



Friday, 11 March 2016

HARBOUR COMMITTEE

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

Monday, 21 March 2016

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 Bye (Chairman)

Councillor Amil

Councillor O'Dwyer

Councillor Carter

Councillor Robson

Councillor Cunningham

Councillor Stringer

Councillor Ellery (Vice-Chairman)

Councillor Sykes

External Advisors

Mr Buckpitt, Mr Ellis, Capt Lloyd and Mr Stewart

A prosperous and healthy Torbay

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

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01803 207087**

Email: governance.support@torbay.gov.uk

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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 4 - 8)
To confirm as a correct record the Minutes of the meeting of the Committee held on 21 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. **Harbour Light Restaurant** (To Follow)
To consider options for the redevelopment of the Harbour Light Restaurant.
6. **Review the Delegated Powers of the Executive Head of Tor Bay Harbour Authority** (Pages 9 - 22)
To consider the submitted report on the above.
7. **Tor Bay Harbour Authority Business Plan** (Pages 23 - 49)
To consider the submitted report setting out the Tor Bay Harbour Authority Business Plan.

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| 8. | Operational Moorings Policy
To consider the submitted report on a review of the Operational Moorings Policy. | (Pages 50 -
75) |
| 9. | Harbour Committee Work Programme
To consider the Harbour Committee Work Programme for 2016/2017. | (Pages 76 -
77) |
| 10. | Tor Bay Harbour Authority quarterly Budget Monitoring Report
To consider the submitted report on the above. | (Pages 78 -
85) |
| 11. | Tor Bay Harbour Asset Management Plan
To consider the submitted report on the Tor Bay Harbour Asset Management Plan. | (Pages 86 -
95) |
| 12. | Tor Bay Harbour Economic Impact Report
To consider the submitted report on the above. | (Pages 96 -
133) |
| 13. | Tor Bay Harbour Authority Business Unit Performance Report
To consider the submitted report on the above. | (To Follow) |
| 14. | Torquay/Paignton and Brixham Harbour Liaison Forums
To note the minutes of the above Harbour Liaison Forums. | (To Follow) |
| 15. | Quarterly Accident and Incident Data for Tor Bay Harbour
For Members to note the latest accident statistics for the Harbour Authority's operational area. | (To Follow) |



Minutes of the Harbour Committee

21 December 2015

-: Present :-

Councillor Bye (Chairman)

Councillors Amil, Carter, Cunningham, Ellery (Vice-Chair), O'Dwyer and Stringer

(Also in attendance: Mayor Gordon Oliver)

26. Apologies

An apology for absence was received from Councillor Sykes.

27. Minutes

The Minutes of the meeting of the Harbour Committee held on 21 September 2015 were confirmed as a correct record and signed by the Chairman.

28. Tor Bay Harbour Authority Budget and Harbour Charges 2016/17

Members considered a report that presented the opportunity to consider the level of harbour charges to be levied by Tor Bay Harbour Authority, for the forthcoming financial year and to consider the Tor Bay Harbour Authority budget for 2016/17. Members were advised that the charges and budget were being considered at this time to enable implementation and payment to be made in advance of the granting of facilities for the coming financial year.

The Executive Head of Business Services explained that the Tor Bay Harbour Budget Review Working Party had met several times and following responses from the Harbour Liaison Forums and harbour users the working party had recommended the harbour charges increase by a representative 2.5%.

Resolved, that:

- (i) having had regard to the opinions expressed by the Harbour Liaison Forums and the recommendation of the Harbour Committee's Budget Review Working Party, the harbour charges for 2016/17 be increased by a representative 2.5% and the schedule of harbour charges as set out in Appendix 1 to the submitted report be approved;
- (ii) an additional contribution be made to the Council's General Fund from the Tor Bay Harbour Authority accounts, to the equivalent value of £147,000 for 2016/17 be approved;

- (iii) the Tor Bay Harbour Authority budget for 2016/17, based on a 2.5% representative average increase in harbour charges (as set out in Appendix 2 to the submitted report) be approved; and
- (iv) during 2016/17 the Tor Bay Harbour Budget Review Working Party should continue to review the full range of harbour charges, monitor the revenue budget, and recommend a budget for 2017/18.

29. Brixham Capital Repairs

The Committee received a report that provided Members with the opportunity to consider the approval of a capital spend of approximately £90,000 required for Brixham Harbour to carry out some necessary protection, repairs and maintenance works.

The Executive Head of Business Services informed Members that the repairs were essential however the financial outlay for these works would result in the Tor Bay Harbour Reserve Fund dropping below the recommended minimum level.

Resolved that:

- (i) the capital works as set out in the submitted report be approved; and
- (ii) funding of approximately £90,000 be secured from the Tor Bay Harbour Reserve Fund for these capital projects.

30. Procurement of Harbour Workboat

Members considered a report that sought approval for a capital spend of approximately £45,000 in order to purchase a new harbour workboat for Brixham Harbour.

Resolved that:

- (i) the purchase of a coded workboat for use at Brixham Harbour be approved; and
- (ii) funding of approximately £45,000 be secured from the Tor Bay Harbour Reserve Fund for this capital spend.

31. Tor Bay Harbour Authority Quarterly Budget Monitoring Report

The Committee noted a report that provided projections of income and expenditure for the year 2015/16 compared with approved budgets. The report identified the overall budgetary position for Tor Bay Harbour Authority as at the end of October 2015 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels.

32. Paignton Harbour Development Opportunity

David White, from the Torbay Development Agency, advised Members that the Harbour Light Restaurant at Paignton Harbour had been identified in the Port Masterplan as a potential development opportunity. The current premises were not being utilised to maximum benefit. There were two scenarios for occupation, one occupier for the whole building or two occupiers, one per floor. Either scenario would require significant investment in the building itself. However, the biggest issue of the project would be planning and flooding as the majority of the building sits in a flood zone area and therefore a site-specific flood risk assessment, looking at the risks and mitigation would need to be undertaken at a cost of approximately £25,000.

Members wished to see the project progress and requested a full report be presented to a specially convened meeting of the Harbour Committee.

Resolved:

- (i) that the Executive Head of Business Services use his delegated powers to commission a flood risk assessment in respect of the Harbour Light Restaurant building;
- (ii) that the Torbay Development Agency be asked to undertake further market testing regarding the Harbour Light restaurant building;
- (iii) that the Executive Head of Business Services write to the existing tenants of the Harbour Light restaurant building advising of the plans for the building; and
- (iv) that a full report on the proposals be presented to a meeting of the Harbour Committee in January 2016.

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

Members noted a report that set out the details of the annual Port Marine Safety Code (PMSC) compliance audit undertaken for the Council, as the Harbour Authority, by the Devon Audit Partnership. The PMSC Compliance Audit Report for 2015 included actions identified for implementation during 2015/16.

Verna Gibbs representing the Devon Audit Partnership advised Members that the audit was undertaken in November 2015 and were able to offer the opinion that the Tor Bay Harbour Authority was compliant with the Port Marine Safety Code. Members noted that the majority of areas examined were of 'good standard' with recommendations made that would enable the authority to be of 'high standard'. The Executive Head of Business Services advised that he would use the recommendations of the report to create an improvement plan.

34. Review of Tor Bay Harbour Legislation

Members were advised that in order to comply with the Port Marine Safety Code, the Harbour Committee, as the duty holder, on behalf of the harbour authority must review and be aware of their existing powers based on local and national legislation.

Members were informed that all legislation, including byelaws and directions, should be reviewed on a regular basis, preferably annually, to ensure that it remains fit for purpose in changing circumstances. The Code provides that the requirements for marine safety will be determined by risk assessment. If the legal responsibilities cannot be discharged effectively using available powers and other measures, and that the authority does not have the powers to rectify the situation, then it should seek the necessary additional powers. In addition, it is good practice to dispense with redundant or obsolete legal functions.

Resolved that:

- (i) the contents of the report entitled 'Overview of Key Statutory Harbour Powers' for Tor Bay Harbour Authority, contained in Appendix 1 to the submitted report be noted;
- (ii) the Executive Head of Business Services and Tor Bay Harbour Master, be authorised to apply to the Secretary of State for Transport, for Torbay Council (Tor Bay Harbour Authority) to be designated as a designated harbour authority for the purposes of section 40A of the Harbour Act 1964; and
- (iii) the harbour authority has had regard to the content of and agrees to comply with the Code of Conduct on Harbour Directions, in particular:
 - (a) to maintain a Port User Group and to apply a dispute resolution procedure such as is set out in the Code of Conduct when required; and
 - (b) to have regard to supplementary guidance issued from time to time by the National Directions Panel on the subject of harbour directions.

35. Man and Boy Statue Brixham Harbour

The Committee received an update on the 'Man and Boy' memorial statue. Members were advised that Brixham Town Council in conjunction with English Heritage had been working on the project and would like the memorial to be located on Kings Quay.

Resolved:

That the Harbour Committee confirms its support for the Executive Head of Business Services to exercise his delegated authority to agree the location of the statue.

36. Annual Harbour Users Survey

The Committee noted the report that provided detailed results of the Tor Bay Harbour Users Survey 2015. Members were advised that the response was generally good with customer service seeing the greatest increase to 90%. The surveys also included narrative remarks; action to address the concerns raised would be addressed in the forthcoming year.

37. Internal Audit Report - Risk Management

Members noted a report that provided an overview of the results of the Internal Audit Report undertaken for Tor Bay Harbour Authority on risk management. Members were particularly pleased to note that Internal Audit had issued an opinion that a good standard had been achieved with the systems and controls generally mitigating the risks identified.

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

Members noted the performance data for Tor Bay Harbour Authority.

39. Torquay/Paignton and Brixham Harbour Liaison Forums

The Committee noted the minutes of the Torquay, Paignton and Brixham Harbour Liaison Forum. Members also noted a couple of amendments which were reported by the Executive Head of Business Services.

Chairman/woman



Meeting: Harbour Committee

Date: 21st March 2016

Wards Affected: All wards in Torbay

Report Title: Review of Delegated Powers

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat

**Executive Head of Business Services
Tor Bay Harbour Master**

 **Telephone: 01803 292429**

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

1. Purpose

- 1.1 To review the powers delegated to the Executive Head of Business Services – 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 Business Services, 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 Business Services – Tor Bay Harbour Master and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes.
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Supporting Information

5. Position

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

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 Business Services – 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 Business Services – Tor Bay Harbour Master has a significant level of delegated powers, the risks associated with the Executive Head of Business Services – 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 Business Services – Tor Bay Harbour Master could delay or disrupt effective decision-making and this would affect 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 Business Services – Tor Bay Harbour Master as recommended by the Municipal Ports Review.

Appendices

- Appendix 1 Powers currently delegated to the Executive Head of Business Services - updated and published on 29th January 2016.
- Appendix 2 General Powers delegated to Directors, Assistant Directors and Executive Heads and Limitations on delegations to the Executive Director of Operations and Finance, Directors and Assistant Directors, Executive Heads and all other officers - updated and published on 29th January 2016.

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 29th January 2016)

Appendix 1

Review of Delegated Powers

Description	Responsibility delegated by
6. Delegations to the Executive Head Business Services	
6.1 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 in respect of Tor Bay Harbour Authority.	Council
6.2 The following powers in this paragraph are statutory powers, which cannot be exercised by any officer other than the Executive Head Business Services, his/her Deputy or appointed assistants (such appointments being specifically referred to in their job description). Likewise, they cannot be withdrawn by the Executive Director of Operations and Finance or any other officer.	Statutory delegation
6.2.1 To give general directions to regulate the movement and berthing of ships and the safety of navigation.	
6.2.2 To give directions prohibiting the entry into, or requiring the removal from, the Harbour of any dangerous vessels.	
6.2.3 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.	
6.2.4 To detain a vessel, if he/she has reason to believe that it has committed an offence by discharging oil, or a mixture containing oil, into the waters of the Harbour.	
6.2.5 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 :-	Executive

	Description	Responsibility delegated by
6.2.5 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>	Executive
6.2.6	To regulate the time and manner of a ship's entry into, departure from and movement within the Harbour waters and related purposes.	Council
6.3	<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 Business Services shall consider reasonable; including for example (without restricting the generality of this power) where he/she considers:</p> <p>(i) the variation to be in the best interest of the Harbour Authority and/or local people;</p> <p>(ii) the variation would fairly reflect actual or part-year usage;</p> <p>(iii) that it would be appropriate where a vessel owner/operator has made use of a facility as a result of what the Executive Head Business Services considers to be extreme or unusual weather conditions, an accident at sea, or other emergency; and</p>	Council (as part of the budget)

	Description	Responsibility delegated by
6.3 Cont.	(iv) 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.	Council (as part of the budget)

PROVIDED THAT the Executive Head Business Services 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 29th January 2016

Appendix 2

Review of Delegated Powers

Description	Responsibility delegated by
Delegations to Directors, Assistant Directors and Executive Heads	
1.25 In managing the services and functions for which they are responsible Directors, Assistant 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 Assistant Directors and Executive Heads shall not be authorised to take any decisions where they are expressly delegated to the Executive Director, a specific Director, or Assistant Director or Executive Head in this Scheme of Delegation unless so expressly delegated to specifically to them.	Council/Executive
1.26 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.	Council/Executive
1.27 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.	Not applicable
1.28 To retain contract staff or appoint consultants on matters related to their areas of responsibility.	Council/Executive
1.29 To make any decisions related to staff matters within their business unit in accordance with Council policy.	Council
1.30 So far as is lawful, Directors, Assistant Directors and Executive Heads may delegate (in such manner as is considered appropriate) matters within the services and functions for which they are responsible to employees within their portfolio/business unit or to other Directors, Assistant Directors or Executive Heads. Any such delegations may be revoked, varied or subject to such limitations as the delegating Director, Assistant Director or Executive Head considers appropriate.	Not applicable

	Description	Responsibility delegated by
1.31	<p>A Director or Assistant Director (following consultation with the Executive Director of Operations and Finance and the relevant Executive Head) may (by written notice (including email)) withdraw (either permanently or temporarily) any of the above powers delegated to any Executive Head within his/her portfolio and/or impose restrictions or conditions upon the exercise of any of the above powers by that Executive Head. However, this paragraph shall not apply in relation to the following:</p> <ul style="list-style-type: none"> (a) the Council's Monitoring Officer when acting in that capacity; (b) the Executive Head of Business Services when exercising powers or duties expressly reserved to him/her by law in respect of the Harbour Authority; and (c) any other officer when exercising powers or duties expressly reserved to him/her by law. 	Not applicable

Limitations on delegations to the Executive Director of Operations and Finance, Directors and Assistant Directors, Executive Heads and all other officers.

2.5	<p>No decision shall be taken by any officer under this Scheme of Delegation if any relevant member or the Executive Director of Operations and Finance 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 Executive Director of Operations and Finance.</p>	Council/Executive
2.6	<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 Assistant Director Corporate and Business Services reasonably considers it to be contrary to the law.</p>	Not applicable

	Description	Responsibility delegated by
2.7	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 Assistant Director Corporate and Business Services reasonably considers it to be contrary to the Policy Framework.	Council
2.8	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 or the Monitoring Officer reasonably considers it to be contrary to the Budget or Financial Regulations	Council
2.9	All decisions relating to the expenditure of unbudgeted additional income, or lower than budgeted expenditure shall be in accordance with the Financial Regulations.	Council/Executive
2.10	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.	Council
2.11	In relation to the authorisation of the institution, defence or conduct of legal proceedings no decision shall be taken without prior consultation with the Assistant Director Corporate and Business Services and no such action shall be taken that is contrary to or not in accordance with any instruction from the Assistant Director Corporate and Business Services.	Council/Executive
2.12	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:	Council/Executive

Description	Responsibility delegated by
2.12.1 Where the proposal may have implications relating to the Council's Corporate Plan, consultation with all relevant members and the Executive Director of Operations and Finance;	Council/Executive
2.12.2 Where the proposal may have any policy implications, or any significant service implications, consultation with all relevant members and the Executive Director of Operations and Finance;	Council/Executive
2.12.3 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, the Executive Director of Operations and Finance and appropriate other senior officers;	Council/Executive
2.12.4 Where the proposal has any legal implications, consultation with the relevant member and the Assistant Director of Corporate and Business Services;	Council/Executive
2.12.5 Where the proposal may have significant implications for any particular Ward, consultation with all the members representing that Ward;	Council
2.12.6 Where the proposal may have any financial or audit (whether internal or external) implications, or any property implications, consultation with the Chief Finance Officer;	Council/Executive
2.12.7 Where the proposal may have any constitutional implications, consultation with the Monitoring Officer;	Council
2.12.8 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 Assistant Director Corporate and Business Services;	Council/Executive

	Description	Responsibility delegated by
2.12.9	Where the proposal may have any health and safety implications for the public or employees, consultation with the Assistant Director Community and Customer Services;	Council/Executive
2.12.10	Where the proposal may have any human resources implications, consultation with the Assistant Director Corporate and Business Services;	Council
2.12.11	Where the proposal may have any equalities implications, consultation with the Assistant Director Corporate and Business Services;	Council/Executive
2.12.12	Where the proposal may have any implications for another Council business unit, consultation with the relevant Director, Assistant Director and Executive Head;	Council/Executive
2.12.13	Where any relevant member, Director, Assistant Director or Executive Head has expressed opposition to a proposal, consultation with the Executive Director of Operations and Finance;	Council/Executive
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;	Council/Executive
2.12.15	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;	Council/Executive
2.12.16	Where the proposal may have significant implications for one or more Community Partnerships, consultation with those Community Partnerships affected; and	Council/Executive
2.12.17	In any cases of doubt, consultation with the relevant member.	Council/Executive

	Description	Responsibility delegated by
2.13	Freehold 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 (this includes disposals at a peppercorn rate). But this paragraph shall not prevent the Executive Director of Operations and Finance, Directors and Assistant Directors authorising land/property acquisitions and freehold disposals where they are in accordance with the Council's Capital Programme or an express Council decision.	Executive
2.14	The Executive Director of Operations and Finance, Directors and Assistant Directors and Executive Heads may not authorise leases if, in the reasonable opinion of a fellow or member of the Royal Institute of Charter Surveyors (RICS), the market value of the premium exceeds £25,000 or if the market value of 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(this includes leases at a peppercorn rent) . But this paragraph shall not prevent the Executive Director of Operations and Finance, Directors, Assistant Directors and Executive Heads authorising leasehold disposals where they are in accordance with the Council's Capital Programme or an express Council decision.	Executive
2.15	The Executive Director of Operations and Finance, all Directors, Assistant 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 Executive Director of Operations and Finance, Directors, Assistant 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.	Executive

	Description	Responsibility delegated by
2.16	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.	Not applicable

Updated and published on 29th January 2016



Meeting: Harbour Committee


Date: 21st March 2016

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Business Plan 2016/2017

Executive Lead Contact Details: Non-Executive Function

**Supporting Officer Contact Details: Kevin Mowat
Executive Head of Business Services
Tor Bay Harbour Master**

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1. Purpose

- 1.1 To agree the Tor Bay Harbour Business Plan for 2016/17.
- 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 2016/17 as set out in Appendix 1 be approved.**
- 2.2 **That, subject to the views of the Harbour Committee, the Executive Head of Business Services and the Harbour Committee Chairman agree the final detail of the Tor Bay Harbour Business Plan 2016/17, 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 2016/17, 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 2016/17 has followed the guidelines set out in the Municipal Ports Review, which also refers to *'Modernising Trust Ports: A Guide to Good Governance'*.

Supporting Information

5. Position

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

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

6. Possibilities and Options

- 6.1 Not to accept the draft Tor Bay Harbour Business Plan 2016/17 and to recommend an alternative layout with alternative content.

7. Preferred Solution/Option

- 7.1 To approve the draft Tor Bay Harbour Business Plan 2016/17.
- 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 2016/17

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 29th January 2016.



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- Appendix 3 – Plan of Tor Bay Harbour

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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, oversees the management of 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 2016/17, the Harbour Authority will continue to pay the Council a significant 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

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

2009 saw the introduction of the Marine & Coastal Access Act and during 2010 the new Marine Management Organisation became fully operational. These changes 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 2016/17 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 has an underperforming economy with productivity rates and wage levels below the national average. The Bay has an above average older population and a reliance on the public and tourism sectors for employment. A relatively high proportion of the working age population are claiming benefits. Recent improvements in wage levels and skills are absolute rather than relative and businesses continue to be hampered by the poor

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availability of sites and premises. However, the newly opened South Devon Highway linking the A38 directly to Torbay will create new opportunities for businesses to grow and flourish in Torbay.

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.
- Brixham Trawler Agents, Fish Merchants & Fish Processors
- 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.
- Local Chambers of Commerce and the Torbay Business Forum
- The general public and residents of Torbay.

Specific partnership understandings exist with the Maritime & Coastguard Agency (MCA), Marine & Towage Services Group, 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, all combine to give a good indication of which services are meeting the customers' expectations and those which might be seen as below the quality expected. Survey results are reported to the Harbour Committee every two years.

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3. SWOT Analysis

STRENGTHS	WEAKNESSES
Dedicated and experienced staff	Low profile of harbour authority status
Natural harbour and safe anchorage	Extent of physical infrastructure (exposure to storm damage & climate change)
Fit for purpose Harbour Committee	Poor 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	Weak 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.

The Government may provide further policy advice to Municipal Ports in years to come but for now Tor bay Council 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 Ambitions for "**A prosperous Torbay**" and "**A healthy Torbay**" as set out in the **Corporate Plan**.

The provision of Tor Bay Harbour Authority, as a statutory function, contributes directly and indirectly to the Council's three targeted actions within the **Corporate Plan**, which are:

- **Working towards a more prosperous Torbay**
- **Promoting healthy lifestyles across Torbay**
- **Ensuring Torbay remains an attractive and safe place to live and visit**

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 Targeted Actions

- Working towards a more prosperous Torbay
- Promoting healthy lifestyles across Torbay
- Ensuring Torbay remains an attractive and safe place to live and visit

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.
- 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.
- We will - use reducing resources to best effect.
- We will - reduce demand through prevention and innovation.

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

COUNCIL AMBITIONS – A HEALTHY BAY AND A PROSPEROUS BAY

PRIORITY No. 1: MAINTAIN SAFETY

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
Renew the bi-lateral agreement with the UK Hydrographic Office	Annually	Executive Head
Undertake routine maintenance of harbour infrastructure	Ongoing	Harbour Masters
Pass annual audit / inspection from Trinity House and file quarterly reports	Annually / Quarterly	Executive Head
Issue local Notices to Mariners and enforce Harbour Byelaws	As required	Harbour Masters
Lay seasonal 5-knot buoys & navigational marks	May 2016	DHM Torquay
Manage a seasonal beach / harbour response craft	May to September 2016	DHM Torquay
Audit the Safety Management System and agree an Improvement Plan	December 2016	Harbour Masters
Implement the Safety Management System Improvement Plan (2015/16)	November 2016	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 Business Services	March 2017	Harbour Committee

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COUNCIL AMBITIONS – A HEALTHY BAY AND A PROSPEROUS BAY

PRIORITY No. 2: IMPROVE CUSTOMER EXPERIENCE

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
Refresh the Tor Bay Harbour Website	Ongoing	Harbour Masters
Undertake a customer satisfaction survey and react to the results	May to July 2017(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 2016	HM Paignton
Implement Equality Impact Assessment Improvement Plans (Annually)	November 2016	Executive Head
Monitor and support staff through induction and appraisal reviews (RADARs)	March 2017	All Managers
Encourage Harbour Masters to fully complete CPD records	Ongoing	Executive Head
Implement & review the new invoicing system and developing CRM software	April 2016 ~ March 2017	Business Manager
To review the Tor Bay Harbour Operational Moorings Policy (Annually)	March 2017	Business Manager

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COUNCIL AMBITIONS – A HEALTHY BAY AND A PROSPEROUS BAY

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

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
Influence decision making over the management measures of the new Special Area of Conservation in Tor Bay	March 2017	Harbour Masters & SeaTorbay
Influence decision making over the management measures for the Torbay Marine Conservation Zone	March 2017	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
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
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 2017	Executive Head
Install new pontoons into the Torquay Inner Dock	April 2016	DHM Torquay
Purchase new work boat for Brixham Harbour	March 2017	DHM Brixham

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COUNCIL AMBITIONS – A HEALTHY BAY AND A PROSPEROUS BAY

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

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
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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COUNCIL AMBITIONS – A HEALTHY BAY AND A PROSPEROUS BAY

PRIORITY No. 5: ENCOURAGE LOCAL PROSPERITY

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
By working with stakeholders investigate options to improve the management of the new Fish Market complex	March 2017	Executive Head
Produce a schedule of Maritime Events (Annually)	January 2017	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 Local Enterprise Partnership (LEP), the Mayor and the Council to maximise the potential benefits of marine/waterfront projects, including the City Deal	Ongoing	Executive Head & Harbour Committee
Agree the Tor Bay Harbour Authority Business Plan (Annually)	March 2017	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 2016	Executive Head & TDA
Work with the Economic Development Company (TDA) and the Local Enterprise Partnership (LEP) to help deliver the Marine Economy Action Plan, including projects like the Fish Processing Park and marine related development at Oxen Cove	Ongoing	Executive Head & Harbour Committee

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COUNCIL AMBITIONS – A HEALTHY BAY AND A PROSPEROUS BAY

PRIORITY No. 6: ACHIEVE FINANCIAL STRENGTH

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
Keep existing businesses and attract new activities, including direct and indirect marketing and promotion.	Ongoing	Executive Head & Harbour Committee
Monitor variation on budgeted income	Quarterly	Executive Head & Harbour Committee
Monitor variation on budgeted expenditure	Quarterly	Executive Head & Harbour Committee
Produce an Asset Management Plan for Tor Bay Harbour (Annually)	March 2017	Executive Head
Review the Tor Bay Harbour Risk Register (Annually)	September 2016	Executive Head
Investigate the future use of the Harbour Light Restaurant building	September 2016	Executive Head & TDA
Test and review a Tor Bay Harbour Business Continuity Plan	July 2016	Business Manager
Maximise harbour estate lettings occupancy	Quarterly	Executive Head & Harbour Committee
Set the Tor Bay Harbour Charges and Harbour Budget (Annually)	December 2016	Harbour Committee
Review the Audit Plan for Tor Bay Harbour Authority (Annually)	June 2016	Harbour Committee
Undertake spot checks on fish landing declarations	Ongoing	Harbour Masters & Audit Officers

Key			
Executive Head	Executive Head of Business Services	TBC	Torbay Borough Council
ERTC	English Riviera Tourism Company Ltd	EA	Environment Agency
TDA	Torbay Development Agency (Economic Development Co.)		

Tor Bay Harbour - Business Plan 2016/17
Business Unit – Tor Bay Harbour Authority

7. Budget and Financial Planning

Expenditure	2014/15 Outturn £ ,000	2015/16 Projected Outturn £ ,000	2016/17 Provisional Budget £ ,000
Harbour Employee Costs	560	594	548
Operations and Maintenance :-			
Repairs and Maintenance	262	294	181
Concessions	5	15	23
Other Operating Costs	555	472	474
Management and Administration :-			
Internal Support Services	149	162	162
External Support Services	42	52	42
Other Administration Costs	195	157	83
Capital Charges	498	498	498
Contribution to Patrol Boat Operation	(7)	1	2
Contbn to General Fund - Cash Dividend	148	145	165
Contbn to General Fund - Asset Rental	152	315	581
Revenue Funding of Capital	0	48	0
	2,559	2,753	2,759
Income			
Rents and Rights :-			
Property and Other Rents/Rights	536	508	561
Marina Rental	397	397	408
Operating Income :-			
Harbour Dues	127	146	145
Visitor and Slipway	60	53	55
Mooring fees	190	192	204
Torquay Town Dock	265	289	309
Torquay Inner Dock	176	209	259
Fish Toll Income	565	620	581
Recharged Services	105	41	37
Boat and Trailer parking	46	95	76
Other Income	114	116	124
Contribution from Reserve	0	87	0
	2,581	2,753	2,759
Interreg Grants received	79		
Contribution to Reserve	(127)		
Provision for Impairment of Contract Debt	(34)		
Operating Surplus /(Deficit)	(60)	0	0

	£ ,000
RESERVE FUND	
Estimated Opening Balance as at 1st April	578
Interest Receivable	5
Net Surplus / (Deficit) from Revenue Account	0
Withdrawal - Capital Projects	(130)
Expected Closing Balance as at 31st March	453

Tor Bay Harbour - Business Plan 2016/17 Business Unit – Tor Bay Harbour Authority

	APPROVED OUTTURN 2014/15 £000	ESTIMATE 2015/16 £000	PROJECTED OUTTURN 2015/16 £000	PROVISIONAL ESTIMATE 2016/17 £000	PROVISIONAL ESTIMATE 2017/18 £000	PROVISIONAL ESTIMATE 2018/19 £000	PROVISIONAL ESTIMATE 2019/20 £000
EXPENDITURE							
Employees	560	622	594	548	556	563	574
Maintenance	262	243	294	181	209	218	223
Rent Concessions	5	4	15	23	2	2	2
Other Costs	784	656	629	557	571	585	600
Capital Financing	498	524	498	498	498	498	498
Patrol Boat Deficit	-7	6	1	2	2	2	2
Support Services	191	195	214	204	209	214	219
	2,293	2,250	2,245	2,013	2,047	2,082	2,118
INCOME							
Marina Rent	397	397	397	408	408	408	408
Rent and Other	536	484	508	561	561	561	561
Fish Tolls	565	650	620	581	581	581	581
User Charges /Other	721	557	643	641	641	641	641
User Charges - Town/Inner Docks	441	391	498	568	568	568	568
	2,660	2,479	2,666	2,759	2,759	2,759	2,759
Contributions to/from Reserve	127		-39				
Contributions to General Fund	300	273	460	746	746	746	746
Projected Net Surplus/(Deficit) before charges increases	(60)	(44)	0	0	(34)	(69)	(105)
<u>Cumulative effects of increasing charges/growth</u>							
User charges 2.5% year on year					16	32	49
Town/Inner Docks charges 2.5% year on year					14	29	44
Marina rentals 1% year on year					4	8	12
Potential Net Surplus/(Deficit)	(60)	(44)	0	0	0	0	0

Total Reserve level at Year End	860	578	453	462	472	483
Revenue Deficit Reserve level at Year End (minimum level)	468	483	552	559	566	573
Capital Projects Reserve level available at Year End *	153	95				

* 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 continues to face significant pressures with a shortfall of some £12m in 2016/17 and £33m overall for the three years 2016/17 through 2018/19. All council business units have been asked to make further savings and/or look at income opportunities to help reduce the corporate deficit. Consequently, the Executive Head of Business Services and the Chair of the Harbour Committee have held discussions with the Executive Director, Assistant Director of Corporate & Commercial Services, Chief Finance Officer and the Mayor to consider what was expected of the Tor Bay Harbour Authority service area and what could be achieved. As a result of this process, it was agreed that a number of recommendations would be made to the Harbour Committee's Budget Review Working Party and to the Harbour Committee itself.

Over recent years the Harbour Committee has agreed to make annual contributions to the Council's General Fund building to a total of £460,000 by 2015/16 and a request for a further £400,000 over 2016/17 to 2018/19 was considered by the Harbour Committee Budget Review Working Party. While the Working Party was generally supportive of the viability of income generating proposals it was felt that a number of high-risk budget cuts would threaten the operation of the Harbour function and its ability to raise income. These specific proposals were rejected and a revised additional contribution of £285,500 was offered back to the corporate centre with £97,000 to be applied from 2016/17.

Following developments in the Council's overall budget exercise the corporate centre made a counter request that amounted to:-

- Bringing forward £25k of identified savings in both 2017/18 and 2018/19, into the 2016/17 year
- Plus an additional £50k of new savings in 2016/17

On consideration of the revised request, the Working Party accepted a plan presented by the Executive Head of Business Services to bring £50,000 of previously identified savings in future years forward to 2016/17. However, income streams proposed to realise the additional £50,000 of new contribution could not be agreed.

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 2011/12, investments have yielded annual returns of 1.40%, 1.82%, 1.11% and 0.88% with 0.85% anticipated for 2015/16. Global economic and market conditions continue to subdue investment rates with no increase in UK Bank Rate likely until 2017 with risks to the downside. A return of 1.17% has been budgeted for 2016/17.

The Treasury Management Strategy 2016/17 is available on the Council's website.

The combined balance of the Harbour Reserve Funds at 1st April 2015 was £687,592.

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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
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	Non survey year	Non survey year	Non survey year
2015/16	81%	75.8%	Below Target

Brixham Harbour Fish Tolls

Year	Target	Actual	Status
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	£650,000	£562,232	Well Below Target
2015/16	£510,000		

Navigation Lights Availability

Year	Target	Actual	Status
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%	99.91%	On Target
2015/16	100%		

Harbour estate lettings occupancy

Year	Target	Actual	Status
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%	98.3%	On Target
2015/16	100%		

9. Business Plan Acceptance Statement

Business Plan Acceptance

Service Area - Tor Bay Harbour Authority	Business Plan 2016/17
---	------------------------------

Signed and accepted by Executive Head of Business Services & Tor Bay Harbour Master	<i>Print and Sign</i> Capt. Kevin Mowat
Date	1st April 2016

Signed and accepted by Harbour Committee Chairman	<i>Print and sign</i> Councillor Nick Bye
Date	1st April 2016

Tor Bay Harbour - Business Plan 2016/17
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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>

**Tor Bay Harbour - Business Plan 2016/17
Business Unit – Tor Bay Harbour Authority**

APPENDIX 2

Municipal Ports Review

“Opportunities for Ports in Local Authority Ownership”

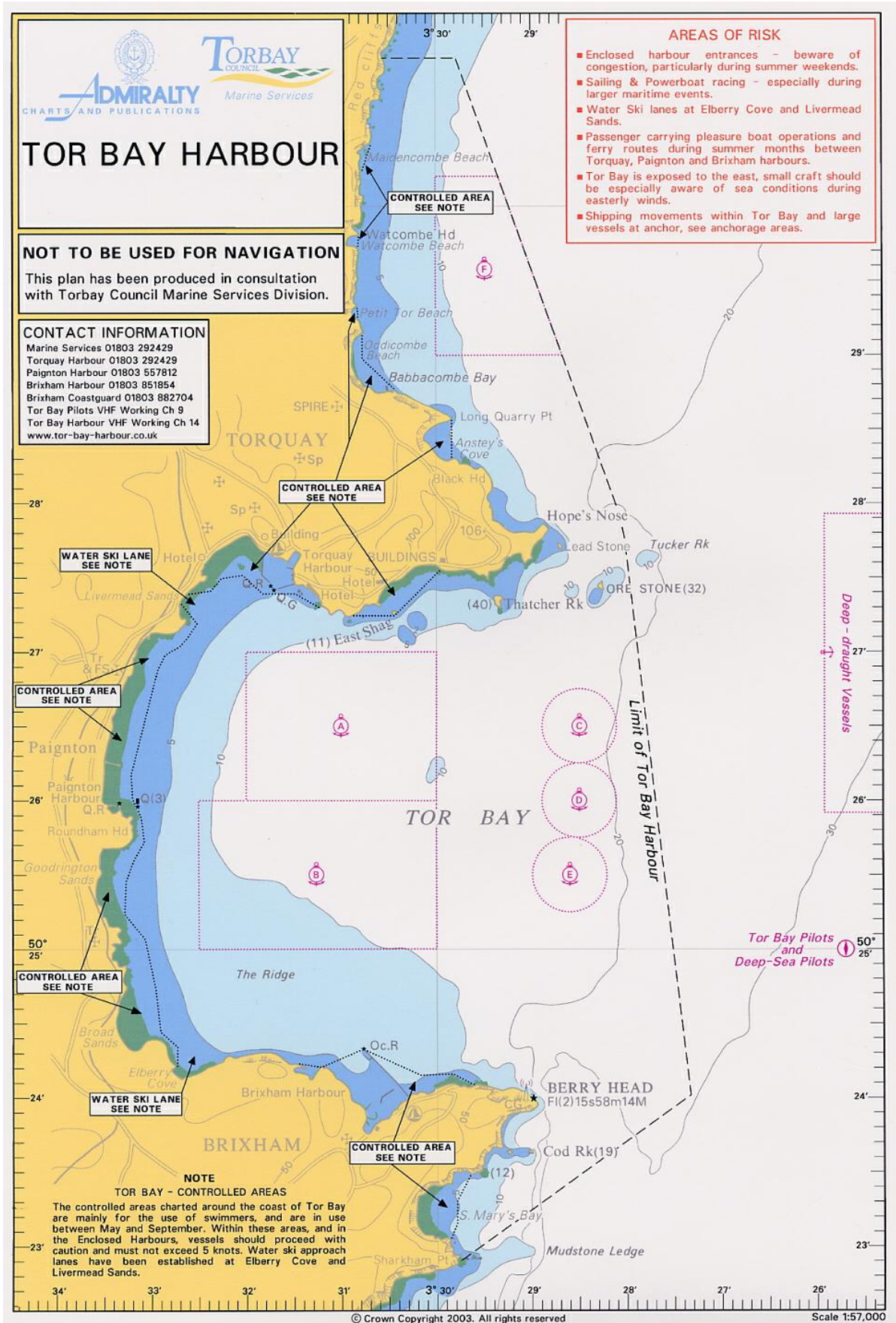
Please find a copy at :-

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

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APPENDIX 3

Plan of Tor Bay Harbour



Agenda Item 8



Meeting: Harbour Committee

Date: 21st March 2016


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 Business Services
Tor Bay Harbour Master**

 **Telephone: 01803 292429**

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

1. Purpose

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

2. Proposed Decision

- 2.1 **That the Tor Bay Harbour Operational Moorings and Facilities Policy – Version ~ 11 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 ~ 11) 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 2015, the Committee approved Version 10.

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

Supporting Information

5. Position

- 5.1 The Tor Bay Harbour Operational Moorings and Facilities Policy was adopted by the Harbour Committee in June 2007 and amended in December 2007. It has since been updated every March since 2009.
- 5.2 All of the amendments in the proposed Tor Bay Harbour Operational Moorings and Facilities Policy – Version 11 (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 10), which was amended in March 2015.

7. Preferred Solution/Option

- 7.1 To approve and adopt the Tor Bay Harbour Operational Moorings and Facilities Policy (Version ~ 11) 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 ~ 11

Additional Information

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

Tor Bay Harbour – Operational Moorings and Facilities Policy - Versions 10

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

TOR BAY HARBOUR AUTHORITY

OPERATIONAL MOORINGS AND FACILITIES
POLICY



Version ~ 11 March 2016

Tor Bay Harbour Authority

Operational Moorings and Facilities Policy

Introduction

This operational policy applies to all annual moorings and other facilities that 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 Business Services
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 :-

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

Torquay Town Dock & Inner 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 and 10 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 Lists

Waiting lists exist for a number of specified commercial moorings. Currently these can be split into specific numbers of facilities for passenger carrying 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 annual moorings/berths for passenger carrying craft at each of the enclosed harbours. Restrictions also exist to limit the number of commercial and fishing vessel moorings at Torquay and Paignton harbours. These restrictions will be managed by the Harbour Master. This policy allows the transfer of use of a commercial mooring facility to the new owner of a commercial boat. i.e. where a commercial boat ceases to operate at any Harbour and the operator sells his/her business, the Harbour Master may transfer the mooring facilities to the new owner. This mooring transfer does not apply to all commercial moorings but would normally apply if the owner has already received the benefit of this transfer policy. A specific number of fishing vessel moorings exist at Torquay and Paignton harbours.

Entry onto a 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 boats to the English Riviera tourism product, the Harbour Authority will operate a “use it or lose it” policy. If a commercial or passenger boat owner does not put a vessel on the allocated mooring facility for two consecutive years, or does not operate their commercial vessel for two consecutive years, the mooring facility will be allocated to the next appropriate applicant on the waiting list.

Facilities for Heritage Vessels

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

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

Boat Park Spaces

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

Duration of Facility Agreement

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

Renewal of Allocated Facility

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

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

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

Cancellation of Facility Form Agreement

The facility holder may terminate the Facility Form Agreement by giving 14 days notice in writing to the Council. However, the fee 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 their very nature, have various forms of access. Consideration has been given to providing facilities for disabled persons, wherever this is reasonably practicable, in accordance with the Disability Discrimination Act 1995/2005 (DDA). The Harbour Authority is obliged to make such adjustments as is reasonable to prevent disabled persons from being placed at a substantial disadvantage when compared to others.

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

Young People

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

Visitor Moorings

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

Appendix 1

GENERAL CONDITIONS - TOR BAY HARBOUR. DUES, TOLLS, LEVY RENTS, FEES AND OTHER CHARGES ARE ACCEPTED ONLY ON THE FOLLOWING CONDITIONS:

Definition: The phrases ‘loss, loss of, damage, injury or death’ in these conditions shall mean any loss and / or loss of and / or damage and / or injury and / or death, which may occur to any vessel, vehicle, property or any person(s). Words denoting the singular and plural shall be interchangeable.

1. The Council will not be responsible for any loss and / or damage as occasioned to the applicant’s vessel and / or property in the course of berthing, mooring, launching, moving or hauling out, unless as a direct consequence of the Council’s negligence.
2. The applicant is required to possess “all risks” insurance for their vessel, which must include adequate third party liability cover.
3. The applicant shall indemnify the Council, their servants and / or agents where they are at fault for any injury and / or death of any person(s) and / or any loss of or damage to any property, which may arise out of the applicant’s occupation or use of the harbour facilities.
4. All applicants using the harbour facilities, including but not limited to slipways, steps, jetties, pontoons and staging, for whatever purpose and whether or not by the Council’s invitation, are expected to have due regard for their own safety and utilise the facilities entirely at their own risk, unless negligence can be proven against the Council.
5. The applicant shall at all times be responsible for the safety of their vessel and shall be liable for any loss of and / or damage as occasioned to the Council’s and / or any third party’s property and / or injury to and / or death of any person(s), howsoever caused, during the navigation of any vessel by the applicant or their servant or agents, or including but not limited to, whilst the applicant’s vessel is being berthed, moored, launched, being slipped, being cast adrift or being worked upon and will indemnify the Council on demand any claim for compensation in respect of any such loss.
6. The Council’s Harbour Master and / or other authorised officers and / or servants, whilst acting in the course of their duty, shall not be responsible for any loss of or damage and / or injury and / or death which may occur as a result of or arising from compliance, or attempted compliance, with any lawful order or directions given by the Harbour Master, and / or such other officers and / or servants and / or agents, unless negligence can be proven against the Council.

7. The lawful orders and / or directions of the Council's Harbour Master and other authorised officers must always be obeyed promptly and at all times.
8. The Council may terminate this agreement at any time during the contract period, by giving one month's notice in writing to the applicant, at their last known address.
9. Following the termination of this agreement, the applicant shall forthwith remove their vessel and / or any other possessions from the Council's property.
10. The Council will, upon receipt of payment in accordance with this account, allocate a facility to the applicant as described in this account in a location in Tor Bay Harbour determined at the sole discretion of the Harbour Master and the Harbour Master may at any time re-designate the applicant to an alternative location for such a facility, whereupon the applicant will be required to move their vessel and / or any other possessions from the previous location to the appointed new location within a reasonable time period.
11. This facility as provided to the applicant is on the basis that the applicant agrees it will not be **shared, assigned, transferred, sublicensed or sub let** or otherwise used by or made available to anyone other than the applicant, unless with the prior written consent of the Harbour Master.
12. The facility as provided to the applicant shall not be used other than for the purpose described in the Schedule of Charges, Dues & Fees.
13. The Council has the right to exercise a general lien upon any vessel, and / or gear and / or equipment and / or property, 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 and / or gear and / or equipment and / or property, whether on account of storage, mooring, berthing, slipping charges or otherwise, shall have been paid. Should these charges remain unpaid, the Council reserves the right to dispose of the applicant's vessel and / or gear and / or equipment and / or property and pay to the applicant the funds net of any charges as due.
14. The applicant shall also arrange for regular inspection(s) and maintenance of such mooring equipment.
15. The applicant shall not place a vessel on a mooring prescribed in the mooring scheme as prepared by the Council, which is of a different size than that for which the application was made, unless with the prior written consent of the Harbour Master.
16. The applicant must also ensure that the name of the vessel or a mooring number is clearly displayed on any mooring buoy not provided by the Council.

17. Any mooring position and type shall be subject to the Harbour Master's prior approval. Failure to obtain such approval will result in the vessel being moved at the owner(s) expense, to a suitable location and the latter shall be at the sole discretion of the Harbour Master.
18. No attachment whatsoever is to be affixed to the mooring chain provided by the Council, without the prior approval of the Harbour Master.
19. Outboard engines must be in a raised position when vessel(s) are moored and have the propeller and skeg covered with a plastic bucket or other approved protective cover, in order to prevent damage to other boats.
20. The storage of petroleum spirit and / or flammable substances and / or toxic chemicals and / or corrosive substances and / or noxious substances in storage lockers, is strictly prohibited.

Failure to comply with any of these terms and conditions will result in the owner being required to remove their vessel and / or gear and / or equipment and / or property from the Council's property. The Council retains the right to remove such items, should the applicant not do so, at the applicant's expense. If any part of these terms and conditions shall be held to be illegal, invalid or unenforceable this will in no way affect the validity of the remaining parts of these Terms and Conditions.

Enquires, Arrangements to Pay & Failure to Pay

If you wish to speak to someone concerning this invoice or are unable to make payment in full please telephone the Harbour Office as detailed on the front of this invoice. If you fail to pay within 28 days and do not contact the Harbour Office, legal proceedings may be commenced, and the Council will claim a penalty for evading payment of charges equal to the debt due – See Section 30 of the Tor Bay Harbour Act 1970. Ultimately the Council may arrest your vessel under Section 30 of the Tor Bay Harbour Act 1970 and your boat may be sold to recover the debt. If you are experiencing financial difficulties, please contact your nearest Citizens Advice Bureau who offer free independent advice, or telephone the National Debtline on Freephone 0808 808 4000.

Fair Processing Notice

Information held by Torbay Council complies and is processed in accordance with the Data Protection Act 1998. The information you have provided here will be used to process your facility application and may be disclosed to other departments of the Council, their partner agencies or other Local Harbour Authorities for the purposes of verifying the vessel ownership details and in the pursuance of efficient harbour management.

Appendix 2

WAITING LISTS

TOR BAY HARBOUR

WAITING LIST PROCEDURE

- 1) The waiting list registration fee is £25 for private berths and £50 for commercial berths. 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 12 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 or 10m

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 berth.

Signature

Date

Please return completed form to the Harbour Office

Harbour Committee Work Programme – 2016/2017

Meeting	Standing items to be considered	Type of Report
27 th June 2016	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

19 th September 2016	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
13 th December 2016	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 monitor the Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net)	To note
	6. To approve the Tor Bay Harbour policy statement for Local Port Services (LPS) (biennial - 2016)	To note

Page 77 20 th March 2017	1. To review the delegated powers of the Executive Head of Business Services	Decision
	2. To agree the Tor Bay Harbour Authority Business Plan 2017/18	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 for 2017/18	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 2017/18	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 normally be rotated between Brixham and Torquay.

Agenda Item 10



Meeting: Harbour Committee


Date: 21st March 2016

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Authority Budget Monitoring 2015/16

Executive Lead Contact Details: Non-Executive Function

**Supporting Officer Contact Details: Kevin Mowat
Executive Head of Business Services
Tor Bay Harbour Master**

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

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

Pete Truman

Principal Accountant

 **Telephone: Ext 7302**

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1. Purpose

- 1.1 This report provides Members with projections of income and expenditure for the year 2015/16 compared with approved budgets.
- 1.2 This report identifies the overall budgetary position for Tor Bay Harbour Authority as at end of February 2016 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels.
- 1.3 The Committee is asked to note the amended outturn position of the harbour account and adjustments to the Reserve Fund shown in Appendix 1.
- 1.4 The Committee is asked to note the Executive Head of Business Services' 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 Tor Bay Harbour Master's use of delegated powers to waive certain harbour charges, which so far this financial year has amounted to £10,726.45 (excl VAT). No additional charges have been levied.

2. Summary

- 2.1 The Harbour Committee approved the Tor Bay Harbour Authority budget on 15th December 2014.

- 2.2 This is the fourth and final budget monitoring report presented to the Harbour Committee for the financial year 2015/16.
- 2.3 Buoyant income levels, particularly from Fish Tolls, have significantly improved the forecast year-end position. The projected surplus has been earmarked to fund the capital cost of additional income generating pontoons at Torquay Inner Dock and the implementation of the Harbour Management software upgrade.

Supporting Information

3. Position

- 3.1 The projected outturn at Appendix 1 reflects amendments to the budget made within the Executive Head of Business Services' delegated powers. Details of each amendment can be found in the associated note.
- 3.2 The performance against budget is summarised below:

	Surplus/ (Deficit) £000
Original Budget 2015/16	(51)
Current Budget 2015/16	12
Projected Outturn 2015/16	0

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

	Total Budget	Actual to Date (including prior years)	Projected Outturn	Notes
	£000	£000	£000	
Environment Agency grant funding for Torquay Harbour – Haldon & Princess Piers	1,272	916	1,272	(i)

- (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 of the structural repair work. These works are being carried out in Phases, over a number of years commencing in 2011. During 2015, the Council appointed a specialist diving contractor to undertake major underwater repair works to both

faces of Princess Pier and the inner face of Haldon Pier. The contract value of these works is in the region of £700k. Before Phase 3 can commence further funding will have to be secured. A detailed assessment of both Piers will be undertaken in April/May 2016 in order to identify the remaining works in detail and following this assessment a revised bid for grant in aid funding will be submitted to the Environment Agency. As part of the revised bid to the EA, the Council will also be investigating other alternative sources of partnership funding. One of these may be from developer contributions and within the planning consultation response for major harbour side redevelopment projects both the EA and Council Engineers have highlighted that a S106 contribution should be made from such development to the structural repairs at both Haldon and Princess Piers.

3.4 The Harbour's liability for prudential borrowing is detailed in the following table. The Principal Outstanding figure incorporates the annual repayment made for 2015/16.

Capital Scheme	Amount Borrowed	Start of Repayments	Principal Outstanding
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£745,585
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£1,018,209
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£4,188,612
Torquay Inner Harbour pontoons (Inner Dock)	£800,000	2014/15	£763,678
TOTAL	£7,890,000		£6,716,084

3.5 The Tor Bay Harbour Authority debt position at the end of February 2016 is set out in the table below :-

	Corporate Debtor System		Harbour Charges	
	Unpaid by up to 60 days	Unpaid over 60 days	Unpaid by up to 60 days	Unpaid over 60 days
Debt outstanding	£18k	£20k	£27k	£36k
Bad Debt Provision	£50k			

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

3.8 In December 2013, the Harbour Committee was reminded that Torbay Council’s General Fund budget was facing a significant shortfall in 2014/15 and 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. A similar request was made last year and the Harbour Committee agreed to make a further contribution to the Council’s General Fund of £160,000 for 2015/16.

3.9 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%) effective from the 1st April 2015. The Council agreed this action 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 2015/16

Appendix 2 Harbour Reserve Funds Project List

HARBOUR REVENUE ACCOUNTS 2015/16 - BUDGET MONITORING

TOR BAY HARBOUR AUTHORITY

Expenditure	2015/16 Original Budget £ ,000	2015/16 Current Budget £ ,000	2015/16 Profiled Budget £ ,000	2015/16 Actual to Date £ ,000	2015/16 Projected Outturn £ ,000	
Harbour Employee Costs	641	630	534	471	594	1
Operations and Maintenance:-						
Repairs and Maintenance	228	279	250	250	294	2
Rent/User Charges Concessions	5	20	20	15	15	3
Other Operating Costs	477	492	401	360	472	4
Management and Administration :-						
Internal Support Services	151	162	162	162	162	5
External Support Services	42	45	15	20	52	
Other Administration Costs	86	93	75	86	157	6
Capital Charges	497	498	498	498	498	
Contribution to Patrol Boat Operation	2	1	1	1	1	
Contbn to General Fund - Cash Dividend	145	145	0	0	145	
Contbn to General Fund - Asset Rental	315	315	0	0	315	
Revenue Funding of Capital	0	48	0	0	48	7
	2,589	2,729	1,956	1,863	2,753	
Income						
Rents and Rights :-						
Property and Other Rents/Rights	511	511	508	504	508	
Marina Rental	397	397	160	160	397	
Operating Income :-						
Harbour Dues	143	145	145	146	146	
Visitor and Slipway	52	43	43	53	53	8
Mooring fees	174	198	198	192	192	9
Torquay Town Dock	270	289	289	289	289	10
Torquay Inner Dock	183	208	208	209	209	10
Fish Toll Income	510	600	511	511	620	11
Boat and Trailer parking	35	41	41	41	41	
Recharged Services	67	84	69	87	95	12
Other Income	100	129	129	116	116	13
Contribution from Reserves	96	96	0	0	87	14
	2,538	2,741	2,301	2,308	2,753	
Operating Surplus /(Deficit)	(51)	12	345	445	0	

RESERVE FUND		
Opening Balance as at 1st April		688
Interest Receivable		5
Net Surplus / (Deficit) from Revenue Account		0
Contribution to Revenue Account		(87)
Capital Funding		(28)
Expected Closing Balance as at 31st March		578

Note: In line with Harbour Committee minute 398 (5) December 2011 the minimum Reserve level at year end 2015/16 is £488k based on 20% of budgeted turnover (income) to meet any deficit in the revenue budget or winter storm damage. The balance is earmarked for harbour related capital projects. Details of the Reserve and a full schedule of capital projects is included at Appendix 2 to the report.

HARBOUR REVENUE ACCOUNT 2015/16 - NOTES

TOR BAY HARBOUR AUTHORITY

- 1 The Original Budget was reduced to reflect a vacant post not filled during the current year, offset by seasonal and office cleaning overtime. Previous reports noted an expected reduction in employee costs due to the waiving of superannuation contributions by some employees, now presented as £30k. Further savings are anticipated from lower than expected Green Book costs.
- 2 Additional in year repairs & maintenance costs have been incurred, especially relating to the Torquay inner harbour bridge and cill on which work is ongoing.
- 3 This line now reflect all concessions allowed by the Harbour Authority in respect of property rentals and harbour charges.
- 4 The outturn was originally increased for waste costs at Brixham partly offset by recharged income (see note 12). Savings are now expected from toilet cleaning, electricity and vehicle maintenance headings.
- 5 Internal Support charges have increased to reflect officer time on the Interreg European funding scheme and other projects.
- 6 The Harbour Management software upgrade is being charged direct to the Revenue Account and new computer hardware has been installed to improve administrative efficiencies.
- 7 The Budget Review Working Party have recommended utilising the anticipated outturn surplus to fund the immediate installation of pontoons at the Torquay Inner Harbour Dock to realise an additional £36k income per annum in 2016.
- 8 Visitor and slipway income is falling short of its target but it is being assisted by a number of visiting wind farm vessels.
- 9 Mooring fee levels have been adjusted following a reclassification of certain MFV's.
- 10 Budget targets for the Torquay Town Dock and Torquay Inner Dock were prudently set based on partial occupancy. Actual take up is close to full capacity.
- 11 Fish toll levels have been buoyant throughout the year and are expected to exceed the revised budget target at year end.
- 12 The increase in the projected outturn represents various service recharges including trade waste and property insurance.
- 13 Additional advertising and other miscellaneous revenues have been negotiated by the Executive Head of Business Services.
- 14 A contribution of £96k was approved as a one-off exercise to offset the effect of General Fund levies in 2015/16. The actual level of contribution will be limited to the amount required to produce a break even position for the Harbour Account.
- 15 There are expected calls on the Reserve for accommodation works at Torquay and Paignton Harbours.

Agenda Item 10

Appendix 2

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

Harbour Committee Minute 398 (5) - December 2011

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

	£
Consolidated Reserve Balance at 31st March 2015	688,000
Anticipated interest for year	5,000
Withdrawals in year	(28,000)
Projected Surplus/(Deficit) for year	0
Projected Consolidated Reserve Balance at 31st March 2016	665,000
Planned contributions in 2015/16 to General Fund	(87,000)
Projected Consolidated Reserve Balance at 1st April 2016	578,000
less: 20% of Budgeted Turnover	(488,000)
= Balance for Projects	90,000
Total costs of proposed Projects (as listed below).	1,227,900
<i>Shortfall in Reserve funding available</i>	<i>(1,137,900)</i>

Projects	Brixham	Torquay & Paignton	Timeframe
Torquay harbour - Haldon Pier fender replacement		£80,000	Short
Brixham Harbour - various (drying grids, fencing, forklift barriers)	£120,000		Short
Torquay harbour - cill repair		£10,000	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

Projects continued	Brixham	Torquay & Paignton	Timeframe
Torquay Town Dock - 'V' pontoon upgrade		£180,000	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		£60,000	Long
Torquay harbour - outer harbour slipway repairs		£75,000	Long
Brixham harbour – photo-voltaic solar panels on roof	£48,000		Long
Torquay harbour - Fuel Station refurbishment		£120,000	Long
TOTALS	£238,000	£989,900	

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

KEY
Capital
Revenue



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

2015-16
Short
Medium
Long

Agenda Item 11



Meeting: Harbour Committee

Date: 21st March 2016

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 Business Services
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 2016/17 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 2016/17.

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 service.

- 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]).

Supporting Information

5. Position

- 5.1 All of the assets currently managed by the Tor Bay Harbour Authority service 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 2015 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 Business Services), 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 Torbay Council's Corporate Asset Management Plan refers to the effective use of assets as being a key factor in delivering to the community of Torbay the objectives and priorities they have set for the Council. The Corporate Asset Management Plan adopts the following guiding aim :-

“The principle aim of an Asset Management Plan should be to ensure that the opportunity cost of financial resources tied up in land and buildings is minimised, and that capital and revenue expenditure on the portfolio is directed efficiently and effectively to provide value for money.”

The Council is fully committed to the principle of the most efficient use of assets and the Tor Bay Harbour Authority Asset Management Plan 2016/17 will help the Council to achieve this objective.

5.7 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.

5.8 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.

5.9 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 2016/17 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 2016/17 has been considered by the Harbour Asset Review Working Party at its meeting on 23rd February 2016.

9. Risks

- 9.1 Failure to deal with urgent structural repairs 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 help meet the Council's need for a cash dividend, which has been payable since 2012/13 and is likely to continue for some time.

Appendices

Appendix 1 - Draft Tor Bay Harbour Authority Asset Management Plan 2016/17

Additional Information

None



Tor Bay Harbour Authority - Asset Management Plan 2016/17

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).

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

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

Harbour Estate

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

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 2016/17 is as follows :-

£57,900 for Torquay harbour	£13,500 for Paignton harbour	£130,200 for Brixham harbour
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In 2008 the Harbour Committee approved the establishment of a Harbour Asset Review Working Party. The Director of Marine Services (now Executive Head of Business Services) 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 2015 the Harbour Committee resolved that a Harbour Asset Review Working Party, comprising four members of the Harbour Committee (the Chair plus Councilors' Amil, Carter and Cunningham) 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 23rd February 2016 and has worked in consultation with the Executive Head of Business Services to recommend to the Harbour Committee this Harbour Asset Management Plan.

2. Predicted Service Delivery Changes

In September 2015, 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.
- no assets were identified as being surplus to the requirements of the Harbour Authority.

- strategic direction had been provided to the Executive Head of Business Services in relation to the following matters :-
 - the Harbour Light Restaurant Building at Paignton harbour
 - a new Coffee Kiosk at Torquay harbour
 - a range of new concession opportunities at different harbour locations

- the Working Party had been updated on the subjects listed below :-
 - Future use of Oven Cove
 - Landlord's use of the Torquay Harbour Fuel Station
 - Repairs to Haldon & Princess Piers
 - Procurement of a new harbour workboat for Brixham harbour
 - Boat Booking Board Sites at Torquay harbour

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

- corporate asset number (Torbay Online Asset Database System (TOADS))
- leased or vacant
- lease start date
- tenure of lease
- rental income
- tenant's name
- rent review due date
- date of last condition survey

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 Business Services. 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 Business Services. 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 Business Services, 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.

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 are required and this is subject to a flood defence funding bid from the EA.	Underway
P0242	Harbour Light Restaurant Building	Exploring redevelopment opportunity in line with the Port 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

Asset Ref	Asset Name	Action	Timeline
T0007AB	Living Coasts site	Agreed to pursue adoption of Council land into the harbour estate in line with the Port Masterplan.	0 to 5 years
T0004AD	North Quay (MDL car park) – Torquay	Potential hotel development opportunity with existing tenant and new developer in line with the Port Masterplan.	0 to 5 years
P0241AE B0064	Paignton Harbour - Public Toilets New Pier Brixham - Public Toilets	Review running costs, cleaning regime, opening hours, fixtures & fittings.	Commenced and ongoing
T0004AK	Victoria Parade Walkway & Planters – Torquay	Provide loading & delivery bays for harbour users in line with the Port Masterplan.	0 to 5 years
N/A	Vehicles & Plant	Replacement workboat required for Brixham harbour.	2016/17
T0006AB	Beacon Quay Public Toilets	Refurbishment & adaptation/upgrade.	2016/17
T0004AH	Torquay Inner Harbour Bridge & Cill	Repairs & modification.	2016/17
-----	Brixham Harbour Drying Grids	Repairs & refurbishment.	2016/17
T0004AT	Torquay Inner Dock Pontoon Improvements	Improved lighting, additional service bollards and increased berthing capacity.	2016/17
T0004AC02	Marine Fuel Station – South Pier, Torquay harbour	Revert to Harbour Authority (landlord) control followed by refurbishment.	0 to 5 years
P0248AA	Toby Jug Cafe, Paignton harbour	Repairs & refurbishment	2016/17
B0070AU	The Strand Quay, Brixham harbour	Exploring extension opportunity in line with the Port Masterplan.	0 to 5 years

Agenda Item 12



Meeting: Harbour Committee

Date: 21st March 2016

Wards Affected: All wards in Torbay

Report Title: Economic Impact Assessment of Tor Bay Harbour

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat
Executive Head of Business Services
Tor Bay Harbour Master
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1. Purpose

- 1.1 This report provides the Harbour Committee with information regarding a recent study into the impacts of Tor Bay Harbour on the local economy.
- 1.2 It highlights the key findings from the study and provides the background reasons why an Economic Impact Assessment was commissioned.
- 1.3 The Harbour Committee is asked to note the Tor Bay Harbour Economic Impact Assessment Study (2016) attached as Appendix 1 and in particular, the key findings set out in section 2.5 below.

2. Summary

- 2.1 In March 2015, ERS Research & Consultancy Ltd were commissioned by the Torbay Development Agency, on behalf of Tor Bay Harbour Authority, to undertake an independent assessment of the strategic and economic impacts associated with Tor Bay Harbour.
- 2.2 The study, primarily based on secondary research, found Tor Bay Harbour to be an important asset to the local economy facilitating a variety of economic activity and supporting key strategic priorities.
- 2.3 In reaching its conclusions, the study assessed the Full Time Equivalent (FTE) employment and Gross Value Added (GVA) arising from the operation of Tor Bay Harbour, the commercial activities it facilitates and its role in the visitor economy.
- 2.4 Government guidance and good practice requires that 'additionality' be considered so that net (as opposed to gross) impacts can also be presented. Simply stated, 'additionality' is the proportion of economic impacts that occur that would not happen in the absence of an organisation/activity.

- 2.5 After aggregating a range of economic impact results, the study concludes that Tor Bay Harbour is of key economic and strategic importance. The study identifies the following impacts (in 2015) arising from the operation of the harbour, including the commercial activities it facilitates and its role in the visitor economy :-
- Total gross impact equal to 2,436 FTE and £89.8m GVA
 - **Total net impact equal to 1,377 FTE and £50.9m GVA**
 - For every £1 spent by Tor Bay Harbour Authority £42 of Gross GVA was generated in the local economy
 - **For every £1 spent by Tor Bay Harbour Authority £24 of Net GVA was generated in the local economy**
- 2.6 The multiplier expressed in the final bullet point above will appear high because Tor Bay Harbour links closely with both fishing and tourism, which account for a large proportion of the local Torbay economy. However, the figures remain very impressive and they clearly demonstrate the value added benefits of harbour related investment.
- 2.7 Gross Value Added (GVA) represents the value of goods and services produced in an area, industry or sector of an economy. The Office of National Statistics (ONS) regards GVA as one of the most important indicators of regional economic performance and it is regularly used to demonstrate the economic activity of organisations.
- 2.8 Full Time Equivalent (FTE) employment is a figure that captures employment in a manner which accounts for differences in working hours, such as part-time work.

Supporting Information

3. Position

- 3.1 Between October 2012 and June 2015 Tor Bay Harbour (Torbay Council) participated in a €3.8m cross-border project that was 50% co-financed by the European Regional Development Funds (ERDF) under the Interreg IVA France (Channel) - England territorial cooperation Programme.
- 3.2 The project was aimed at Fostering Long-Term Initiatives in Ports (FLIP). The FLIP project sought to promote a sustainable cooperation between small & medium sized ports in the Channel area by promoting exchanges of experience around transportation, logistics, energy and renewables/eco- innovation through :-
- Increased cross border sharing of best practices between small and medium sized ports to promote innovative, sustainable and diversified port activities.
 - By building the internal capacity of port management, improve performance, sustainable transport links, facilitate trade, promote innovation, embrace resource efficiency and boost the economy of the region.

- Improving governance between the ports and their local communities and making the most optimal use of available resources

- 3.3 As part of the FLIP project, Tor Bay Harbour Authority asked the Torbay Development Agency to commission an independent analysis capturing the strategic and economic impacts associated with the ongoing operations of Tor Bay Harbour. In March 2015 ERS Research & Consultancy were appointed to undertake this work.
- 3.4 Through assessing the strategic and economic importance of the harbour, the study presents an analysis of relevance to not only the FLIP Project but also more importantly Torbay Council and the local community. The economic outputs identified by the study will also be of interest to the Heart of the South West Local Enterprise Partnership (LEP) and should provide useful data for future funding bids related to harbour investment. Results from this study will help to raise the profile of Tor Bay Harbour and highlight the significant contribution that the Harbour Authority makes to the local economy.
- 3.3 Other studies undertaken for Tor Bay Harbour Authority (Torbay Council) as part of the FLIP Project include the following :-
- Cathodic Protection Feasibility Survey - Torquay Harbour
 - Structural Survey of the Old Fish Quay - Torquay Harbour
 - Tor Bay Harbour Quays & Piers - Cost Estimates and Valuation Report
 - Cruise Study – Benefits & Opportunities for Tor Bay Harbour
 - Tor Bay Harbour Authority – Port Masterplan

Appendices

- Appendix 1 Tor Bay Harbour Economic Impact Assessment Study – Final Report (ERS Research & Consultancy Ltd – 2016)

Additional Information

None

Appendix 1

Tor Bay Harbour Economic Impact Assessment
Study

Final Report



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The following report has been written and prepared by ERS Ltd (www.ers.org.uk) for Torbay Development Company. We are grateful for the assistance of Tor Bay Harbour Authority, Torbay Development Company as well as those participating in consultation exercises.

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1 EXECUTIVE SUMMARY

In March 2015, Torbay Development Agency commissioned ERS Ltd to undertake an independent assessment of the strategic and economic impacts associated with Tor Bay Harbour.

This study, primarily based on secondary research, finds Tor Bay to be an important asset to the local economy facilitating a variety of economic activity and supporting key strategic priorities.

The table below summarises these economic impacts¹ aggregating results to produce a total gross impact of 2,436 FTE and £89.8m GVA in the Torbay economy. **The total local net impact of the harbour is equal to 1,377 FTE and £50.9m GVA.**

Table 6.1: Summary of Harbour Economic Impacts		
Total Harbour Impacts	FTE	GVA
Direct	1,869	£69.2m
Indirect	403	£14.6m
Induced	164	£6.0m
Gross Total Impacts	2,436	£89.8m
Net Total Impacts	1,377	£50.9m
Operation and Maintenance Impacts	FTE	GVA
Direct	19.0	£1.2m
Indirect	6.3	£0.4m
Induced	2.8	£0.2m
Gross Total Impacts	28.0	£1.7m
Net Total Impacts	28.0	£1.7m
Tenant Impacts	FTE	GVA
Direct	635	£25.3m
Indirect	n/a	0.0
Induced	n/a	0.0
Gross Total Impacts	635	£25.3m
Net Total Impacts	299	£11.9m
Visitor Impacts	FTE	GVA
Direct	1,215	£42.8m
Indirect	397	£14.3m
Induced	161	£5.8m
Gross Total Impacts	1,773	£62.8m
Net Total Impacts	1,050	£37.2m

Given the total impacts above, it is estimated that for every £1 spent by Tor Bay Harbour Authority² £42 of Gross GVA / £24 of Net GVA is generated by the harbour in the local economy.

¹ Note GVA is expressed in 2015 prices. Given the ongoing operation of the harbour however, GVA and employment will be produced on an ongoing basis.

² This figure include Harbour Authority spend on a range of activities such as employees, maintenance, capital financing, support services and other costs. It should be noted however, that this is not an exhaustive figure relating to harbour related spend. For example, it does not include infrastructure spend or spend by the Local Authority relating to the harbour estate. Including this spend will see a fall in the ratio presented above.

2 INTRODUCTION

- 2.1 In March 2015, ERS was commissioned by Torbay Development Agency (TDA) on behalf of Tor Bay Harbour to produce an independent analysis capturing the strategic and economic impacts associated with the ongoing operations of Tor Bay Harbour.
- 2.2 Through assessing the strategic and economic importance of the harbour, this report presents analysis of relevance to the Fostering Long Term Initiatives in Ports (FLIP), a European Union (EU) project to promote a sustainable cooperation between small and medium sized ports in the Channel area.

Tor Bay Harbour

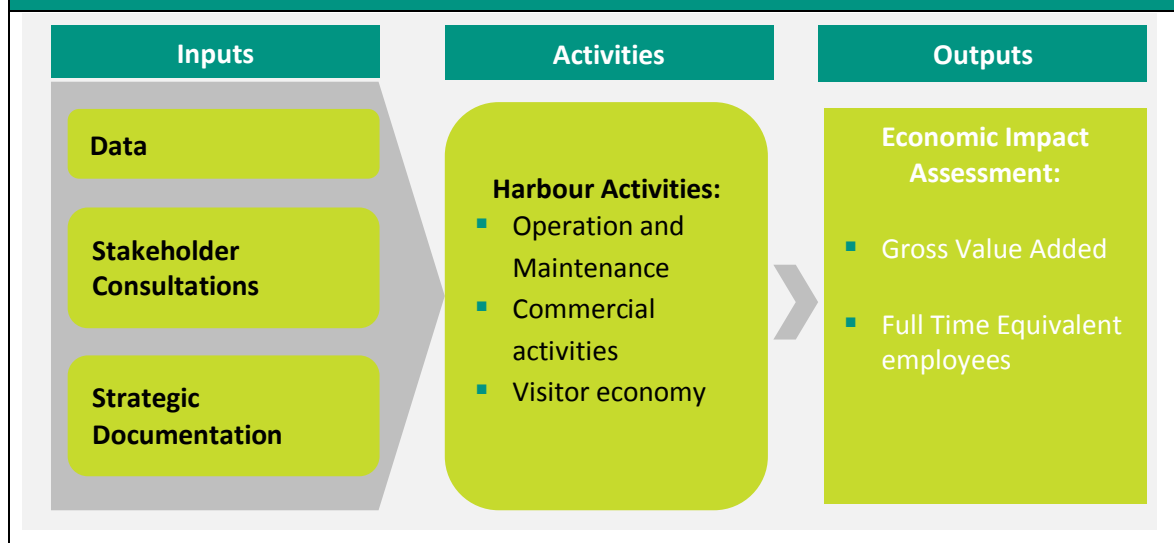
- 2.3 Established as a single entity in 1970, Tor Bay Harbour Estate houses a range of recreational and commercial organisations. Contained within the combined estate are individual municipal harbours at Brixham, Paignton and Torquay. The activities of these harbours are outlined in more detail below:

Table 2.1: Tor Bay Harbour Activities	
Brixham	Brixham Harbour is primarily used for fishing with one of the largest fishing fleets in the UK, plus a thriving fish market to support it. In addition to these fishing activities, Brixham has a substantial marine facility. It also offers a range of tourist activities.
Paignton	Paignton is a harbour with a strong history of fishing. It is now primarily used as a leisure harbour.
Torquay	Torquay harbour is a busy port on the outskirts of Torquay town centre. Its many activities include those relating to an expanding marine leisure industry and in the summer months it hosts various maritime events. The harbour is regularly used by visiting yachts, pleasure boats, fishing vessels, HM Craft and other commercial workboats. The Quayside contains shops, cafes and ample space for trailers and a boat park area.

Approach to the Analysis

- 2.4 As demonstrated by the table above, the Tor Bay Harbour Estate facilitates a range of diverse commercial and leisure activity. In order to comprehensively capture the economic and strategic factors of this activity, the following analysis framework has been adopted for the study.

Figure 2.1: Tor Bay Harbour: Impact Assessment Framework



2.5 In presenting the results of this analysis, the report adopts the following structure:

- Section Three: Economic and Strategic Context
- Section Four: Economic Impact Assessment – Methodology
- Section Five: Economic Impact Assessment – Results
- Section Six : Conclusions
- Appendix One: Summary of Research Activities
- Appendix Two: Converting Floor Space to Economic Impacts
- Appendix Three: Visitor Economy Statistics

3 ECONOMIC AND STRATEGIC CONTEXT

Local Economy

- 3.1 With an estimated population of 133,000 in 2014³, Torbay is one of the larger centres in the South West region. However, there are a number of challenges facing the local economy with the area lagging behind regional and national averages in key economic indicators. For example, in 2012 Torbay ranked 120th out of 140 unitary authority areas for GVA per head, with a figure of £13,080 compared to £19,023 for the South West and £21,295 in the UK⁴.
- 3.2 However, though the recession had a noticeable impact on the economy with variables such as job creation⁵, wage levels⁶, and GDP all falling, recent bulletins for the wider Devon economy show signs of recovery, with GDP back to pre-crisis levels and positive growth forecasts for 2015 and beyond⁷. In addition, benefit claimant figures for Torbay reveal favourable trends in the labour market relative to LEP Partners.

Employment

- 3.3 Employment within Torbay remains concentrated in lower value industries and the public sector, with 'public administration, education and health' accounting for relatively high percentages of overall employment (30.5%). Furthermore, when compared with regional and national averages, distribution, hotels and restaurants has significantly higher representation equalling 26.6% of employment, over 7 percentage points higher than the South West average and over 8 percentage points higher than both the LEP and national rates.
- 3.4 Manufacturing is lower than the regional and national level, representing only 7.7% of employment compared to 9.3% at the LEP level, 9.5% at regional level and 9.6% nationally. A similar pattern is mirrored in 'banking, finance and insurance' and 'transport and communication', whereby employment in Torbay is lower than the regional and national counterparts.

³ <https://www.nomisweb.co.uk/reports/lmp/la/1946157356/report.aspx#tabrespop>

⁴ ONS Regional GVA NUTS3 1997-2013

⁵ Torbay Local Plan Proposed Submission Plan 2014

⁶ <http://www.torquayheraldexpress.co.uk/New-figures-impact-recession-Torbay-workers/story-20383275-detail/story.html>

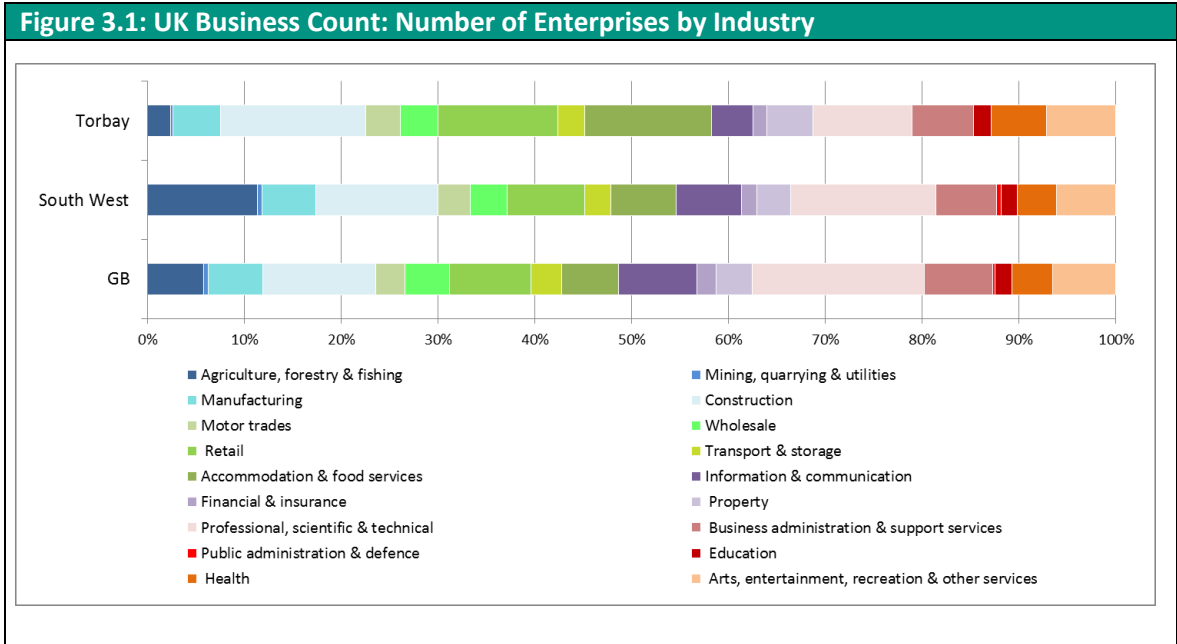
⁷ <http://www.devonics.info/sites/default/files/briefings/May%20economic%20bulletin.pdf>

Table 3.1: Percentage of those employed working in each sector (SIC 2007)				
	Torbay	HotSW	SW	GB
Agriculture and fishing	0.7	2.8	1.7	1.1
Energy and water	0.7	1.7	1.8	1.8
Manufacturing	7.7	9.3	9.5	9.6
Construction	10.1	7.7	7.8	7.3
Distribution, hotels and restaurants	26.6	18.2	18.9	18.4
Transport and communications	5.7	6.7	7.7	8.8
Banking, finance and insurance	12.5	14.1	15.7	16.7
Public admin. education & health	30.5	32.5	30.5	29.8
Other services	5.1	6.2	5.7	5.9
Total services	80.5	77.6	78.6	79.6

Source: ONS Annual Population Survey

Business Base

- 3.5 In 2014, there were 3,565 businesses in Torbay, which equals about 1.7% of the total number of businesses in the South West (approximately 207,000). The chart below illustrates the sectoral breakdown of businesses within the region compared to regional and national averages.
- 3.6 The figure highlights that Torbay has greater concentrations of businesses in construction (15%), retail (12%), and accommodation and food services (13%) than regional and national counterparts. It has significantly lower representations when compared to the South West and nationally in professional, scientific and technical (10%) and information, communication (4%) and agriculture, forestry and fishing (2%).



Torbay Community Plan

3.7 Torbay’s Corporate Plan has been referred to as the ‘umbrella’ under which all other strategies and plans within Torbay sit. Outlining The Strategic Partnership’s vision for a “healthy, prosperous and happy Bay”, the document highlights the importance of harbour related industries (tourism and fishing) to the area and reveals four challenges that the area will have to address – specifically:

- Developing our economy, improving job prospects and responding to the recession;
- Opportunities for older people and the challenges of providing services for an ageing population;
- Climate change – reducing our carbon footprint and the increased risk of flooding; and
- Improving quality of life for the least well off in our society.

3.8 The role of the harbour in tackling the economic issues above, and supporting the vision for Torbay is considered through the following documents:

Torbay Economic Strategy

3.9 Torbay Economic Strategy 2013-2018 outlines the work required to boost the local economy. With an overall objective to “create full time and sustainable employment by encouraging the growth of existing businesses and the creation of new businesses and social enterprises”, the strategy, in conjunction with the local plan, will aim to:

- Create 1,900 gross new jobs by 2015
- Develop Torbay as a vibrant economy with its Gross Value Added increasing faster than the regional average by 2020
- Raise residents wage rates to 90% of the South West average by 2020
- Sustain improvements in the skills attainment of local people
- Secure investment to support delivery of the strategy and its action plan

3.10 The strategy outlines four clear priorities, namely:

1. Driving Business Growth
2. Sustaining the Core Economy
3. Raising Skill levels and creating opportunities for all
4. Nurturing the knowledge economy

3.11 The strategy clearly shows the important role the harbour has to play in local economic development. For example, both tourism and fisheries are stated as being core sectors of the Torbay economy and a number of actions are listed in support of the sector. Activities, directly or indirectly, related to the harbour include:

- Creating a Northern Arm Breakwater in Brixham
- Development of a Fish Processing Park (FPP)
- Torquay Harbour Extension
- Torquay Pavilion & Marina Car Park
- Supporting and developing skills in marine sectors
- Maximise benefits of the Marine Energy Park and renewable energy opportunities
- Development of activity sports (rock climbing, coast steering etc.).
- English Riviera Tourism Academy
- Brixham Coastguard Station
- Marine sector development

Sector Strategies/Action Plans

- 3.12 The importance of the tourism and marine sectors to the development of the Torbay economy is demonstrated through the fact that a strategy document or action plan has been produced specifically for each sector.

Marine Economy

- 3.13 As noted in the economic strategy, the marine economy sector is growing across the South West and Torbay has a foundation that can be developed – particularly in marine leisure but also including engineering, science and aquaculture. A project to develop the marine sector is detailed in the strategy with an increase in marine economy businesses, employment and productivity likely outcomes for this work.
- 3.14 **The Marine Economy Action Plan** investigates in more depth the development potential of the local marine economy identifying opportunities and actions for outcomes linked to the above economic strategy document.
- 3.15 Adopting the same vision and the strategic objectives as those selected for the wider economy, the Action Plan finds considerable opportunities to develop the marine economy, boosting economic development and the wider strategic objectives of the council.
- 3.16 Three key principles are adopted to complement the wider strategic objectives identified for the economy. These principles are:

1. Capitalising on recent and planned investment
2. Cross sector development and collaboration for added value
3. Addressing specific sub-sectoral needs and opportunities.

- 3.17 The action plan discusses the business activities involved in the marine economy. Key sector points are summarised below:

Table 3.3: Marine Economy Sector Summary

Commercial Fishing (including Fish Farming)

The fishing sector in Brixham is one of the most important in the country producing a diverse and high value catch. However, there is recognition that more could be done to develop the sector with various opportunities relating to product development, added value processing and promotion.

Marine Engineering

The marine engineering sectors close ties to the marine leisure sector provide an important service to boat owners, marinas and fishing boats. Whilst the recession has impacted on the sector, demand for berthing within Torbay has remained strong and it is thought that an expansion of these facilities would have positive consequences for marine engineering services.

Marine Science

Though not an established sector in Torbay, there are thought to be opportunities to develop the Marine Science businesses in the area. The former presence of Astra Zenica, and the development of knowledge infrastructure may help facilitate this work. It is noted that significant public sector investment is likely to be needed to grow the sector in the short or medium terms.

Maritime Tourism and Leisure

The Tourism and Leisure sector is considered to have a number of strengths, not least the area's excellent natural resource and an established base (for example, a variety of enthusiastic businesses and clubs, good skills provision). Whilst there are areas where improvements can be made in order to increase the competitiveness of the tourism offer, it is thought that the sector has the potential to make a significant contribution to wider tourism and economic strategy objectives.

Renewable Energy

It is thought that there is limited opportunity to build the renewable energy sector in Tor Bay – natural resources are not ideally suited and there is no established business base. However, strengths in the advanced manufacturing and marine engineering sectors, as well as local deep water harbours, mean that the local economy may be well placed to benefit from supporting the Marine Energy Park based between Cornwall and Bristol.

Short Sea Shipping, Cruise Ships and Ferries

Torbay, whilst having only limited cargo and port facilities, does act as an important staging post for ships on the English Channel. This has important benefits for a range of local businesses. The proximity of Paignton to the rail network could lead to opportunities for cargo handling. Whilst fast ferry services could ease congestion, care should be taken to reduce any displacement of pleasure boat or cruise activities. Additionally investment in Torquay could lead to the attraction of more (or larger) cruise shops as well as improving other marine leisure facilities.

- 3.18 Though not highlighted as a stand-alone sector by the action plan, it should be noted that Torbay has a strong hi tech sector with a world-class Hi Tech Forum offering the potential for further specialization. Hi Tech companies are thought to offer the potential for future growth and the

need/opportunity has been identified to encourage the Hi Tech sector to explore more opportunities within marine science. It is thought that there are good prospects for growth within the marine science sector (in terms of marine equipment and technology). Torbay's advanced manufacturing businesses could be alerted to this opportunity to diversify.

- 3.19 As stated above, Brixham has an important commercial fishing activities, but more could be done to develop the sector. Consultation with Brixham Trawler Agents (BTA) reveals further insight into the Fishing industry in the area. BTA is privately owned by boat owners and associated tradespeople, run on a model similar to a co-operative. It represents the interests of 98% of boats using the harbour.
- 3.20 BTA state that a key issue impacting on its work is how quickly fish can be transported to customers. Quite simply, the quicker the transport connections (which in practical terms means the better the road connections), the wider the market reach (given that sustaining the quality of the fish is key). December 2015 will see the opening of the A380 bypass which is expected to help significantly in this regard. As such, there is the potential to increase economic impact further.
- 3.21 BTA state that Quotas continue to pose a threat, but there is growing interest in Brixham from boats based in Plymouth and Newlyn and bigger piers in the harbour would help exploit such opportunities.

Tourism

- 3.22 As previously stated, Torbay's economy has long relied on the visitor economy with significant numbers of the local population engaged in tourism jobs. Yet a failure to recognise emerging visitor economy trends⁸ has led to a gradual but persistent decline in visitor numbers and spend per head.
- 3.23 Recent years have seen the launch of Tourism Strategy **Turning the Tide for Tourism in Torbay 2012-2015** which clearly outlined that Torbay could no longer rely on traditional long stay tourism and would have to diversify to meet the needs of the modern holiday market. This strategy emphasises the importance of the harbour to the modern visitor economy by selecting 'maritime leisure' as one of five key opportunities for visitor economy growth⁹.

⁸ <http://www.torbaydevelopmentagency.co.uk/dbimsgs/efstrategy.pdf>

⁹ Alongside Agatha Christie legacy, Global Geopark Status events, festival and exhibitions and business tourism.

- 3.24 Consultation with **English Riviera Tourism Company** reveals further insight into the tourism economy. They note that there is thought to be an opportunity to diversify the offer and attract a broader (younger and wealthier) demographic to the area. This includes extending provision of services such as sailing, water skiing, jet skiing, kayak safari, snorkelling etc. Whilst some such services are available, there is believed to be scope for further development.
- 3.25 English Riviera feel that in a sense there is a 'Catch 22' situation – such visitors want to be able to access good quality leisure pursuits, bars and restaurants but service providers need to be confident that sufficient demand is in place to justify their investment in providing such services.
- 3.26 As a related point, it was noted by **Marine & Towage Services Group**, that the opportunities presented by visiting cruise ships (the numbers of which will rise in 2016) are not fully exploited. Specifically, when these ships arrive, usually between 8.00-9.00am, there are rarely cafes and/or shops open to greet visitors.
- 3.27 It was also noted that there was potential scope to increase the economic impact of Paignton Harbour through infrastructure repairs, the provision of different mooring types and the development of the hospitality and retail offer (potentially through the conversion/redevelopment of existing industrial/storage units).

Tor Bay Harbour

- 3.28 The overall objective of Tor Bay Harbour is:

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.

- 3.29 The working arrangements governing the harbour are outlined in the **Tor Bay Harbour Business Plan**. This document outlines the governance arrangements relating to the harbour, stating the strong commitment by the council to develop the Harbour's role in supporting the local economy and as a focus both for the local community and visitors to the Bay.
- 3.30 The document outlines the Harbour's range of customers and stakeholders showing these groups to include marine businesses, tourism organisations, public bodies, clubs, charities and religious organisations and the general public.
- 3.31 As noted in the business plan, the work of Tor Bay Harbour Authority has obvious links to the Council's overall vision for the area particularly themes of prosperity and happiness. With this in mind, the Harbour Authority objectives and priorities include reference to the economic agenda with shared objectives with the council including creating the right environment with inward investment and helping leisure, culture and tourism.

Developments at the Harbour

3.32 The Marine Economy Action Plan, acknowledging that certain infrastructure/investment proposals may compete with one another, states that a **Port Masterplan** is required to work through development issues.

3.33 Such a document was published in 2013, with three key purposes:

- To identify the port's own strategic planning for the medium to long term;
- Inform port employees, port users, local community and key stakeholders as to how they can expect to see the port develop over the coming years; and
- Assist regional and local planning bodies, and transport network providers, in reviewing and preparing their own development strategies in accordance with the port's future development.

3.34 This masterplan outlines that approximately £50m has been invested on core harbour infrastructure development over the last decade, supporting the local economy through creating jobs and growth.

3.35 The masterplan details the overarching strategy for Tor Bay Harbour, outlining various objectives it wishes to address. These objectives make various references to the local economy, such as:

- Develop robust partnerships with key maritime stakeholders to attract and deliver commercial port businesses contributing to job creation and the local economy
- Manage the harbour in a sustainable manner by supporting a variety of maritime activities including fishing, shipping, marine related businesses, heritage, eco-tourism and marine recreational facilities.
- Balance the responsible stewardship of the marine environment with appropriate socio-economic development and use of Tor Bay

3.36 In addition to this masterplan, investment in the harbour will also be informed by the 'local plan' for the area designed to guide the development of the area to 2032 and beyond. Whilst the plan is still undergoing consultation, early drafts of the document outline a broad strategy towards the harbour estate summarised in the Port Masterplan as:

- support for investment in marine-related development where this produces clear economic benefits to the area
- within seafront and harbour areas, development that helps create a vibrant, diverse evening and night time economy
- the retention, improvement and creation of new, high quality tourism and leisure attractions, facilities in the harbour, waterside and seafront areas of Torquay, Paignton and Brixham
- making a proactive use of the marine environment and maritime heritage for leisure, tourism and employment, and supporting existing visitor attractions
- the provision of facilities, such as new harbour/marina facilities and a new national visitor attraction
- providing improved maritime facilities as part of the regeneration of harbourside and waterfront areas

3.37 The Port Masterplan focuses upon the development of partnerships to attract commercial port businesses to contribute to job growth, with many of its proposals contained in the document relating to this objective. However, there is the recognition that the development of new marine infrastructure is expensive and some of the proposals may struggle to justify business plans based only on direct impacts. With this in mind, the Masterplan states that where project's wider economic impacts improve the amenities of the harbour, grant funding will be sought. Examples of these wider impacts include the provision of fishing vessel repair facilities, improved fish processing businesses which in turn improve the fishing industry which is vital to Brixham and the ability of harbour facilities to enhance the visitor economy.

3.38 Two recent proposed developments have been identified as particularly relevant to the economic contribution of the harbour are Brixham Fish Processing Park (FPP) and the Northern Arm Breakwater. These developments, and their implications for the local economy, are discussed below:

Brixham Fish Processing Park

3.39 The 'Fish Processing Park Business Development Plan' developed for Torbay Development Agency outlines the business case for developing fish processing facilities.

3.40 This report finds that Torbay is an important area of fish processing contributing £50m to the economy and representing 11% of the industry's direct GVA at UK level, and 50% of direct GVA in the South West. Brixham in particular is commented as having a particularly important fish processing industry, ranking amongst the UK's leading fish brands (alongside Grimsby and Fleetwood). There are limited secondary fish processors within Torbay and the development of a fish processing facility will provide the opportunity to generate local economic growth and capitalise on the Brixham brand.

Proposed Northern Arm Breakwater, Brixham

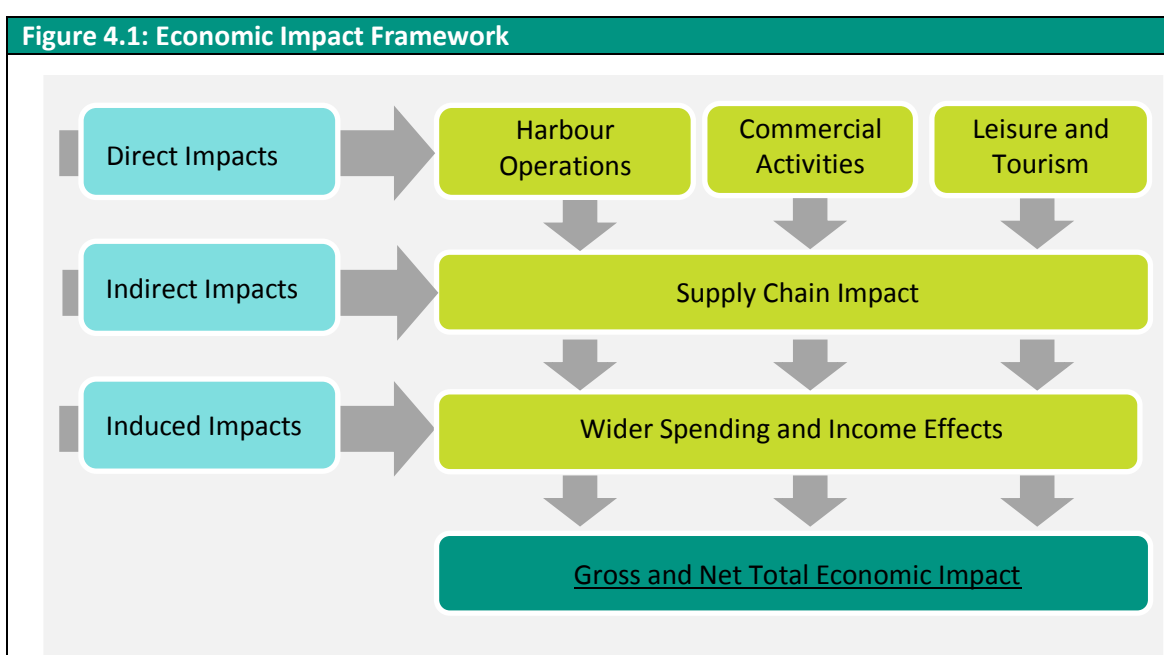
- 3.41 A 2013 document produced for Tor Bay Harbour Authority outlines a business case for a proposed the Northern Arm Breakwater development. This project aimed to provide calmer wave conditions in the harbour to protect existing commercial and leisure activities, facilitate development of leisure uses, specifically to include the substantial expansion of marina facilities and to respond to the aspirations of the local community to provide a properly enclosed and safe harbour in all weather conditions.
- 3.42 The report concludes that the project was not affordable as the unlocked marina's value would be far from sufficient to justify the borrowing required to meet the estimated funding gap on an affordable/commercial basis. Given this finding there would have to be considerable variation, relating to costs, funding or income generation, for the Breakwater to represent a business case viable on commercial terms.

4 ECONOMIC IMPACT ASSESSMENT - METHODOLOGY

4.1 This section benchmarks the economic impacts currently being generated by the harbour estate. By capturing, and commenting on, impacts associated both directly with harbour operations and those occurring in the wider economy, this report provides a benchmark to influence development plans and assess future impacts.

Overview

4.2 Given the variety of harbour users and stakeholders, it is important to ensure that any impact assessment comprehensively captures the variety of activities supported by the harbour estate. The figure below outlines the broad direct, indirect and induced impacts that will be covered in the analysis.



4.4 Economic impacts are presented in terms of Gross Value Added (GVA) and Full Time Equivalent (FTE) employment.

- GVA represents the value of goods and services produced in an area, industry or sector of an economy. ONS regards GVA as one of the most important indicators of regional economic performance¹⁰ and it is regularly used to demonstrate the economic activity of organisations.
- FTE Employment: An indicator capturing employment in a manner which accounts for differences in working hours.

4.5 Government guidance¹¹ and good practice requires that ‘additionality’ be considered so that net (as opposed to gross) impacts can be presented. Simply stated, ‘additionality’ is the proportion of economic impacts which occur that would not happen in the absence of an organisation/activity. To capture additionality the following formula is used:

¹⁰ Regional Economic Indicators, March 2013.

¹¹ Such as that issued by HM Treasury, English Partnerships and DG Regio.

Net Impacts = Gross Direct Impacts*(1-Deadweight)*(1-Leakage)*(1-Displacement)*Multiplier

- Deadweight – impacts that would have been generated in the absence of the development;
- Displacement – any other economic activities that did not take place because of the development;
- Leakage – economic benefits that accrue outside the study area; and
- Multiplier – further economic activity associated with additional supply chain and income purchases (i.e. the indirect and induced impacts)

4.6 The analysis presented in this report provides a benchmark of the harbour’s activities. Unless otherwise stated these impacts apply to the latest financial year. Impacts are presented at a ‘local’ (i.e. South Torbay area).

Approach to study

4.7 As outlined in the framework above, there are three broad categories of impact that are measured in this report (specifically, harbour operations, commercial activities and leisure and tourism).

4.8 Following discussion with the client, it was decided that the economic impact assessment be based primarily on secondary research. Whilst the exact approach taken to capture the various economic activities is outlined in more depth throughout the following chapter, key data used is summarised below:

Table 4.1: Summary of Key Data used in Report
Direct Impacts
Harbour Authority Business Plan Harbour Estate Floor Plans Homes and Communities Agency (HCA) Employment Densities Guide Regional ONS data The Economic Impact of Devon’s Visitor Economy 2013
Indirect and Induced Impacts
Scottish Government Multipliers (modified based on literature review – see below) The South West Tourism Alliance - Value of Tourism 2008
Additionality Factors
Assumptions informed by a literature review of similar reports and government guidance

Literature Review

4.9 In order to guide the analysis, a number of similar studies, published for a range of ports throughout the UK, were used. Whilst only a limited number of reports were publically available, information included in these reports was useful in helping shape the analysis contained in this document. Documents of particular use included:

- Economic impact of Aberdeen Harbour Nigg Bay Development (2013)
- Port of Falmouth Masterplan: Economic impact assessment of Masterplan options and the Masterplan (2011)
- Economic Impact of the Port of Southampton (2011)

Indirect and Induced Impacts

4.10 Indirect and Induced Impacts are captured using multipliers identified through secondary research. In the case of the harbour operations and commercial activities, sector specific multipliers published by the Scottish Government were used. These multipliers, constructed for the Scottish economy (i.e. a NUTS 1 regional area) were adapted for local use using information identified through a literature review of similar studies. This process is outlined in more depth when looking at the economic impacts of the harbour's commercial activities.

4.11 In addition, interviews with key stakeholders also influenced the selection application of multipliers.

Internal Economy

4.12 An interesting aspect of this impact assessment is that the subject of the analysis (Tor Bay Harbour) is not one company but rather a host of diverse companies who operate within a defined geographic area. This set up suggests the presence of an 'internal economy'.

4.13 Simply stated, an internal economy exists when the subject of an economic impact assessment procures goods and services from other organisations who are also the subject of the same analysis (an example could include a sailing company buying supplies from a chandler). The implications of such a transaction are that the same economic activity (i.e. the procurement of supplies) is counted as both an indirect impact associated with purchaser (the sailing company), and also a direct impact associated with the supply company (the chandler).

4.14 As the total impact of Tor Bay Harbour is calculated by aggregating the direct, indirect and induced impacts of individual businesses, the presence of an internal economy therefore leads to the possibility of double counting and the artificial inflation of the harbour's economy impact.

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- 4.15 A review of similar impact studies reveals different approaches are taken to the internal economy. For example, in order to avoid double counting, the Port of Falmouth study chooses to discount all local spend when calculating multiplier impacts. A study of Aberdeen Harbour notes that indirect impacts are likely to be captured through direct employment and GVA and therefore does include these jobs and output in the analysis. A study of the Port of Southampton meanwhile, makes no reference to the internal economy. A study of the maritime sector on Merseyside makes reference to the fact that there will be “some overlap” between the direct and indirect impacts of the sector but makes no attempt to address this issue.
- 4.16 Issues relating to the internal economy are discussed in the following chapter.

5 ECONOMIC IMPACT ASSESSMENT - RESULTS

5.1 The following section details the results of analysis conducted using the methodology outlined in the prior section.

Harbour Operations

5.2 As outlined previously in the report, Tor Bay Harbour is a complex facility supporting a range of leisure and commercial activities. Such a complex body of economic activity is supported through management and maintenance activities delivered by the Harbour Authority. These activities, in addition to facilitating tenant organisations, generate economic impact in their own right.

5.3 Harbour Authority documentation shows the organisation to employ 20 full time staff. Taking account of seasonal employment patterns, it is estimated that this employment equals a direct employment of 19 FTE staff.

5.4 A range of options are available when calculating the GVA of an organisation. One common approach, is based on aggregating operating profit and employee costs. Given Tor Bay Harbour Authority is not a commercial organisation and acts in a similar manner to an internally commissioned council service, the concept of operating profit may not be appropriate for this type of organisation. Therefore, another approach, using the Tor Bay Harbour Business Plan projected 2015/16 income and expenditure, is used namely: $GVA = \text{Turnover} - \text{Procurement Costs}$. This producing a direct GVA of £1.2m.

5.5 As outlined above, modified Scottish Government multipliers¹² are used to calculate the local indirect and induced impacts associated with these activities. Applying these multipliers produces a total gross impact of 28 FTE and £1.7m GVA.

5.6 When calculating the total impacts of the harbour tenants it is important to consider the additionality factors associated with the economic activity. These factors, and the percentages applied in this analysis, are detailed below.

5.7 Given the public sector nature of Tor Bay Harbour Authority, a 0% level of **Deadweight** is assumed i.e. in the counterfactual scenario of the harbour not being present, there would be no Harbour Authority employment of output.

5.8 **Displacement** is assumed to also be equal to 0% i.e. the operation of the harbour authority does not take a significant proportion of market share, labour, or capital from private sector businesses.

5.9 **Leakage** is also assumed to be 0%. This is based on the fact that multipliers have been modified to capture only local impacts, and that all employees are from the local area (in this instance South Devon).

¹² Specifically, 'Support Services for Transport'

5.10 Given these assumptions, there is no difference in the gross and net levels of FTE employment and GVA associated with the operation and maintenance of the harbour. These impacts are shown in Table 5:1 below.

	FTE	GVA
Direct	19	£1.2m
Indirect	6	£0.4m
Induced	3	£0.2m
Gross	28	£1.7m
Net	28	£1.7m

Commercial activities

5.11 Given the number of tenants based at the harbour and the inherent difficulties present in surveying organisations for employment and financial data, it was decided that the number and size of organisations would be captured through data provided directly by the harbour authority. Specifically, floorplans for all three harbours were provided detailing the size and nature of each tenant organisation.

5.12 An exception to this approach is fishing industry figures. These employment figures are taken from stakeholder consultation which estimated between 275 and 300 were employed on the boats. Given that no information was provided as to the working patterns of those positions, it was assumed that they were all Full Time Equivalent (FTE).

5.13 One drawback of using floorplans to capture economic activity is that certain activities (such as berthing facilities) are unable to be captured in the analysis (other than through any offices that are associated with the facilities).

Gross Direct Impacts

5.14 Floorplan data provided by the harbour authority was converted into FTE employment using employment density benchmarks produced by the Homes and Communities Agency (HCA). This process is outlined in more detail in Appendix Two.

5.15 The process approximates a gross direct employment of 635 FTE positions. The GVA impact associated with these positions is calculated using regional sector GVA figures with a gross direct impact of £25.3m estimated. Table 5.2 below breaks down these impacts by harbour.

	FTE	GVA
Brixham	419	£18.4m
Torquay	85	£3.3m
Paignton	130	£3.6m
Gross	635	£25.3m

Indirect and Induced Impacts

- 5.16 As with harbour authority impacts above, Scottish Government multipliers are used to capture the indirect and induced impacts associated arising from direct economic activity. These multipliers are based on the activity of each of the premises.
- 5.17 Again, due to multipliers being calculated at a regional level, a degree of discounting has to be applied in order to ensure that only local impacts are considered. In order to assess what level of discounting is appropriate, secondary research was undertaken.
- 5.18 Research undertaken to assess the economic impacts of the Port of Falmouth found that approximately 7% of supply chain spend is at a local level, with 32% of spend elsewhere in Cornwall and 10% elsewhere in the South West (with the remainder at a national or international level). These figures suggest that a regional multiplier should be weighted to just 17% of its original form – i.e. $7\% / 42\% = 17\%$.
- 5.19 Elsewhere, research assessing the Economic Impact of the Port of Southampton finds that port businesses spend 50% of expenditure in the Solent (with 20% of spend elsewhere in the region, 20% in the rest of the UK and 10% international). This study therefore discounts regional multipliers to approximately 70% (- i.e. $50\%/70\% = 71\%$).
- 5.20 A study exploring the economic impacts of the Maritime Sector in Liverpool meanwhile refers to English Partnership guidance¹³ research which shows the relationship between local and regional multipliers for a range of property types to be between 55% and 68%.

	Local	Regional	Weighting
B1 Office	1.29	1.44	66%
B2 Industrial / B8	1.29	1.44	66%
Recreation	1.38	1.56	68%
Retailing	1.21	1.38	55%

Source: English Partnership Additionality Guide.

- 5.21 Given that Torbay is a larger economic area than Falmouth, though smaller than The Solent and some of the areas that may be captured in the English Partnership research above, it is thought that a weighting somewhere between these two is most appropriate.

¹³ English Partnerships. Additionality Guide.

5.22 Therefore, it is assumed that regional multipliers be adopted to 50% of their original size to account for spending patterns. This assumption is the equivalent of saying 50% of harbour estate tenant’s supply chain spend and income effect remains within the Torbay area. The amended multipliers used in this research, are outlined Appendix Two.

Exploring the Internal Economy

5.23 Applying these modified multipliers to the direct GVA and FTE outlined above produces a total of 123 FTE Gross positions created through multiplier impacts, this compares to a gross direct of 758 FTE. These figures demonstrate the maximum potential size of the possible double counting due to internal linkages between harbour organisations (i.e. 16% of total gross FTE will be indirect or induced).

5.24 One approach to assessing double counting is to consider in more depth the types of organisation that are producing the economic impacts of the harbour. The types of activity producing three quarters of the indirect and induced impacts stated below: Figures show that 79% of these jobs are created by the following four sections:

Organisation	Total Multiplier Impacts (FTE)	% of Multiplier Impacts
Fishing	38	30%
Food Processing	26	20%
Restaurants	20	16%
Food Retail / Wholesale	13	10%

5.25 As can be seen fishing is the industry contributing the most amount of multiplier impacts (30%). It is thought that a large amount of this spend will be on fuel (which is sourced from BTA) or boat equipment /supplies which may well be sourced from the shops of the estate.

5.26 In addition, Food Processing – which anecdotal evidence suggests to be related to sorting and icing fish – is also likely to have a large proportion of its supply chain related to the fishing. This again suggests the potential for double counting.

5.27 Likewise the remaining two sectors contributing to 79% of multiplier impacts - Restaurants and Food Retail / Wholesale – also suggest the potential for internal economics within the harbour.

5.28 Other types of organisation accommodated within the estate may also have significant ties with other harbour tenants (for example, organisations based in harbour offices may offer services in support of fishing or leisure activities).

5.29 Whilst there are undoubtedly aspects of the supply and income effects which are valid and boost the local economy (not least the income effect of employment which will pass through to various parts of the economy), the type of activities generating the most significant aspects of multiplier impacts tend to suggest the presence of noticeable internal economies. Therefore, in order to err on the side of caution, it is thought prudent to exclude multiplier impacts from this analysis.

5.30 This approach is in line with that seen for other impacts – specifically, that of Falmouth (which excluded local spend), and Aberdeen (which assumed indirect impacts were assessed via Direct employment and GVA).

5.31 Therefore, the net impacts considered below are based on direct impacts only.

Additionality

5.32 In order to convert these gross impacts to their net equivalents, a range of additionality factors are considered. In the absence of primary data upon which to construct these benchmarks, secondary research was used to inform a series of assumptions relating to each factor.

5.33 **Deadweight:** A review of similar reports reveals limited mention of deadweight. Specifically, studies of facilities in Aberdeen, Southampton and Merseyside make no mention of this factor. The Falmouth Study uses a survey of businesses¹⁴ to reveal a deadweight of 47.7%. In the absence of further information, this level of deadweight is applied to the gross impacts above.

5.34 **Displacement:** Again, there is limited information relating to Displacement, with both Southampton and Merseyside studies failing to mention this additionality factor. The Aberdeen study does account for displacement, but only in the context of new development work. A 10% level is adopted for the activities of on-site operations at the level of Aberdeen City and Shire. The Falmouth study is the only report to include displacement when looking at the baseline of port activities. This report analyses Falmouth Port investigating whether activity on the site could displace work at other ports in Cornwall and Devon. A 10% discount rate is applied in this study to certain Falmouth activities, which equates to an overall rate of 2%. Based on the information contained within these reports a low level of displacement is adopted for Tor Bay Harbour activities, specifically 10%.

5.35 **Leakage:** It is assumed that Leakage relating to multiplier impacts is accounted for through the modification of regional multipliers to their local equivalents (see above for more information). Another aspect of Leakage occurs when direct jobs are taken from those outside the local area. In the absence of information relating to employee home location, it is noted that the Port of Falmouth economic impact study finds 5% of employees to be located outside the study area (Cornwall). It should be noted that Torbay is a smaller geographic area than Cornwall and has a smaller population so it may be that leakage is higher for Tor Bay Harbour.

5.36 Another source of Leakage – namely Travel to Work Data (2011) shows that for the local economy as a whole (21%) of workers are from outside the Torbay area. Taking into account these pieces of information, a Leakage rate of 20% is selected for Harbour. These figures are therefore discounted from the analysis. This Leakage rate is already applied to the direct gross impacts and therefore does not need to be further considered in the additionality questions.

5.37 Applying these additionality weights to the gross impacts generates net impacts of 299 FTE and £11.9m.

¹⁴ Specifically, businesses were asked what percentage of turnover would survive in the absence of the Docks.

	FTE	GVA
Direct	635	£25.3m
Indirect	n/a	n/a
Induced	n/a	n/a
Gross	635	£25.3m
Net	299	£11.9m

Visitor Economy

- 5.39 As previously stated, tourism is of key importance to the local economy. Given the important role the harbour plays in attracting visitors to the area it is appropriate to include visitor economy impacts as part of this impact study.
- 5.40 Note that a review of other studies shows visitor economy analysis is limited to tourists arriving via cruise ships. Whilst this approach does have some merit (for example, it helps ensure that impacts are closely related to the port), it is not thought appropriate for this study. Specifically, Tor Bay Harbour Estate is acknowledged as being an important tourism asset in its own right, with maritime leisure identified¹⁵ as one of five key opportunities for visitor economy growth. It was therefore decided that the harbour's role in the visitor economy be considered, not only in terms of cruise visitors, but in terms its wider role in attracting visitors to the area.
- 5.41 Tourism can be a difficult concept to capture given that it does not relate to clearly defined sectors or the types of goods produced, but rather to the type of spending that occurs – i.e. that by visitors to the area. The following section draws upon secondary research to construct assumptions that can be used to capture how the harbour impacts on the visitor economy. Given difficulties inherent in this analysis, the figures produced are for illustrative purposes and are perhaps best interpreted with a degree of caution.

The Size of the Local Visitor Economy

- 5.42 As perhaps reflects tourism's importance in the area, there is already a considerable amount of research conducted into the size of the visitor economy in Torbay (the in-depth findings of which are listed in Appendix Three). Key findings of this research show that in 2014 over 3.6 trips to Torbay generated £433m spend in the local Economy creating 8,504 FTE jobs.

The Role of the Harbour in the Visitor Economy

- 5.43 Obviously the tourism figures above refer to Torbay as a whole, not just the harbour. Two key issues have to be addressed in order to isolate the harbour visitor economy impacts, namely:

1. Isolating Harbour Visitor Spend
2. Ensuring that visitor economy impacts are not simply a double counting of those captured through the activities of harbour tenants.

1. Isolating Harbour Visitor Spend

¹⁵ See 'Turning the Tide for Tourism in Torbay 2012-2015'

5.44 Figures taken from the English Riviera Visitor Survey (2012/13) show the local harbour's to be an important part of visitor's trip to the area. This is shown in the table below:

Table 5.5: Places of visitor interest			
Resort	Day Visitors	Staying Visitors	All visitors
Torquay seafront	74%	49%	83%
Torbay Harbour	53%	83%	75%
Torquay shopping centre	41%	78%	69%
Brixham harbour	29%	72%	61%
Paignton seafront	48%	66%	61%
Paignton town centre	34%	55%	49%
Babbacombe Downs	34%	42%	40%

5.56 As can be seen, three quarters of visitors (75%) stated they had either visited Torquay Harbour, or intended to, on their trip. The popularity of Brixham Harbour (61% visitors) and the seafronts of Torquay (83%) and Paignton (61%) further emphasise the importance of the marine offer to tourism in the area.

5.57 Further demonstrating the importance of the harbour is that when asked the types of attractions that visitors would like to attend, 67% of all visitors stated their intention to visit harbours, as well as other assets within the harbour estate (marinas, piers, boat trips).

Table 5.6: Types of attractions			
Resort	Day Visitors	Staying Visitors	All visitors
Shops	64%	87%	81%
Cafes	63%	83%	78%
Harbours	43%	76%	67%
Restaurants	37%	64%	57%
Beaches	42%	50%	48%
Marinas	24%	49%	43%
Piers	39%	45%	43%
Bars	18%	39%	33%
Coastal Path	16%	28%	25%
Boat trips	11%	30%	25%
Family attractions	25%	20%	21%
Gardens	9%	19%	16%
Historic houses	8%	14%	12%
Museums	6%	12%	10%
Historical Sites	6%	11%	9%

5.58 **Day Visitors:** Given the percentages in the above table total 411% it is clear that many of the day visitors had numerous motivations for visiting the area. However, given that many of these activities are related to the harbour estate, it is assumed that those day trippers who do visit the harbour (43%) spend all day on the estate. It follows that these visitors, therefore, made the trip for the purpose of visiting the harbour. The spend resulting from these trips can therefore be entirely attributed to the harbour.

- 5.59 **Staying Visitors:** As with day visitors, research shows numerous motivations for staying visitors coming to Torbay (the percentages in the above table total 627%). That there are numerous reasons for visiting the area is perhaps not surprising given the average length of stay equals 3.9 nights per trip. Nevertheless, the harbour estate once again appears to be an important part of visitors' motivations in coming to the area.
- 5.60 In the absence of more detailed information outlining the tourism industry, the crude assumption that half of the 76% of staying visitors visiting the harbour came to the area for that very reason – i.e. 38% of staying visitors spend can be attributed to the presence of the harbour estate.

2. Double Counting

- 5.61 Tourists coming to the area to visit the harbour will spend money at businesses within the harbour estate. Given that the employment and GVA associated with this spend have been captured in the 'tenant activities' above, it is therefore necessary to discount visitor spend in order to prevent double counting.
- 5.62 Identifying the exact level to which tourism spend should be discounted is a complex process that would ideally utilise detailed spending pattern data. Given such data is unavailable, and that consultation with visitors is beyond the scope of this report, assumptions (informed by secondary research) are instead applied to address this issue.
- 5.63 **Day Visitor Spend:** Given that only day visitors visiting the area for the harbour are included in the analysis, it follows that their spend will be almost exclusively focused on goods and services sold by organisations on the harbour estate. Whilst there may be spend in the wider Torbay economy (e.g. travel costs), to err on the side of caution, all day visitor spend is excluded from further calculations (i.e. it is assumed that the impacts of day visitor spend have already been captured through the tenant analysis above).
- 5.64 **Staying Visitor Spend:** Data shows that UK visitors tend to stay in the area for 3.6 nights, with visits from abroad lasting for 5.4 nights. Given the lengths of these visits, it is likely that visitor spend impact on the wider economy, not just the harbour estate.
- 5.65 Research into the Torbay visitor economy shows five broad spending categories (accommodation, shopping, food & drink, attractions/entertainment). For both foreign and domestic visitors accommodation is the category with the highest level of expenditure. Given there are no hotels on the harbour estate, it follows that 100% of accommodation spend is within the wider economy. Likewise, travel expenditure is also assumed to exclusively relate to the wider economy. The remaining categories (i.e. shopping, food and drink, attractions) relate to goods and services which may be purchased on the harbour estate or further afield. In the absence of more detailed data, it is assumed that 50% of this spend is on the harbour estate (and so is excluded from tourism impact calculations), with 50% considered to be additional to the harbour (and therefore, included in the tourism impact calculations)¹⁶.

¹⁶ It should also be noted that visitor spend, even if not on the harbour estate, may have multiplier impacts already accounted for by the Harbour analysis above. Isolating and discounting these impacts is beyond the

5.66 Another category of expenditure ‘Other non-trip related expenditure’ is excluded from calculations. This spend is that includes various factors such as ongoing expenditure on accommodation (e.g. second home or boat maintenance) or additional spending by non-visitors (e.g. friends and relatives with whom the tourist is staying). This expenditure will either be captured in the Harbour estate impacts already (i.e. boat maintenance), likely to displace other expenditure (i.e. spending by non-visitors) or difficult to attribute to the harbour (e.g. spending on second homes).

5.67 The table below summarises these assumptions:

Table 5.7: Visitor Economy Assumptions
Day Visitors:
43% of day visitors considered to be additional to the area due to the Harbour. However, the impacts arising from the spend associated with these visits is assumed to have been covered by tenant organisations above.
Staying Visitors:
Half of the staying visitors visiting the harbour came to the area for that very reason. Spend included: <ul style="list-style-type: none"> • 100% accommodation • 100% travel spend • 50% shopping • 50% food and drink • 50% attraction spend • 0% Other non-trip related expenditure

Gross Direct Impacts

5.68 Research published by the Devon Tourism Partnership shows that spend from staying visitors created 4,378 direct jobs. Applying the above assumptions gives a total gross direct impact of 1,215 positions associated with the harbour attracting visitors to Torbay. A total GVA impact of £42.8m is associated with these jobs.

Indirect and Induced Impacts ¹⁷

5.69 The South West Research Company figures also capture indirect and induced impacts. Applying the assumptions above to these figures produces a total Gross FTE employment of 1,773 FTE with GVA £62.8m¹⁸.

Additionality

5.70 **Deadweight** (or what would happen in the absence of the harbour) is accounted for by the assumptions above – i.e. only those visiting the region because of the harbour are considered.

scope of this analysis. However, by assuming a relatively high level of spend (50%) is on the estate, it is hoped any double counting is avoided.

¹⁷ Multipliers are based on purchases of supplies and services by businesses in receipt of visitor spending and the result of the spending of wages by direct and indirect employees. These multipliers limit impacts to those occurring locally.

¹⁸ Using CPI annual rates to inflate value to 2015 prices.

- 5.71 **Displacement** associated with these activities is assumed to be 25%. This is considered to be a 'low level' of displacement according to English Partnership's Additionality Guide. This reflects that the industry activity is long established, but struggling, within the area and is not likely to take land, labour or capital from other industries.
- 5.72 **Leakage** is assumed to be 21%. This is in line with Travel to Work Data (21% in 2011).
- 5.73 Applying these additionality factors gives a **total net tourism impact of 1,050 FTE positions and £37.2m GVA.**

Visitor Economy Impacts: Summary		
	FTE	GVA
Direct	1,215	£42.8m
Indirect	397	£14.3m
Induced	161	£5.8m
Gross	1,773	£62.8m
Net	1,050	£37.2m

6 CONCLUSIONS

- 6.1 Tor Bay Harbour Estate is of key economic and strategic importance. This report assesses the FTE employment and GVA arising from operation of the harbour, the commercial activities it facilitates and its role in the visitor economy.
- 6.2 The table below summarises these economic impacts¹⁹ aggregating results to produce a total gross impact of 2,436 FTE and £89.8m GVA in the Torbay economy. **The total local net impact of the harbour is equal to 1,377 FTE and £50.9m GVA.**

Table 6.1: Summary of Harbour Economic Impacts		
Total Harbour Impacts	FTE	GVA
Direct	1,869	£69.2m
Indirect	403	£14.6m
Induced	164	£6.0m
Gross Total Impacts	2,436	£89.8m
Net Total Impacts	1,377	£50.9m
Operation and Maintenance Impacts	FTE	GVA
Direct	19.0	£1.2m
Indirect	6.3	£0.4m
Induced	2.8	£0.2m
Gross Total Impacts	28.0	£1.7m
Net Total Impacts	28.0	£1.7m
Tenant Impacts	FTE	GVA
Direct	635	25.3
Indirect	n/a	0.0
Induced	n/a	0.0
Gross Total Impacts	635	25.3
Net Total Impacts	299	11.9
Visitor Impacts	FTE	GVA
Direct	1,215	42.8
Indirect	397	14.3
Induced	161	5.8
Gross Total Impacts	1,773	62.8
Net Total Impacts	1,050	37.2

- 6.3 Given the total impacts above, it is estimated that for every £1 spent by Tor Bay Harbour Authority²⁰ £42 of Gross GVA / £24 of Net GVA is generated by the harbour in the local economy.

¹⁹ Note GVA is expressed in 2015 prices. Given the ongoing operation of the harbour however, GVA will be produced on an ongoing basis.

²⁰ This figure include Harbour Authority spend on a range of activities such as employees, maintenance, capital financing, support services and other costs. It should be noted however, that this is not an exhaustive figure relating to harbour related spend. For example, it does not include infrastructure spend or spend by the Local Authority relating to the harbour estate. Including this spend will see a fall in the ratio presented above.

APPENDIX 1: SUMMARY OF RESEARCH ACTIVITIES

The following lists the main research activities that were undertaken as part of this research. These activities were supplemented by In addition to these documents, interviews and data sources, statistics such as those published by ONS were used in the delivering of this work.

List of Tor Bay Harbour Operational Information

- Tor Bay Harbour Floor Plan

List of Strategic Documentation reviewed:

- Tor Bay Harbour - Business Plan 2015/16. Tor Bay Harbour Authority
- Torbay Economic Strategy 2013-18. Torbay Council
- Marine Economy Action Plan. Torbay Development Agency
- Port Masterplan. Tor Bay Harbour Authority
- Northern Arm Breakwater Brixham Business Case. Tor Bay Harbour Authority
- Fish Processing Park Business Development Plan. Torbay Development Agency

List of Economic Impact Assessments consulted:

- The Maritime Sector on Merseyside: Economic Impact Study (Fisher Associates)
- Economic Impact of Aberdeen Harbour (BiGGAR Economics)
- Economic Impact of the Port of Southampton (Atkins)
- Port of Falmouth Masterplan: Economic impact assessment of Masterplan options and the Masterplan (Roger Tym and Partners)

List of Tourism Documents Consulted

- The Economic Impact of Devon's Visitor Economy – Torbay 2013
- The Year in Context – The South West Region 2013
- Torbay Official Statistics - 2013

List of Stakeholders consulted:

- Dartside Quay & Brixham Marina
- English Riviera Tourism Company
- Marine & Towage Services Group
- Brixham Trawler Agents (BTA)

APPENDIX 2: CAPTURING TENANT ECONOMIC IMPACTS-

Converting Floor Space Charts to Full Time Equivalent (FTE) Employment

Floor plans provided by the client provide a list of tenants complete with floor size - measured in terms of Gross External Area (GEA). To convert this data into economic outputs Homes and Communities Agency (HCA) guidance (specifically the Employment Densities Guide - 2010) was used.

This guidance provides benchmarks to assist appraisers in estimating the employment created by property development. Specifically, a series of 'employment density' ratios are provided, showing the area per FTE employee by a series of building use types.

In order to tailor the analysis to the types of economic activity generated at the harbour, each unit was allocated an employment density benchmark based on the nature of the occupier.

It should be noted that this report produces only a small number of benchmarks based on five groups of building usage (industrial, warehouse & distribution, office, retail, leisure & visitor attractions). Working within these limitations, premises with no obvious relevance to the categories of usage were allocated to General Industrial usage.

Given that these ready reckoners are generally provided in terms of Net Internal Space (NIA). GIA figures provided in the floor space had to be converted to NIA in a two stage process:

1. Converting GEA to GIA
2. Converting GIA to NIA

Scottish Government research states that a factor of 0.95 is applied to convert GEA into GIA. The research notes that the factor is not without limitation and could be significantly different depending on the building in question. Nevertheless the research states that through discussions with surveyors it was established to be a fairly accurate assumption in the majority of cases. This factor is adopted for this research.

The HCA Employment densities guide contains guidance as to how to convert GIA to NIA. Based on this guidance, it was assumed that the GIA area was 17.5% higher than the NIA.

Converting employment to Gross Value Added

The GVA impacts associated with Direct Employment is captured using industrial group regional GVA figures published by ONS. These figures were converted to a per FTE figure using employment in each sector. Figures were adjusted for FTE employment and inflation. All GVA figures are in 2015 prices.

Capturing Indirect and Induced Impacts

As discussed in the main body of the report, Scottish Government multipliers are converted to capture local impacts. These multipliers, in both original and modified forms, are shown in the table overleaf.

Scottish Government GVA and Employment multipliers - Original and Amended Values

Sector	Employment				Gross Value Added			
	Original Value		Amended Value		Original Value		Amended Value	
	Type 1	Type 2	Type 1	Type 2	Type 1	Type 2	Type 1	Type 2
Retail - excl vehicles	1.2	1.3	1.1	1.2	1.3	1.5	1.1	1.3
Food & beverage services	1.2	1.3	1.1	1.1	1.3	1.5	1.1	1.3
Cultural services	1.2	1.4	1.1	1.2	1.3	1.7	1.2	1.3
Sports & recreation	1.2	1.4	1.1	1.2	1.4	1.7	1.2	1.4
Membership organisations	1.4	1.8	1.2	1.4	1.4	1.7	1.2	1.4
Fish & fruit processing	2.0	2.3	1.5	1.6	2.2	2.8	1.6	1.9
Rental and leasing services	1.3	1.4	1.1	1.2	1.2	1.3	1.1	1.2
Office	1.4	1.5	1.2	1.3	1.4	1.6	1.2	1.3
wholesale and retail - vehicles	1.2	1.2	1.1	1.1	1.4	1.5	1.2	1.3
fishing	1.2	1.3	1.1	1.2	1.5	1.7	1.2	1.3
Wholesale – excl. vehicles	1.6	1.9	1.3	1.5	1.6	1.9	1.3	1.4
Architectural services etc.	1.6	1.9	1.3	1.5	1.5	1.8	1.2	1.4
public administration and defence	1.5	1.9	1.2	1.4	1.3	1.7	1.2	1.3
Repair & maintenance	1.7	2.1	1.4	1.5	1.4	1.7	1.2	1.3
Warehousing and support services for transportation	1.7	2.0	1.3	1.5	1.6	2.0	1.3	1.5

* In the absence of information outlining exactly what an office space was used for, this multiplier was applied (this is constructed as an average of multipliers related to professional and administration activities).

APPENDIX 3: VISITOR ECONOMY STATISTICS

The table below outlines key facts demonstrating the size of the local visitor economy.

Torbay Tourism Key Facts (2014)	
Category	Figure
Staying visitor trips	1,148,200
Staying visitor nights	4,331,200
Staying visitor spend	£298,856,000
Day Visits	3,461,000
Day visitor spend	£124,725,000
Direct visitor spend	£423,581,000
Other related spend	£9,892,000
Total Visitor related spend	£433,473,000
Estimated actual employment	11,627
FTE employment	8,504
Proportion of all employment	21%

Torbay relies on tourism with over 3 million visitors to the Bay every year generating around £450 million pounds spend in the local economy²¹. Much of Torbay's sectors of employment rely significant on predominately low paid, low skill jobs within the tourism sector, in which 1 in 6 residents currently work²².

The Tourism Offer

The English Riviera Visitor Survey (2012/13) conducted 1,013 face to face interviews with tourists gathering information on visitor profiles, reason for visit and length of stay. According to the survey, roughly three quarters of visitors stayed overnight on the English Riviera, with 97% of visitors being from the UK and 66% being from outside of the South West region. Just over half of visitors (53%) were staying overnight in Torquay and average length of stay was 5.4 nights. For many visitors, this trip was a repeat visit to the area (85%); nearly two thirds of visitors (56%) had visited in the last 12 months.

Visitors were asked what locations they planned to visit and what attractions they had or planned to do during their trip. Torquay seafront and Torbay Harbour were ranked top visitor locations (83% and 75% respectively). Interestingly, day visitors were more likely to visit the Torquay seafront (74%) compared to Torbay Harbour (53%); this was the opposite for staying visitors.

²¹ <https://www.countryside-trust.org.uk/tcct-what-we-do/sustainable-tourism>

²² <http://www.torbay.gov.uk/tdaeconomicstrategysummary.pdf>

Places of visitor interest			
Resort	Day Visitors	Staying Visitors	All visitors
Torquay seafront	74%	49%	83%
Torbay Harbour	53%	83%	75%
Torquay shopping centre	41%	78%	69%
Brixham harbour	29%	72%	61%
Paignton seafront	48%	66%	61%
Paignton town centre	34%	55%	49%
Babbacombe Downs	34%	42%	40%

The main attractions visitors planned to take in whilst visiting included shops (91%), cafes (78%), harbours (67%), restaurants (57%) and beaches (48%). Other activities visitors had or were intending to take part in during their visit to the resort included eating and drinking (89%), shopping (80%), short walk up to 2 miles (72%), long walk more than 2 miles (28%) and spending half a day or more on the beach (28%).

Types of attractions			
Resort	Day Visitors	Staying Visitors	All visitors
Shops	64%	87%	81%
Cafes	63%	83%	78%
Harbours	43%	76%	67%
Restaurants	37%	64%	57%
Beaches	42%	50%	48%
Marinas	24%	49%	43%
Piers	39%	45%	43%
Bars	18%	39%	33%
Coastal Path	16%	28%	25%
Boat trips	11%	30%	25%
Family attractions	25%	20%	21%
Gardens	9%	19%	16%
Historic houses	8%	14%	12%
Museums	6%	12%	10%
Historical Sites	6%	11%	9%