions relating to the Harbour are based on advice from officers who have a clear understanding of the special requirements of the Harbour.
- 5.5 Following a report to the Harbour Committee in June 2006 it was resolved that a Municipal Ports Review Working Party be established to prepare an implementation schedule for review in relation to the review of Municipal Ports.
- 5.6 This Working Party met on five occasions with the last meeting being held on 22 January 2007. The Working Party agreed and recommended that the best way forward to meet the requirements of the Municipal Ports Review is to have a fit for purpose Harbour Committee working for Tor Bay Harbour under new and more detailed Terms of Reference and a Protocol set by the Council, making it effectively a decision-making committee of the Council. Later in 2007 the Council adopted the Working Party's recommendations.
- 5.7 It was a recommendation of the Working Party that the new Committee should be protected against short-term thinking and be subject to a coherent and consistent treatment by the Council.
- 5.8 Appendix 1 of this report provides a list of the current powers delegated to the Executive Head of Tor Bay Harbour Authority and they remain unchanged since the Committee last reviewed them in March 2014. Several delegated powers are generic and they apply to all Executives Heads. The general powers delegated to the Directors and Executive Heads and the limitations on delegations to the Chief Operating Officer, Directors, Executive Heads and all other officers, are listed in Appendix 2.

## **6. Possibilities and Options**

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

## **7. Preferred Solution/Option**

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

## **8. Consultation**

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

## **9. Risks**

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



## **Appendices**

- Appendix 1 Powers currently delegated to the Executive Head of Tor Bay Harbour Authority - updated and published on 29<sup>th</sup> January 2015.
- Appendix 2 General Powers delegated to Directors and Executive Heads and Limitations on delegations to the Chief Operating Officer, Directors, Executive Heads and all other officers - updated and published on 29<sup>th</sup> January 2015.

## **Additional Information**

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

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

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

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

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

Torbay Council's Constitution – Officer Scheme of Delegation (last updated and published on 29<sup>th</sup> January 2015)

## Appendix 1

### Review of Delegated Powers

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

	<b>Description</b>	<b>Responsibility delegated by</b>
8.2.5 Cont.	<p>(a) to grant or enter into the terms of leases, sub leases, or licences where the consideration does not exceed £25,000 per annum on any single transaction (or series of linked transactions);</p> <p>(b) To grant or enter into easements, licences, agreements, restrictive covenants or other rights or obligations where the consideration does not exceed £20,000 on any single transaction (or series of linked transactions);</p> <p>(c) To effect freehold disposals of land not required for operational purposes up to £100,000 in value;</p> <p>(d) To renew leases (regardless of the level of rent payable), licences and undertake a review of rents and licence fees when necessary and to agree surrenders, sub-letting and approve assignments;</p> <p>(e) To approve variations to (including the release of) restrictive and other covenants</p>	
8.2.6	To regulate the time and manner of a ship's entry into, departure from and movement within the Harbour waters and related purposes.	
8.3	<p>To vary (by addition or waiver (in full or as to part)) the approved Schedule of Harbour Charges in such manner as the Executive Head Tor Bay Harbour Authority shall consider reasonable; including for example (without restricting the generality of this power) where:</p> <p>(i) the Executive Head Tor Bay Harbour Authority considers the variation to be in the best interest of the Harbour Authority and/or local people;</p> <p>(ii) the Executive Head Tor Bay Harbour Authority considers the variation would fairly reflect actual or part-year usage;</p>	Council (as part of the budget)

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

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

Updated and published on 29<sup>th</sup> January 2015

## Appendix 2

### Review of Delegated Powers

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

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

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

2.4 All decisions shall be in accordance with the Council's Budget and Financial Regulations. Whether or not any decision or action falls within the Budget and Financial Regulations may, if necessary, be determined by the Council. However, no decision or action shall be taken by any employee if the Chief Finance Officer reasonably considers it to be contrary to the Budget or Financial Regulations.

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

2.5 All decisions relating to the expenditure of unbudgeted additional grant income in excess of £10,000 shall be the subject of a full written report to the relevant member, setting out details of the financial, legal, property, human resources and other material considerations, together with a proper risk assessment and options appraisal.

2.6 All decisions shall be in accordance with the Council's Standing Orders. Whether or not any decision or action is in accordance with the Council's Standing Orders may, if necessary, be determined by the Council. However, no decision or action shall be taken by any employee which the Monitoring Officer reasonably considers to be contrary to the Council's Standing Orders.

2.7 In relation to the authorisation of the institution, defence or conduct of legal proceedings no decision shall be taken without prior consultation with the Executive Head Commercial Services and no such action shall be taken that is contrary to or not in accordance with any instruction from the Executive Head Commercial Services.

2.8 Before exercising (or deciding not to exercise) any delegated powers all employees shall undertake appropriate internal consultation. This consultation shall normally include (but not be limited to) the following:

2.8.1 Where the proposal may have implications relating to the Council's Strategic Plan, consultation with all relevant members and the Director of Communities and Local Democracy;

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



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

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

Updated and published on 29<sup>th</sup> January 2015

# Agenda Item 8



**Meeting: Harbour Committee**

**Date: 23<sup>rd</sup> March 2015**

**Wards Affected: All wards in Torbay**

**Report Title: Tor Bay Harbour Business Plan 2015/2016**

**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](mailto:Kevin.Mowat@torbay.gov.uk)**

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## **1. Purpose**

- 1.1 To agree the Tor Bay Harbour Business Plan for 2015/16.
- 1.2 Harbour customers and the wider community would expect the harbour authority to have a business plan.
- 1.3 If the Harbour Committee work to an agreed Business Plan it will have a positive impact on our customers.

## **2. Proposed Decision**

- 2.1 **That the draft Tor Bay Harbour Business Plan 2015/16 as set out in Appendix 1 be approved.**
- 2.2 **That, subject to the views of the Harbour Committee, the Executive Head of Tor Bay Harbour Authority and the Harbour Committee Chairman agree the final detail of the Tor Bay Harbour Business Plan 2015/16, and sign the Acceptance Statement in Section 9.**

## **3. Action Needed**

- 3.1 To agree the final detail of the Tor Bay Harbour Business Plan 2015/16, and sign the Acceptance Statement in Section 9.

## **4. Summary**

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

- 4.2 The business plan should review the strategy of the harbour and present measurable objectives.
- 4.3 The Tor Bay Harbour Business Plan 2015/16 has followed the guidelines set out in the Municipal Ports Review, which also refers to *'Modernising Trust Ports: A Guide to Good Governance'*.

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## Supporting Information

### 5. Position

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

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

## **6. Possibilities and Options**

- 6.1 Not to accept the draft Tor Bay Harbour Business Plan 2015/16 and to recommend an alternative layout with alternative content.

## **7. Preferred Solution/Option**

- 7.1 To approve the draft Tor Bay Harbour Business Plan 2015/16.
- 7.2 Municipal Ports are expected to consider adopting and adapting the recommendations made in *'Modernising Trust Ports: A Guide to Good Governance'*. This sets out the benchmarks in terms of Board composition, appointment, performance and accountability.

## **8. Consultation**

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

## **9. Risks**

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

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

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

## **Appendices**

Appendix 1 Draft Tor Bay Harbour Business Plan 2015/16

## **Additional Information**

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

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

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

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

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

Torbay Council's Constitution - updated and published on 29<sup>th</sup> January 2015.

# Agenda Item 8

Appendix 1  
Tor Bay Harbour - Business Plan 2015/16  
Business Unit – Tor Bay Harbour Authority



**Tor Bay Harbour - Business Plan 2015/16**  
**Business Unit – Tor Bay Harbour Authority**

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



**Tor Bay Harbour - Business Plan 2015/16**  
**Business Unit – Tor Bay Harbour Authority**

## **1. Executive Summary**

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

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

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

There is a strong commitment on behalf of Torbay Council both to improve the service provided by the Harbour to its direct users and to develop its role in supporting the local economy and as a focus both for the local community and visitors to the Bay. In 2015/16, the Harbour Authority will continue to pay the Council a cash dividend as well as an asset rental fee.

## **2. Introduction**

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

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

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

## **Tor Bay Harbour - Business Plan 2015/16 Business Unit – Tor Bay Harbour Authority**

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

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

The Tor Bay Harbour Port Masterplan which commenced in 2012, was approved, adopted and published by Torbay Council in December 2013. This milestone is particularly relevant given the number of quays, piers, buildings and other elements of infrastructure that make up the sizeable harbour estate managed by Tor Bay Harbour Authority. In addition, further progress will be made during 2015/16 on the emerging South Coast Marine Plan as the introduction of marine spatial planning continues at a national level.

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

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

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

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

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

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

The facilities are provided for residents, tourists, day visitors, clubs, organisations and businesses throughout Torbay. The extent to which individual facilities serve different user groups and individuals is dependent upon the facility type and operation. The service is responsive to the unique make up of Torbay’s resident and visiting population. Torbay’s economy continues to face a number of ongoing challenges as we emerge from the recent recession. Productivity rates and wage levels are below the national average. However, there are signs of improvement as unemployment levels continue to fall locally and wage levels in the Bay are increasing faster than they are nationally. An above average older population and proportion of the working age population claiming benefits is a contributing

**Tor Bay Harbour - Business Plan 2015/16**  
**Business Unit – Tor Bay Harbour Authority**

factor to low productivity levels, as is a reliance on the public and tourism sectors for employment.

Our main customers and stakeholders include the following :-

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

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

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

**Tor Bay Harbour - Business Plan 2015/16**  
**Business Unit – Tor Bay Harbour Authority**

**3. SWOT Analysis**

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

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

**4. Compliance with the Municipal Ports Review**

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

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

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

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

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

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

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

## **5. Strategic Objectives and Core Values**

### **Links to Corporate and Community priorities and objectives.**

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

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

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

### **Harbour Authority Objectives**

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

### **Harbour Authority Priorities**

1. MAINTAIN SAFETY
2. IMPROVE CUSTOMER EXPERIENCE
3. STEWARDSHIP OF THE HARBOUR'S BUILT AND NATURAL ENVIRONMENT
4. ENGAGE WITH THE COMMUNITY AND HARBOUR USERS
5. ENCOURAGE LOCAL PROSPERITY
6. ACHIEVE FINANCIAL STRENGTH

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**Shared Torbay Council Objectives**

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

**Delivering on our Core Values**

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

**Shared Torbay Council Core Values**

- We will be - forward thinking.
- We will be - people orientated.
- We will be – adaptable.
- We will act with integrity when we deliver services and make decisions.

**Overall Objective for Tor Bay Harbour**

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

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**6. Priorities, Outcomes and Actions**

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

**PRIORITY No. 1: MAINTAIN SAFETY**

The outcomes we want to achieve are:

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

<b>ACTIONS</b>	<b>Timescale</b>	<b>Who</b>
Renew the bi-lateral agreement with the UK Hydrographic Office	Annually	Executive Head
Undertake routine maintenance of harbour infrastructure	Ongoing	Harbour Masters
Pass annual audit / inspection from Trinity House and file quarterly reports	Annually / Quarterly	Executive Head
Issue local Notices to Mariners and enforce Harbour Byelaws	As required	Harbour Masters
Lay seasonal 5-knot buoys & navigational marks	May 2015	AHM Torquay
Manage a seasonal beach / harbour response craft	May to September 2015	AHM Torquay
Audit the Safety Management System and agree an Improvement Plan	December 2015	Harbour Masters
Implement the Safety Management System Improvement Plan (2014/15)	November 2015	Harbour Masters
Provide the Harbour Committee with a summary of accident & incident data	Annually / Quarterly	Executive Head
Review and exercise the Tor Bay Harbour Emergency Response Plan	Annually	Executive Head / TBC
Review the delegated powers of the Executive Head of Tor Bay Harbour Authority	March 2016	Harbour Committee
Review of existing harbour powers (every 5 years)	December 2015	Executive Head & Harbour Committee



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

**PRIORITY No. 2: IMPROVE CUSTOMER EXPERIENCE**

**The outcomes we want to achieve are:**

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

<b>ACTIONS</b>	<b>Timescale</b>	<b>Who</b>
Refresh the Tor Bay Harbour Website	Ongoing	Harbour Masters
Undertake a customer satisfaction survey and react to the results	May to July 2015 (Biennial)	Business Manager
Continue benchmarking via the British Ports Association, UK Harbour Masters Association, RYA, BMF & SW Regional Ports Association	Ongoing	Harbour Masters
To provide a prompt reply to enquiries and correspondence	Ongoing	All Office Staff
Complete Equality Impact Assessments (Annually)	November 2015	HM Paignton
Implement Equality Impact Assessment Improvement Plans (Annually)	November 2015	Executive Head
Monitor and support staff through induction and appraisal reviews (RADARs)	March 2016	All Managers
Encourage Harbour Masters to fully complete CPD records	Ongoing	Executive Head
Implement & review the new invoicing system and developing CRM software	April 2015 ~ March 2016	Business Manager
To review the Tor Bay Harbour Operational Moorings Policy (Annually)	March 2015	Business Manager

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

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

**The outcomes we want to achieve are:**

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

<b>ACTIONS</b>	<b>Timescale</b>	<b>Who</b>
Influence decision making over the management measures of the new Special Area of Conservation in Tor Bay	March 2016	Harbour Masters & SeaTorbay
Influence decision making over the management measures for the Torbay Marine Conservation Zone	March 2016	Executive Head, Harbour Committee & SeaTorbay
Attend meetings with other coastal zone stakeholders. (Inshore Fisheries and Conservation Authority (IFCA), Torbay Coast & Countryside Trust, SeaTorbay, Devon Maritime Forum)	Ongoing	Harbour Masters
Assist in the collection of spatial mapping data	Ongoing	Harbour Masters
Distribute information on good practice and regulations to boat owners (Green Blue Initiative) – improve recycling and reduce carbon emissions	Ongoing	Harbour Masters
Help provide appropriate sea/flood defences and raise awareness of sea level rise	Ongoing	Harbour Committee, TBC & EA
Undertake valuation and structural surveys of quays and piers	April ~ May 2015	Harbour Masters
Support the implementation of the Coastal Zone Management Plan for Torbay	Ongoing	Executive Head & Harbour Masters
Continue to investigate renewable energy projects for use on the harbour estate	February 2016	Executive Head

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

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

**The outcomes we want to achieve are:**

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

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

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

**PRIORITY No. 5: ENCOURAGE LOCAL PROSPERITY**

**The outcomes we want to achieve are:**

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

<b>ACTIONS</b>	<b>Timescale</b>	<b>Who</b>
By working with stakeholders investigate options to improve the management of the new Fish Market complex	March 2016	Executive Head
Produce a schedule of Maritime Events (Annually)	January 2016	HM Paignton
Contribute to tourism by working to support event organisers	Ongoing	All Harbour Staff
Work collaboratively with the English Riviera Tourism Company Ltd, especially in respect of marketing and promoting Tor Bay Harbour	Ongoing	Harbour Masters & ERTC
Contribute to tourism by providing visitor mooring facilities (Annually)	Ongoing (May ~ Oct)	Harbour Masters
Work with the Economic Development Company (TDA), the Mayor and the Council on marine and waterfront projects	Ongoing	Executive Head & Harbour Committee
Work with the Economic Development Company (TDA) to prepare an economic and strategic impact assessment of the Council’s harbour authority function	April 2015	Executive Head & TDA
Complete a study of the benefits & opportunities of cruise ships visiting the Bay	April 2015	Executive Head
Work with the Economic Development Company (TDA), the Mayor, the Council and the Local Enterprise Partnership (LEP) on maximising the potential benefits of the SW Marine Energy Park and City Deal for Tor Bay Harbour Authority	Ongoing	Executive Head & Harbour Committee Director of Place & Resources
Agree the Tor Bay Harbour Authority Business Plan (Annually)	March 2016	Harbour Committee
Continue to assess and explore all potential grant funding opportunities on an on-going basis, including in particular, any new European funding programmes and Environment Agency flood defence options	December 2015	Executive Head & TDA

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

**PRIORITY No. 6: ACHIEVE FINANCIAL STRENGTH**

**The outcomes we want to achieve are:**

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

<b>ACTIONS</b>	<b>Timescale</b>	<b>Who</b>
Keep existing businesses and attract new activities, including direct and indirect marketing and promotion.	Ongoing	Executive Head & Harbour Committee
Monitor variation on budgeted income	Quarterly	Executive Head & Harbour Committee
Monitor variation on budgeted expenditure	Quarterly	Executive Head & Harbour Committee
Produce an Asset Management Plan for Tor Bay Harbour (Annually)	March 2016	Executive Head
Review the Tor Bay Harbour Risk Register (Annually)	September 2015	Executive Head
Review the future use of the Harbour Light Restaurant building	June 2015	Executive Head & TDA
Test and review a Tor Bay Harbour Business Continuity Plan	July 2015	Business Manager
Maximise harbour estate lettings occupancy	Quarterly	Executive Head & Harbour Committee
Respond to the conclusions identified with the ‘Smart and Blue Energy Audits’ undertaken at Tor Bay Harbour in September 2014	February 2016	Harbour Committee
Set the Tor Bay Harbour Charges and Harbour Budget (Annually)	December 2015	Harbour Committee
Review the Audit Plan for Tor Bay Harbour Authority (Annually)	June 2015	Harbour Committee

**Key**

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

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**7. Budget and Financial Planning**

**PROJECTED OUTTURN 2014/15 AND APPROVED BUDGET 2015/16**

<b>Expenditure</b>	<b>2013/14 Outturn £ ,000</b>	<b>2014/15 Projected Outturn £ ,000</b>	<b>2015/16 Provisional Budget £ ,000</b>
Operations and Maintenance :-			
Harbour Attendants Salaries and Wages	306	315	374
Repairs and Maintenance	316	250	228
Repairs and Maintenance-Storm Damage	33	0	0
Rent Concessions	6	6	5
Other Operating Costs	527	517	477
Management and Administration :-			
Salaries	312	253	267
Internal Support Services	162	153	151
External Support Services	55	42	42
Other Administration Costs	239	197	86
Capital Charges	469	525	524
Contribution to Patrol Boat Operation	2	0	2
Contbn to General Fund - Cash Dividend	144	148	145
Contbn to General Fund - Asset Rental	0	125	288
	<b>2,571</b>	<b>2,531</b>	<b>2,589</b>
<b>Income</b>			
Rents and Rights :-			
Property and Other Rents/Rights	480	490	511
Marina Rental	420	397	397
Operating Income :-			
Harbour Dues	165	120	143
Visitor and Slipway	57	55	52
Mooring fees	222	180	174
Torquay Town Dock	252	265	270
Torquay Inner Dock	0	176	183
Fish Toll Income	588	530	510
Boat and Trailer parking	34	44	35
Other Income	266	182	167
Grant Income - Storm Damage	22	0	0
Contribution from Reserves	60	0	96
	<b>2,566</b>	<b>2,439</b>	<b>2,538</b>
Interreg Grants received	0	65	0
Contribution to Reserve	0	(113)	0
<b>Operating Surplus /(Deficit)</b>	<b>(5)</b>	<b>(140)</b>	<b>(51)</b>

**RESERVE FUND**

Estimated Opening Balance as at 1st April	697
Interest Receivable	7
Net Surplus / (Deficit) from Revenue Account	(51)
Withdrawal - Capital Projects	(247)
Withdrawal - General Fund Revenue Financing	(182)
Expected Closing Balance as at 31st March	<b>224</b>

**£ ,000**

697
7
(51)
(247)
(182)
<b>224</b>

# Tor Bay Harbour - Business Plan 2015/16

## Business Unit – Tor Bay Harbour Authority

### HARBOUR FUTURE YEARS PROJECTION

	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
<b>1. EXPENDITURE</b>							
Employees	618	622	568	641	643	650	663
Maintenance	349	243	250	228	234	240	246
Rent Concessions	6	4	6	5	2	2	2
Other Costs	821	656	756	605	620	636	652
Capital Financing	469	524	525	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	2,258	2,156	2,180	2,213	2,252
<b>2. INCOME</b>							
Marina Rent	420	397	397	397	397	397	397
Rent and Other	480	484	490	511	511	511	511
Fish Tolls	588	650	530	510	510	510	510
User Charges /Other	826	557	581	571	571	571	571
User Charges - Town/Inner Docks	252	391	441	453	453	453	453
	2,566	2,479	2,439	2,442	2,442	2,442	2,442
Contributions to/from Reserve			48	(96)			
Contributions to General Fund	144	273	273	433	433	433	433
<b>Projected Net Surplus/(Deficit) before charges increases</b>	<b>(5)</b>	<b>(44)</b>	<b>(140)</b>	<b>(51)</b>	<b>(171)</b>	<b>(204)</b>	<b>(243)</b>
<u>Cumulative effects of increasing charges/growth</u>							
User charges 2.5% year on year					14	29	44
Town/Inner Docks charges 2.5% year on year					11	23	35
Marina rentals 1% year on year					4	8	12
<b>Potential Net Surplus/(Deficit)</b>	<b>(5)</b>	<b>(44)</b>	<b>(140)</b>	<b>(51)</b>	<b>(142)</b>	<b>(144)</b>	<b>(152)</b>
<b>Total Reserve level at Year End</b>	<b>860</b>	<b>697</b>	<b>697</b>	<b>224</b>	<b>(102)</b>	<b>(250)</b>	<b>(409)</b>
<i>Revenue Deficit Reserve level at Year End (minimum level)</i>	468		483	488	494	500	507
<i>Capital Projects Reserve level available at Year End *</i>	153		214				

\* 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.

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

Torbay Council's general fund budget is facing a shortfall of approximately £26m for 2014/15 & 2015/16 and all areas of the council have been asked to make savings and/or look at income opportunities to help reduce the deficit. The Chairman of the Harbour Committee and the Executive Head of Tor Bay Harbour Authority therefore agreed to recommend an increase of £125,000 to the cash contribution payable to the general fund from the harbour account for each of the years 2014/15 & 2015/16. Furthermore it was also agreed to take on a £25,000 public toilet liability by moving Beacon Quay (Torquay), Roundham Road (Paignton) and New Pier (Brixham) toilets into the harbour estate/budget on a permanent basis. On 16<sup>th</sup> December 2013 the Harbour Committee agreed to this additional contribution on top of the existing cash dividend representing 6% of harbour income. It was understood that the recommendation relating to the cash contribution should be reviewed after 2015/16. It was further agreed by the Harbour Committee that any operating surplus in 2013/14, 2014/15 & 2015/16 be passed to the Council's general fund (providing the harbour reserve levels are not below the minimum recommended level). A further contribution to the General Fund of £160,000 for 2015/16 was supported by the Harbour Committee's Budget Review Working Party on the basis that the overall level of contribution beyond 2015/16 was not sustainable.

The Harbour Committee 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 in future years. i.e. beyond the current financial crisis. In 2007 Torbay Council decided to accept the main findings of the Municipal Ports Review and the concept of paying a dividend and/or an asset rental fee to the "owning authority" is clearly mentioned within this review. However, the total contribution for 2014/15 and 2015/16 amounts to £273k and £433k respectively and this has and will continue to put considerable and unsustainable pressure on the harbour authority budget.

**Harbour Reserve Funds**

The balance on the Harbour Reserve Funds forms part of the Council's overall cash balances which are invested in line with the annual Treasury Management Strategy approved by Council. The strategy sets out assumptions on interest rates and the controls for maintaining security of cash. Since 2010/11, investments have yielded annual returns of 1.25%, 1.40%, 1.50% and 1.11% with 0.90% anticipated for 2014/15. Global economic and market conditions continue to subdue investment rates with no increase in UK Bank Rate forecast likely until after 2015 and enhanced rates previously available to Local Authorities being withdrawn. A return of 0.94% has been budgeted for 201/16.

Torbay Council's Treasury Management Strategy 2015/16 can be found at :-  
[http://www.torbay.gov.uk/index/yourcouncil/financialservices/treasury\\_management\\_strategy\\_201516.pdf](http://www.torbay.gov.uk/index/yourcouncil/financialservices/treasury_management_strategy_201516.pdf)

The combined balance of the Harbour Reserve Funds at 1<sup>st</sup> April 2014 were £859,863.



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**8. Targets and Performance Indicators**

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

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

Year	Target	Actual	Status
2008/09	97%	100%	On Target
2009/10	85%	86%	On Target
2010/11	86%	82%	On Target
2011/12	85%	81.6%	On Target
2012/13	85%	80.7%	Below Target
2013/14	Non survey year	Non survey year	Non survey year
2014/15	82%		Due in July

**Brixham Harbour Fish Tolls**

Year	Target	Actual	Status
2008/09	£485,000	£465,778	On Target
2009/10	£485,000	£471,248	On Target
2010/11	£485,000	£556,620	Well Above Target
2011/12	£474,000	£739,192	Well Above Target
2012/13	£525,000	£674,819	Well Above Target
2013/14	£650,000	£588,378	Below Target
2014/15	£530,000		Below Target

**Navigation Lights Availability**

Year	Target	Actual	Status
2008/09	100%	100%	On Target
2009/10	100%	100%	On Target
2010/11	100%	100%	On Target
2011/12	100%	99%	On Target
2012/13	100%	98%	On Target
2013/14	100%	99.99%	On Target
2014/15	100%		

**Harbour estate lettings occupancy**

Year	Target	Actual	Status
2008/09	100%	97%	On Target
2009/10	100%	96%	On Target
2010/11	100%	96%	On Target
2011/12	100%	97.5%	On Target
2012/13	100%	99.2%	On Target
2013/14	100%	98.3%	On Target
2014/15	100%		

## 9. Business Plan Acceptance Statement

### Business Plan Acceptance

<b>Service Area - Tor Bay Harbour Authority</b>	<b>Business Plan 2015/16</b>
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<b>Signed and accepted by Executive Head Tor Bay Harbour Authority</b>	<i>Print and Sign</i>  <b>Capt. Kevin Mowat</b>
<b>Date</b>	<b>1<sup>st</sup> April 2015</b>

<b>Signed and accepted by Harbour Committee Chairman</b>	<i>Print and sign</i>  <b>Councillor Nicole Amil</b>
<b>Date</b>	<b>1<sup>st</sup> April 2015</b>

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**APPENDIX 1**

Tor Bay Harbour Port Masterplan

Please find a copy at :-

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

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**APPENDIX 2**

Municipal Ports Review

“Opportunities for Ports in Local Authority Ownership”

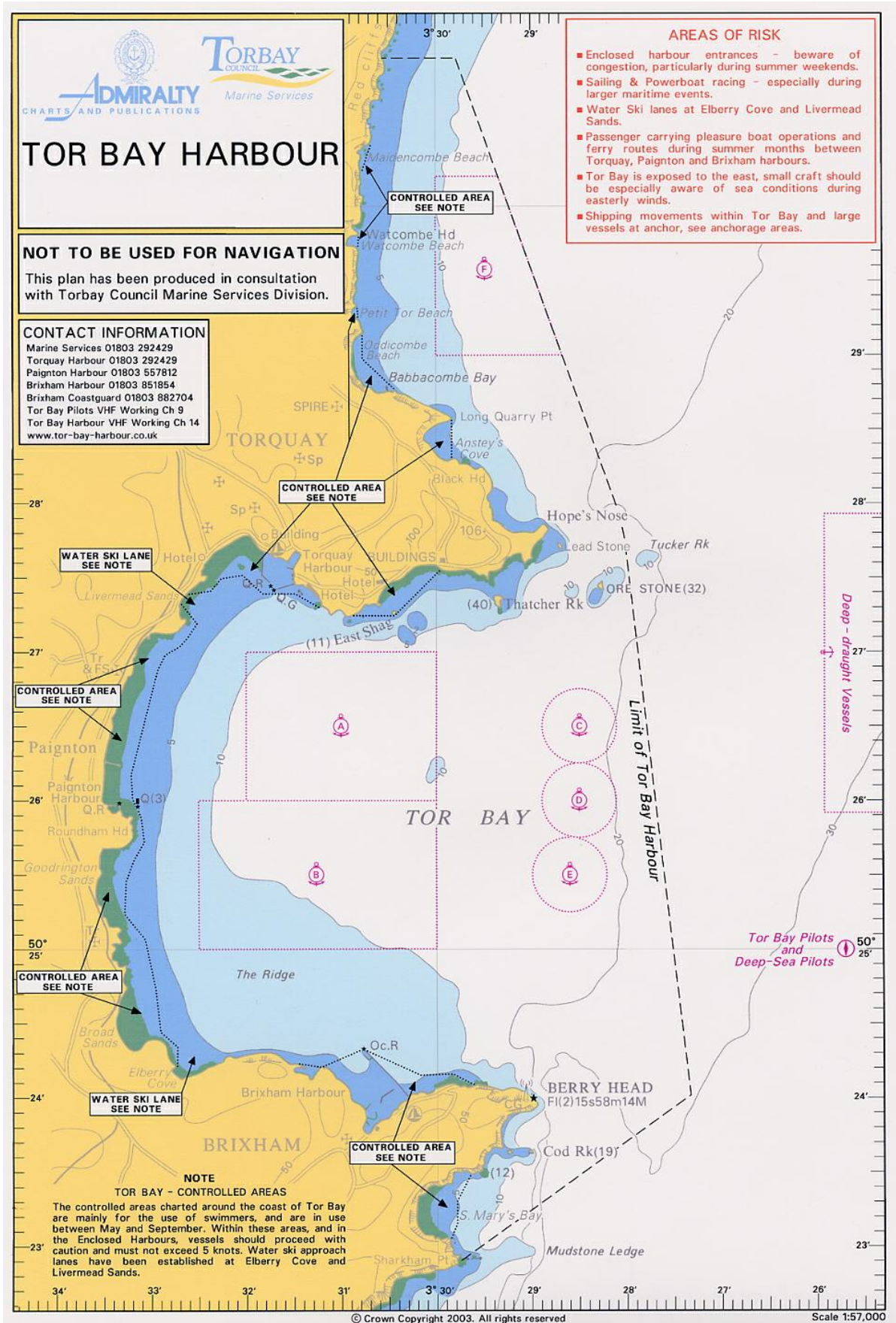
Please find a copy at :-

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

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**APPENDIX 3**

Plan of Tor Bay Harbour





**Meeting: Harbour Committee**

**Date: 23<sup>rd</sup> March 2015**


**Wards Affected: All wards in Torbay**

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

**Executive Lead Contact Details: Non-Executive Function**

**Supporting Officer Contact Details: Kevin Mowat**

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

 **Telephone: 01803 292429**

 **Email: [Kevin.Mowat@torbay.gov.uk](mailto:Kevin.Mowat@torbay.gov.uk)**

## **1. Purpose**

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

## **2. Proposed Decision**

- 2.1 **That the Tor Bay Harbour Operational Moorings and Facilities Policy – Version ~ 10 set out in Appendix 1 to the report be approved.**

## **3. Action Needed**

- 3.1 That harbour authority staff should implement the Tor Bay Harbour Operational Moorings and Facilities Policy (Version ~ 10) and the policy should be published on the harbour website.

## **4. Summary**

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

Harbour Committee has agreed to a number of revisions. In March 2014, the Committee approved Version 8 but some minor amendments were required by the Executive Head of Tor Bay Harbour Authority to reflect changes to the waiting list system. Version 9 was therefore adopted in June 2014.

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

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## **Supporting Information**

### **5. Position**

- 5.1 The Tor Bay Harbour Operational Moorings and Facilities Policy was adopted by the Harbour Committee in June 2007 and amended in December 2007. It has since been updated every March since 2009.
- 5.2 All of the amendments in the proposed Tor Bay Harbour Operational Moorings and Facilities Policy – Version 10 (Appendix 1) are shown using the ‘track changes’ tool.

### **6. Possibilities and Options**

- 6.1 To take no action and continue with the existing Tor Bay Harbour Operational Moorings and Facilities Policy (Version 9), which was amended in June 2014.

### **7. Preferred Solution/Option**

- 7.1 To approve and adopt the Tor Bay Harbour Operational Moorings and Facilities Policy (Version ~ 10) as set out in Appendix 1.

### **8. Consultation**

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

### **9. Risks**

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

guidelines.

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

## **Appendices**

Appendix 1 Tor Bay Harbour – Operational Moorings and Facilities Policy - Version ~ 10

## **Additional Information**

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

Tor Bay Harbour – Operational Moorings and Facilities Policy - Versions ~ 8 & 9

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



**TOR BAY HARBOUR AUTHORITY**

**OPERATIONAL MOORINGS AND FACILITIES**  
**POLICY**



## **Tor Bay Harbour Authority**

### **Operational Moorings and Facilities Policy**

#### **Introduction**

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

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

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

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

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

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

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

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

13. "Loss, injury or damage" means any loss, injury or damage, which may occur to any person, vessel, vehicle or their contents, or to any other goods or things whatsoever.
14. "Facility Form Agreement and conditions" shown in Appendix 1.

## **Types of Mooring/Facilities**

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

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

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

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

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

“Kayak rack” – used for kayaks/canoes, these are racks, normally made from steel into which this type of craft can be securely stored.

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

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

## **Facility Charges**

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

## **Facilities Allocation**

### **Private Moorings/Facilities Waiting List**

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

Under normal circumstances the applicant will only be given one offer of a facility. A second or third offer will only be made in exceptional circumstances.

All applicants will have their name removed from the list, if they have declined three offers of a harbour facility.

### **Waiting List Priority**

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

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

### **Torquay Town Dock & Inner Dock pontoons Priority**

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

### **Mooring Exchange Scheme - Torquay Town Dock & Inner Dock**

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

### **Commercial Moorings - Waiting List**

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

This commercial moorings waiting list requires a non-refundable £50 registration fee.



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

### **Facilities for Heritage Vessels**

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

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

### **Boat Park Spaces**

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

### **Duration of Facility Agreement**

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

### **Renewal of Allocated Facility**

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

The Council will, upon receipt of payment allocate a facility to the applicant as described in the Facility Charge Details in a location in Tor Bay Harbour determined at the discretion of the Harbour Master. The Harbour Master may

at any time designate to the facility holder an alternative location for such a facility, whereupon the applicant will move their vessel and/or any other possessions or chattels from the previous location to the appointed new location for such a facility forthwith.

### **Cancellation of Facility Form Agreement**

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

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

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

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

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

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

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

The facility holder shall at all times be responsible for the safety of his/her vessel and shall be liable for any damage occasioned to the Council's property, howsoever caused, during the navigation of any vessel by the

applicant or his/her servant or agents, or whilst the applicant's vessel is berthed, moored, or launched, or by the vessel slipping her berth, mooring or being cast adrift and will pay to the Council on demand any claim for reasonable compensation in respect of such damage.

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

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

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

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

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

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

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

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

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

the vessel borrowing the facility must confirm that he holds the necessary required insurance, confirm acceptance of all conditions and Byelaws and be liable for the appropriate level of harbour dues.

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

### **Size of Vessel (Facility Agreement Conditions 17)**

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

### **Inheritance**

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

### **Vessel Identification (Byelaw 35)**

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

### **Change of Vessel (Byelaw 33)**

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

### **Vessel Not On Facility**

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

### **Partnerships**

Partnerships must have been registered with the Harbour Authority when the facility was first allocated. Any subsequent changes of ownership or partnership buy out **will not be recognised** or count towards facility allocation. The Harbour Authority will not recognise shared ownership beyond

one third. i.e. a maximum of three partners inclusive of the applicant. All partners must be over the age of 18 and meet the local residence requirements detailed in this policy with regard to facility allocation priority.

### **Use of Facilities**

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

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

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

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

### **Fuel and Re fuelling**

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

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

Any fuel spillage must be reported to the Harbour Master

### **Pollution (Byelaw 91 and Byelaw 102)**

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

### **Moorings and Vessel Protection**

#### **Fitting of Moorings (Facility Agreement Condition 16)**

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

**Buoyant Rope (Byelaw 98)**

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

**Removal of Moorings (Byelaw 100)**

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

**Vessel Monitoring**

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

**Propeller Covers (Facility Agreement Conditions 22)**

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

**Provision of Proper Fenders (Byelaw 46)**

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

**Mooring, Berthing, Anchoring in the Harbour**

**Vessels to be moored etc as directed**

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

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

No person shall anchor so as to obstruct a fairway.

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

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

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

**Vessels not to Obstruct Free Passage**

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

**Vessels to be Properly Secured**

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

**Vessels Not to Obstruct Steps, Slipways (Byelaw 26)**

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

**Reckless Conduct and Disorderly Behaviour**

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

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

**Compliance with Statute, Byelaws and Directions of the Harbour Master**

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

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

**Disabled Access**

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

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

### **Young People**

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

### **Visitor Moorings**

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



## **Appendix 1**

### **GENERAL CONDITIONS**

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

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

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

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

## Appendix 2

# WAITING LISTS

## TOR BAY HARBOUR

### WAITING LIST PROCEDURE

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

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

Note

**Torquay Town Dock & Inner Dock pontoons Priority**

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

### **Appendix 3**

#### **Mooring Exchange Scheme - Torquay Town Dock & Inner Dock**

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

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

The 13 metre berths will not feature in this scheme.

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

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

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

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

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

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

#### **Step 1**

Complete form for existing berth to *move from*

#### **Step 2**

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

#### **Step 3**

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

#### **Step 4**

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

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



### Mooring Exchange Scheme – Application

(TOWN DOCK & INNER DOCK ONLY)

Name: .....

Boat Name: .....

LOA .....

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

I wish to move to a :- (circle)

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

Signature .....

Date .....

Please return completed form to the Harbour Office





# Agenda Item 11



**Meeting: Harbour Committee**

**Date: 23<sup>rd</sup> March 2015**

**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**

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

 **Email: [Kevin.Mowat@torbay.gov.uk](mailto:Kevin.Mowat@torbay.gov.uk)**

**Pete Truman**

**Principal Accountant**

 **Telephone: Ext 7302**

 **Email: [Pete.Truman@torbay.gov.uk](mailto:Pete.Truman@torbay.gov.uk)**

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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 January 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 16<sup>th</sup> December 2013.

- 2.2 This is the fourth and final budget monitoring report presented to the Harbour Committee for the financial year 2014/15.
- 2.3 The Harbour Revenue account continues to suffer from a decline in certain income streams particularly fish toll income at Brixham although levels have improved in the latter part of the year. Torquay Harbour has benefited from additional income from the successful inner harbour pontoon scheme.

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## 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 23<sup>rd</sup> 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:

	<b>£000</b>
Original Budget 2014/15	(44)
Current Budget 2014/15	(164)
Projected Outturn 2014/15	(140)

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

	<b>Total Budget</b>	<b>Actual to Date (including prior years)</b>	<b>Projected Outturn</b>	<b>Notes</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	
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 were undertaken on Princess Pier late in 2014. Further underwater repairs to both Princess and Haldon Piers (circa £700k in value) are scheduled to take place during 2015. Work towards a further bid of funding from the Environment Agency is ongoing. 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 initial 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

<b>Capital Scheme</b>	<b>Amount Borrowed</b>	<b>Start of Repayments</b>	<b>Principal outstanding</b>
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
<b>TOTAL</b>	<b>£7,890,000</b>		<b>£6,905,051</b>

3.5 The Tor Bay Harbour Authority debt position at the end of February 2015, excluding invoices raised in advance of the 2015/16 charging year, is set out in the table below:-

	<b>Leased Properties</b>		<b>Marine</b>	
	Unpaid by up to 60 days	Unpaid over 60 days	Unpaid by up to 60 days	Unpaid over 60 days
Debt outstanding	£13k	£25k	£57k	£34k
Bad Debt Provision	£16k			

From February 2015, invoices for Harbour related charges have been migrated onto the Council's corporate debtor system. The provision for bad debts will be reviewed and adjusted as appropriate at year-end.

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 reminded of a withdrawal from the Reserve Fund of £86k (10%) earmarked for the 1<sup>st</sup> April 2015. This action was agreed by the Council in November 2014 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

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	
Operations and Maintenance :-						
Harbour Attendants Salaries and Wages	366	323	223	188	315	1
Repairs and Maintenance	243	204	126	158	250	2
Repairs and Maintenance-Storm Damage	0	0	0	0	0	3
Rent Concessions	4	5	0	0	6	
Other Operating Costs	518	476	324	324	517	4
Management and Administration :-						
Salaries	256	254	149	133	253	1
Internal Support Services	153	153	138	143	153	
External Support Services	42	42	28	33	42	
Other Administration Costs	138	190	88	155	197	5
Capital Charges	524	524	498	498	525	
Contribution to Patrol Boat Operation	6	0	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	
	<b>2,523</b>	<b>2,444</b>	<b>1,574</b>	<b>1,632</b>	<b>2,531</b>	
<b>Income</b>						
Rents and Rights :-						
Property and Other Rents/Rights	484	475	350	382	490	6
Marina Rental	397	397	232	122	397	
Operating Income :-						
Harbour Dues	149	108	108	120	120	7
Visitor and Slipway	56	56	56	55	55	
Mooring fees	184	171	169	180	180	7
Torquay Town Dock	265	264	264	265	265	
Torquay Inner Dock	126	176	176	176	176	8
Fish Toll Income	650	500	460	469	530	9
Boat and Trailer parking	38	38	38	44	44	
Other Income	130	143	61	100	182	10
Grant Income - Storm Damage	0	0	0	0	0	11
	<b>2,479</b>	<b>2,328</b>	<b>1,914</b>	<b>1,913</b>	<b>2,439</b>	
Interreg Grants received	0	35	35	35	65	12
Contribution to Reserve	0	(83)	(48)	(48)	(113)	13
<b>Operating Surplus /(Deficit)</b>	<b>(44)</b>	<b>(164)</b>	<b>327</b>	<b>268</b>	<b>(140)</b>	
<b>RESERVE FUND</b>						
Opening Balance as at 1st April					860	
Interest Receivable					6	
Net Surplus / (Deficit) from Revenue Account					(140)	
Withdrawal - Capital Financing					(142)	14
Contribution from Revenue Account					113	
Expected Closing Balance as at 31st March					<b>697</b>	
<i>Withdrawals earmarked post 1st April 2015</i>					(182)	

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. The effect of this is now reflected within the Projected Outturn.
- 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 and periodic costs relating to the moorings contract at Brixham.
- 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 note 11).
- 4 The effect of the harbour rating review was not fully reflected within the approved budget. Additional costs have been incurred for waste disposal and craneage at Brixham. These are offset by revenue streams within "other income" (see note 10 below).
- 5 Additional costs have been incurred in respect of the Interreg European funding program and a related Cruise Ship Study. A proportion of these costs will be reclaimed within the overall Interreg grant process.
- 6 It was previously anticipated that the full program of rents may not be achieved at Paignton Harbour. Levels at Paignton have now been adjusted and targets are expected to be exceeded at Torquay and Brixham.
- 7 Dues and Moorings income streams have been affected by a decrease in occupancy levels although there has been a pick up in commercial vessels in the latter part of the year.
- 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 effectively at 100%.

- 9 The anticipated level of Fish Toll income has been reduced throughout the year to reflect the income levels to date and industry projections. The position has improved over the last few weeks giving rise to a slightly more optimistic view of the projected outturn.  
The previous five years have produced incomes of (most recent first) £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 two claims for European Interreg funding have now been received in relation to the Port Masterplan and supporting consultancy costs. The grant income will be 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. A further withdrawal is required (£30k) to fund a shortfall in the ferry pontoons capital scheme.



# Agenda Item 11

## Appendix 2

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

Harbour Committee Minute 398 (5) - December 2011

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

	<b>£</b>
Consolidated Reserve Balance at 31st March 2014	860,000
Planned withdrawals in year	(142,000)
Planned contributions in year	113,000
Anticipated interest for year	6,000
Projected Surplus/(Deficit) for year	(140,000)
Projected Consolidated Reserve Balance at 31st March 2015	697,000
Planned contributions in 2015/16 to General Fund	(182,000)
Projected Consolidated Reserve Balance at 1st April 2015	515,000
less: 20% of Budgeted Turnover	(483,000)
<b>= Balance for Projects</b>	<b>32,000</b>
<b>Total costs of proposed Projects (as listed below).</b>	<b>889,900</b>
<i>Shortfall in Reserve funding available</i>	<i>(857,900)</i>

Projects	Brixham	Torquay & Paignton	Timeframe
Tor Bay Harbour - HMS software upgrade	£25,000	£25,000	Short
Torquay harbour - Haldon Pier fender replacement		£60,000	Short
Torquay harbour - Beacon Quay Wi-Fi		£7,000	Short
Torquay harbour - Old Fish Quay full structural survey *		£10,000	Short
Torquay harbour - cathodic protection study *		£5,000	Short

Harbour Infrastructure Valuation Survey *	£7,500	£7,500	Short
Socio-economic Impact Study *	£5,000	£5,000	Short
Brixham harbour - new work boat	£45,000		Short
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
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
<b>TOTALS</b>	<b>£155,500</b>	<b>£734,400</b>	

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

## Harbour Committee Work Programme – 2015/2016

Meeting	Standing items to be considered	Type of Report
15 <sup>th</sup> June 2015	1. To elect a Chairman for the Municipal Year	Decision
	2. To appoint of Vice Chairman for the Municipal Year	Decision
	3. To review/note the Harbour Committee's Terms of Reference as per the Council's Constitution	To note
	4. To appoint a Harbour Appointments Sub-Committee	Decision
	5. To appoint a Harbour Asset Review Working Party	Decision
	6. To appoint a Harbour Budget Review Working Party	Decision
	7. To appoint a Pilotage Review Working Party	Decision
	8. To consider the Budget Outturn for previous financial year	To note
	9. To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums	To note
	10. To consider the Tor Bay Harbour Authority quarterly Budget Monitoring Report	To note
	11. To monitor the Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net)	To note
	12. To approve an Audit Plan for the Tor Bay Harbour Authority Business Unit	Decision
	13. To approve the Tor Bay Harbour Enforcement and Prosecution Policy (biennial - 2016)	Decision
	14. To review quarterly Accident & Incident for Tor Bay Harbour	To note
	15. To receive a report on the Paignton Harbour Development Opportunity	Decision

21 <sup>st</sup> September 2015	1. To review the Appointment of External Advisors - Appointment of External Advisor	Decision
	2. To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums	To note
	3. To review the Harbour Authority Business Risk Register	Decision
	4. To receive recommendations from the Harbour Asset Review Working Party	Decision
	5. To consider the Tor Bay Harbour Authority quarterly Budget Monitoring Report	To note
	6. To monitor the Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net)	To note
	7. To approve the Tor Bay Harbour Marine Environmental Policy (biennial - 2016)	Decision
	8. To approve a Review of the Tor Bay Harbour Pilotage Directions (biennial - 2016)	Decision
	9. To review quarterly Accident & Incident for Tor Bay Harbour	To note

Meeting	Standing items to be considered	Type of Report
21 <sup>st</sup> December 2015	1. To consider the Tor Bay Harbour Authority Budget and Setting of Harbour Charges	Decision
	2. To consider the Annual Compliance Audit of the Port Marine Safety Code	Decision
	3. To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums	Decision
	4. To consider the Tor Bay Harbour Authority quarterly Budget Monitoring Report	To note
	5. To consider the results of the Annual Harbour Users Survey	To note
	6. To monitor the Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net))	To note
	7. Review of the powers conferred by national legislation and the appropriateness of local regulation (5 yrs – 2015)	To note
	8. To approve the Tor Bay Harbour policy statement for Local Port Services (LPS) (biennial - 2016)	To note

Page 89 21 <sup>st</sup> March 2016	1. To review the delegated powers of the Executive Head of Tor Bay Harbour Authority	Decision
	2. To agree the Tor Bay Harbour Authority Business Plan	Decision
	3. To review the Operational Moorings Policy	Decision
	4. To note the minutes of Torquay/Paignton and Brixham Harbour Liaison Forums	To note
	5. To consider the Tor Bay Harbour Authority quarterly Budget Monitoring Report	To note
	6. To agree the Harbour Committee Work Programme	Decision
	7. To monitor the Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net)	To note
	8. To review and approve the Tor Bay Harbour Asset Management Plan	Decision
	9. To review quarterly Accident & Incident for Tor Bay Harbour	To note

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

# Agenda Item 14



**Meeting: Harbour Committee**

**Date: 23<sup>rd</sup> March 2015**


**Wards Affected: All wards in Torbay**

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

**Executive Lead Contact Details: Non-Executive Function**

**Supporting Officer Contact Details: Kevin Mowat**

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

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## **1. Purpose**

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

## **2. Proposed Decision**

- 2.1 **That the Tor Bay Harbour Authority Asset Management Plan 2015/16 set out in Appendix 1 be approved.**

## **3. Action Needed**

- 3.1 That the harbour authority should implement the Tor Bay Harbour Authority Asset Management Plan 2015/16.
- 3.2 The policies and future actions highlighted within the plan will help to inform the harbour budget setting process.

## **4. Summary**

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

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

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## Supporting Information

### 5. Position

- 5.1 All of the assets currently managed by the Tor Bay Harbour Authority business unit on behalf of Torbay Council are governed by the Harbour Committee. Many of the assets are critical to the safe operation of the harbour and other assets are essential in terms of the revenue contribution they make to the ring-fenced budget delivered by Tor Bay Harbour Authority for the Harbour Committee. The extent of the harbour estate is fixed by the Council and may be varied from time to time having taken full consideration of the operational requirements of the harbour authority and the Council's policy to deliver a self-funding, financially sustainable harbour service.
- 5.2 In June of each year the Harbour Committee establishes a Harbour Asset Review Working Party to provide strategic direction in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority. This is in line with the Harbour Committee's Terms of Reference set out in the Council's Constitution.
- 5.3 The role of the Working Party is to regularly challenge whether all the harbour assets are required, fit for purpose and provide value for money to meet current and future needs. It is also tasked with identifying under-performing or surplus assets so that it can make recommendations about how such may be rationalised or disposed of. To this end, in June 2014 it was resolved that a Harbour Asset Review Working Party be appointed with the following terms of reference:
- (a) to review all assets within Tor Bay Harbour and the Harbour Estate;

(b) to establish how each asset is performing; and

(c) to identify any assets that are surplus.

5.4 In 2008 under Minute No. 102 it was resolved that the Director of Marine Services (now Executive Head of Tor Bay Harbour Authority), in consultation with the Harbour Asset Review Working Party, be asked to consider the need for a Harbour Asset Management Plan.

5.5 Each year since 2008 the Harbour Asset Review Working Party has been re-established with the same Terms of Reference and each year it has discharged its requirements in respect of (a), (b), (c) above. The first Harbour Asset Management Plan was approved by the Harbour Committee in March 2011 following a recommendation from the Harbour Asset Review Working Party, in fulfilment of Minute No. 102 (2008) outlined in 5.4 above.

5.6 From a corporate perspective the Committee is reminded that “capital investment” is described as :-

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

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

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

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

5.7 Since 2009 the Council has been considering the need for structural repairs to the concrete section of Princess Pier which has been deemed to be an important area for immediate investment. Currently a scheme to address some of the issues at Princess Pier is programmed for 2015 in the Council’s Capital Investment Plan, but the Council is also seeking support for this sea defence work from the Environment Agency.

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

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

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

## **6. Possibilities and Options**

- 6.1 It is considered to be best practice for a Harbour Authority to produce an Asset Management Plan and it assists the Harbour Committee to provide strategic direction in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority. This Council has developed processes to demonstrate good asset management and a strategy for capital



investment. This results in more efficient and effective use of its assets and capital resources in support of its Corporate Priorities and service objectives.

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

## **7. Preferred Solution/Option**

- 7.1 To approve and adopt the Tor Bay Harbour Authority Asset Management Plan 2015/16 as set out in Appendix 1.
- 7.2 Good asset management and a planned approach to capital investment impact on improving the quality of life and creating safer environments for all.

## **8. Consultation**

- 8.1 The Asset Management Plan is designed to assist the Harbour Authority to deliver its Business Plan priorities alongside, and complementary to, the provision of its statutory functions.
- 8.2 The Plan has been developed through officer consultation with support from the Torbay Development Agency.
- 8.3 The Tor Bay Harbour Authority Asset Management Plan 2015/16 has been considered by the Harbour Asset Review Working Party at its meeting on 5<sup>th</sup> March 2015.

## **9. Risks**

- 9.1 Failure to deal with urgent structural repair could lead to deterioration of the asset base and additional costs. The identified repair demands in the Plan, although only approximate, are significant and are increasing over time. This is a key challenge given the limited availability of both revenue and capital resources.
- 9.2 A risk to the Plan is that it will not be “fit for purpose” i.e. it will not assist the harbour authority to use its resources economically and efficiently in support of its priorities.
- 9.3 Unforeseen emergency works, such as storm damage, could disrupt the repairs and maintenance programme. Also, over the period of the maintenance plan there will inevitably be some unforeseen works which arise and need immediate attention. This will require periodic revision of the programme with some works having to be deferred.
- 9.4 Existing annual maintenance funding is dependent on sustaining the current levels of harbour income. Also, the financial settlement for the public sector in future years is uncertain and may significantly affect the Council’s ability to implement the Capital Investment Plan and the corporate Asset Management Plan.
- 9.5 Annual maintenance funding has been reduced to meet the Council’s need for a cash dividend, which has been payable since 2012/13 and will continue until at least the end of 2015/16.

## **Appendices**

Appendix 1 - Draft Tor Bay Harbour Authority Asset Management Plan 2015/16

## **Additional Information**

None



## Tor Bay Harbour Authority - Service Asset Management Plan 2015/16

### 1. Service Background and Outcomes

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

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

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

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

## Harbour Estate

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

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

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

Routine maintenance costs for harbour assets are met from the ring-fenced harbour accounts as per Council policy. The agreed budget for repairs & maintenance for 2015/16 are; £55,900 for Torquay, £14,800 for Paignton and £128,200 for Brixham.

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

In June 2014 the Harbour Committee resolved that a Harbour Asset Review Working Party, comprising three members of the Harbour Committee (two Conservative Members and one Liberal Democrat Member) and two of the External Advisors to the Committee (Mr. Mike Stewart and Capt. Paul Lloyd ), be appointed with the following terms of reference:

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

The Harbour Asset Review Working Party held a meeting on 5<sup>th</sup> March 2015 and has worked in consultation with the Executive Head of Tor Bay Harbour Authority to recommend to the Harbour Committee this Harbour Asset Management Plan.

## 2. Predicted Service Delivery Changes

In September 2014, the Harbour Asset Review Working Party reported to the Harbour Committee that :-

- all assets within Tor Bay Harbour and the Harbour Estate had been successfully reviewed.
- they were satisfied that they could broadly establish how each asset was performing.
- another old workboat was due for disposal
- procurement of a replacement vessel may have to be delayed given the current pressure on the harbour account and reserve fund
- no assets were identified as being surplus to the requirements of the Harbour Authority.
- strategic direction had been provided to the Executive Head of Tor Bay Harbour Authority in relation to some of the short-term proposals contained within the Port Masterplan.
- the Asset Review Working Party was best placed to look at all the options for the development of the Harbour Light Restaurant building at Paignton harbour
- the tenants of the Harbour Light Restaurant building continue to be consulted and kept informed as to the proposals that might affect the future use of the building
- dates were agreed for two additional meetings of the Working Party to enable this work to be completed
- the Working Party agreed to support the recommendation by the Executive Head of Tor Bay Harbour Authority 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

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

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

## 3. Scope of Service Asset Management Plan

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

## 4. Identification of Current Property Portfolio

This data is extracted from the Torbay Online Asset Database System (TOADS) and captured in a spreadsheet entitled 'List of Tor Bay Harbour Assets', held by the Executive Head of Tor Bay Harbour Authority. The Harbour Asset Review Working Party reviews the portfolio every six months.

## 5. Identification of Property Surveys

This data is extracted from the Torbay Online Asset Database System (TOADS) and captured in a spreadsheet entitled 'List of Tor Bay Harbour Assets', held by the Executive Head of Tor Bay Harbour Authority. The Harbour Asset Review Working Party reviews the survey dates every six months.

## 6. Preferred Options & Action Plan

The 'List of Tor Bay Harbour Assets', held by the Executive Head of Tor Bay Harbour Authority, shows the current asset/property portfolio under the day to day management of the Tor Bay Harbour Authority service. Management of the portfolio is subject to strategic advice and direction from Torbay Council's Harbour Committee. The Harbour Asset Review Working Party, described in section 1 above, is tasked with reporting to the Harbour Committee on how each asset is performing and identifying any that are surplus. This advice would include indicating what options and actions might be required to implement any necessary or proposed changes.

## 7. Implement Audit & Review

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

Asset Ref	Asset Name	Action	Timeline
T0004AB	Haldon Pier	Capital repairs commenced in late 2009. Further work is required and this is subject to a flood defence funding bid from the EA.	Underway
P0242	Harbour Light Restaurant Building	Exploring redevelopment opportunity. (Masterplan)	0 to 5 years
T0006AF	Torquay – Town Dock	Ongoing design adjustment to overcome structural damage to steelwork on certain pontoons.	Underway
T0503	Princess Pier	Capital repairs are required and this is subject to a flood defence funding bid from the EA.	Underway
T0006AA15	Compound Store Adjacent Unit 7	Agreed to pursue development opportunity/lease expansion	Underway
T0004AD	Old Fish Quay - Torquay	Full structural survey required.	Underway

<b>Asset Ref</b>	<b>Asset Name</b>	<b>Action</b>	<b>Date for Review</b>
T0007AB	Living Coasts site	Agreed to pursue adoption of Council land into the harbour estate. (Masterplan)	0 to 5 years
T0004AD	North Quay (MDL car park) - Torquay	Potential hotel development opportunity with existing tenant and new developer. (Masterplan)	0 to 5 years
T0006AB P0241AE B0064	Beacon Quay - Public Toilets Paignton Harbour - Public Toilets New Pier Brixham - Public Toilets	To be adopted into the harbour estate. Review running costs, cleaning regime, opening hours, fixtures & fittings.	Commenced and ongoing
T0004AE T0004AF	Boat Booking Kiosks 1 & 3 – Victoria Parade	Explore relocation and investment opportunities with existing tenants.	Commenced and completed in part
T0004AK	Victoria Parade Walkway & Planters - Torquay	Provide loading & delivery bays for harbour users. (Masterplan)	May 2016
B0097AB	Store at Blackball Lane - Brixham	Discontinue the operational use of this asset and pursue a leasehold use via an open market tendering process.	Underway
B0177AE	Oxen Cove Coastal Footpath	Explore resurfacing solution and possible funding options. Possible latent defect.	April ~ June 2015
B0074ZZ	Employment Building - frontage	Remedial repairs required to a collapsed sewer. Possible latent defect.	April ~ May 2015
N/A	Vehicles & Plant	Replace 1 x Workboat (Brixham Harbour).	June ~ Nov 2015
T0004AM	The Strand Quay - Torquay	Pursue new Coffee Kiosk concession.	Underway
Various	Torquay Harbour - general	Cathodic protection study of unprotected steelwork.	Underway



## Tor Bay Accident / Incident List

Date	ID Code		Accident Category	Name
11/03/2015	TOR0623INV	I	Drowned, asphyxiated or exposed to harmful substance	Body recovered from Torre Abbey Sands
23/02/2015	TOR0622INV	I	Drowned, asphyxiated or exposed to harmful substance	Body recovered from Livermead beach
17/02/2015	TOR0621ACT	I	Drowned, asphyxiated or exposed to harmful substance	Body found Goodrington beach
09/02/2015	TOR0624INV	I	Capsizing/Listing	Capsize on mooring 'Blue Dolphin'
02/02/2015	TOR0618REP	I	Flooding/Foundering	Vessel sunk - 'Red Shank'
02/02/2015	TOR0619REP	I	Flooding/Foundering	Vessel 'Pennywise' sunk on mooring
01/02/2015	TOR0620REP	I	Contact - Fixed object	MFV Lloyd Tyler - old wooden fender caught in prop
10/01/2015	TOR0617REP	I	Pollution - Water	Diessel bloom
02/01/2015	TOR0615ACT	I	Equipment failure (Vessel)	Vesel 'Mary Gurine' sunk on berth
01/01/2015	TOR0616REP	I	Flooding/Foundering	MFV 'Bumble Bee' sunk alongside quay wall
28/12/2014	TOR0613REP	I	Flooding/Foundering	Storage barge (ex MFV) - sunk in MFV basin
28/12/2014	TOR0614REP	I	Equipment failure (Vessel)	Owners pick-up line failure
19/12/2014	TOR0612CLO	I	Pollution - Water	Diessel bloom
02/12/2014	TOR0611CLO	I	Capsizing/Listing	Vessel 'Liberty Lass' listing on berth

**Number of Accidents listed = 14**