



Monday, 27 November 2017

HARBOUR COMMITTEE

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

Tuesday, 5 December 2017

commencing at **5.30 pm**

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

Members of the Committee

Councillor Amil	Councillor Manning
Councillor Bye (Chairman)	Councillor O'Dwyer
Councillor Carter	Councillor Pentney
Councillor Ellery	Councillor Robson
Councillor Hill	

External Advisors

Mr Buckpitt, Mr Ellis 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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(1)

HARBOUR COMMITTEE

REVISED AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 4 - 5)
To confirm as a correct record the Minutes of the meeting of the Committee held on 8 November 2017.
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. **Tor Bay Harbour Authority Budget and Setting of Harbour Charges 2018/2019**
To consider a report that sets out the Tor Bay Harbour Authority budget and setting of Harbour Charges.
6. **Port Marine Safety Code - Annual Compliance Audit** (To Follow)
To note the contents of the Annual Compliance Audit of the Port Marine Safety Code.
7. **Tor Bay Harbour Authority Budget Monitoring 2017/2018**
To consider the Tor Bay Harbour Authority quarterly budget monitoring report.

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|------------|--|--------------------|
| 8. | Review of Tor Bay Harbour Business Risks 2017/2018
To consider a report that reviews the Tor Bay Harbour Business Risk Register for 2017/18. | (Pages 6 -
15) |
| 9. | Tor Bay Harbour Pilotage Directions
To consider a report on the above. | (Pages 16 -
19) |
| 10. | Oxen Cove Fish/Shellfish Processing Facility
To note the report that will be presented to Council on 7 December 2017. | (To Follow) |
| 11. | Torquay/Paignton and Brixham Harbour Liaison Forums
To note the minutes of the above Harbour Liaison Forums. | (To Follow) |



Minutes of the Harbour Committee

8 November 2017

-: Present :-

Councillor Bye (Chairman)

Councillors Amil, Carter, Ellery (Vice-Chair), Pentney and Robson

58. Minute Silence

Members observed a minutes silence as a mark of respect in memory of the late Councillor Roger Stringer.

59. Apologies

The meeting was opened with a moments silence in memory of Councillor Stringer.

Apologies for absence were received from Councillors Manning and O'Dwyer.

60. Minutes

The Minutes of the meeting of the Harbour Committee held on 26 June 2017 were confirmed as a correct record and signed by the Chairman.

61. Urgent items

The Committee considered the items in Minute 61 and not included on the agenda, the Chairman being of the opinion that they were urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

62. Oxen Cove Processing Unit

The Executive Head of Assets and Business Services highlighted that he had been authorised by the Harbour Committee to work up detailed proposals for a shellfish storage, depuration and processing facility in or adjacent to Oxen Cove and that subject to a viable business case, he had been asked to submit detailed proposals in a further report to the Harbour Committee and Council, to enable development to commence. It was requested that, to avoid delay in bidding for external grant funding, the Executive Head of Assets and Business Services be authorised to engage directly with the Mayor and the Council to take this project forward.

Resolved:

That the Executive Head of Assets and Business Services be authorised to engage directly with the Mayor and the Council on a capital project to deliver a processing unit in Oxen Cove prior to and at the forthcoming December Council meeting.

63. Harbour Light Building, Paignton Harbour - Alternative Business Case

Further to the meeting of the Harbour Committee held on 20 March 2017, the Committee considered an alternative business case which had been developed to enable the Harbour Committee to consider another option for the future use of the Harbour Light Building.

Members were advised that the alternative business case addresses the opportunity for a single occupier of the building. This is in addition to the business case which relates to occupation of the building by several different tenants. Members welcomed the potential for the building to be marketed for both single and multiple occupiers and sought reassurance that the operation of the quay would not be hindered by the proposals.

Resolved;

- i) that, having considered the submitted alternative business case, the Executive Head of Assets and Business Services is instructed to market the Harbour Light Restaurant building for occupation by both one operator and for multiple tenants/operators; and
- ii) that, following a suitable marketing/procurement exercise, the Executive Head of Assets and Business Services, supported by the TDA, be asked to secure tenants for the redeveloped building, on favourable terms, which represent best value for the Council.

Chairman/woman



Meeting: Harbour Committee

Date: 5th December 2017

Wards Affected: All wards in Torbay

Report Title: Review of Tor Bay Harbour Business Risks 2017/18

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat
Executive Head of Assets & Business Services
Tor Bay Harbour Master
☎ Telephone: 01803 292429
✉ Email: Kevin.Mowat@torbay.gov.uk

1. Purpose

- 1.1 This report provides Members with the opportunity to consider and review the Tor Bay Harbour Business Risk Register for 2017/18.

2. Summary

- 2.1 It is accepted that in order for risk management to be truly successful it must be integrated into the culture of an organisation, supported and led by its senior management and communicated effectively at all levels. Consequently it is appropriate that as Tor Bay Harbour's governing body, the Harbour Committee formally reviews its business risks on a regular basis.
- 2.2 Risk No. 4 – *“To achieve financial strength and effectively manage the Harbour Authority's assets”* - remains the most significant risk due to the increasing level of the cash dividend/asset rental levy. Although the risk score has not been elevated this year, the reserve fund continues to diminish, the repairs budget has been cut and the income from fish tolls, although currently strong, is always uncertain. The probability/impact scores for Risk No. 4 are such that it could easily become a high scoring risk and this is clearly a matter of concern.
- 2.3 **The Committee is asked to note the Tor Bay Harbour Business Risk Register attached as Appendix 1.**

Supporting Information

3. Position

- 3.1 Risk management is a fundamental part of any harbour's strategic management; the focus of which is the identification, analysis and treatment of risk in order to add maximum sustainable value to all of the harbour's activities. Risk Management increases the probability of success, and reduces both the probability of failure and the uncertainty of achieving the harbour's overall objectives.
- 3.2 As part of the requirements for corporate governance and internal control an organisation must 'embed' risk management into its culture. This is not simply having an internal audit function reviewing risk management procedures; it means, for the harbour authority, that the Harbour Committee needs to look forward, be dynamic, respond effectively to change and maximise opportunities.
- 3.3 The benefits gained in managing risk are improved strategic, operational and financial management, continuity of knowledge and information management processes, improved compliance and, most importantly, improved customer service delivery. Sound management of business risks will also promote a positive external image of Tor Bay Harbour for all stakeholders.
- 3.4 A harbour authority, in common with any commercial undertaking, requires effective strategic leadership based on a complete understanding of the direction being taken and its associated opportunities and risks.
- 3.5 Making informed and transparent decisions which are subject to effective scrutiny and managing risk is a core principle of good governance.
- 3.6 Risk management is a key contributor to business planning and therefore integral to continuous improvement and sustainability. The Risk Register is used as a management tool to support the Tor Bay Harbour Business Plan.
- 3.7 The harbour authority understands the importance of risk taking and acknowledges that a certain amount of risk taking is inevitable if the harbour is to achieve its objectives. As a harbour authority we should aim to take risks which enable improvement and seek to avoid risks which could affect core business.
- 3.8 Risk registers are living documents and therefore must be regularly reviewed and amended. The reason for monitoring key risks is to create an early warning system for any movement in risk. The Council's risk management strategy requires that registers are monitored every six months. It is anticipated that the Harbour Committee will include a formal review of the Tor Bay Harbour Risk Register within its annual work programme. However, high scoring risks will be monitored more frequently by the Executive Head of Business Services and referred to the Harbour Committee for further review as required. Currently there are no high scoring risks.
- 3.9 The Tor Bay Harbour Business Risk Register 2017/18 is attached at Appendix 1. In 2011, with the help of the Council's Corporate Risk Management team, the Risk Register was consolidated from 39 individual risks to 9 entries linked to the performance objectives of the harbour authority. This current Risk register has recently been reviewed with feedback from staff and members/advisors on the

Harbour Committee. A number of risks have consequently been updated and the risk register can also be found within the Council's performance management software (SPAR.net).

Kevin Mowat

Executive Head of Assets & Business Services - Tor Bay Harbour Master

Appendices

Appendix 1 Tor Bay Harbour Business Risk Register 2017/18

Additional Information

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

Torbay Council - Risk Management Strategy

Appendix 1 - Tor Bay Harbour Authority Risk Register 2017/18

Customer Focused											Current Risk Score				Control Owners	Risk Owner	Accountable Body
Risk No	Spar Code	Scorecard Objective	Risk Title	Risk Description, Threat: What could happen to affect this, Cause: How could it happen	Probability and Proximity Description (How likely is it to happen? When is it likely to happen?)	Impact description, what could the impact be?	Control measures (SPAR Projects & PIs)	Probability Score	Impact Score	Risk Score	Risk Rating. 1-4=L 6-9=M 12-16=H						
1	HMS RR 01	1. Encourage local prosperity	Encourage Local Prosperity	If we fail to capitalise on Torbay's maritime setting or implement a robust sustainable maritime industry - Then we will not have the revenue to support the local maritime economy or regenerate our built infrastructure - So this may have a negative impact on tourism revenues, loss of maritime services and damage to our reputation.	Unlikely	Reduced number of maritime events. Significant medium term impact on tourism. Loss of reputation - bad PR. Reduced economic benefit. Poorer built environment. No new infrastructure. Missed investment opportunities. Lower fish toll income. Inability for the harbour account to service prudential borrowing. Premises unsafe/unusable for extended period. Loss of reputation.	1. Produce a schedule of Maritime Events (Jan 2017). 2. Maintain an Oil Spill Response and Contingency Plan (OPRC) and undertake an oil pollution response exercise - ensure we have suitable trained staff to respond. 3. Provide visitor moorings and maintain a competitive charging regime (Annually). 4. Maximise the benefits from the new Brixham Fish Market - Monitor the fish tolls income and the impact of the Common Fisheries Policy (Monthly). 5. Maintain a Harbour Authority Business Plan and Business Continuity Plan (March 2017). 6. To keep existing businesses and attract new activities (Ongoing). 7. Explore marketing opportunities (Ongoing). 8. Maintain a Tor Bay Harbour - Port Masterplan (Ongoing).	2	3	6	M	Kevin Mowat Dave Bartlett Simon Pinder Nick Burns	Executive Head of Business Services	Harbour Committee			
2	HMS RR 02	2. To engage with the community and harbour users	To engage with the community and harbour stakeholders	If we fail to consult and engage appropriately with all relevant harbour users, groups and stakeholders - Then we will be unable to provide accountable and transparent management of the Tor Bay Harbour Authority - So we may be accused of failing to accurately meet the needs of our customers and stakeholders resulting in a loss of revenue streams and damage to our reputation.	Unlikely	The services provided do not reflect the needs of customers. Wrong activity is delivered, weak outcomes not wanted by partners. Loss of reputation.	1.To hold meetings with harbour users and other stakeholders (Quarterly). 2.Use established user groups and Community Partnerships to consult on specific issues (Ongoing). 3.To continue to work with relevant voluntary and community organisations (Ongoing). 4.To support and engage with the local Coastal Partnership - SeaTorbay (Quarterly). 5.Undertake regular User Surveys. 6. Monitor the Visitor Feedback forms (Quarterly).	2	3	6	M	Kevin Mowat Dave Bartlett Simon Pinder Nick Burns	Executive Head of Business Services	Harbour Committee			
3	HMS RR 03	3. To maintain a stewardship of the harbour's built and natural environment	To maintain a stewardship of the harbour's built and natural environment	If we fail to implement a sustainable approach to harbour management in respect to present and future climatic, environmental and economic changes - Then we will be unable to increase public awareness of the maritime environment as a valuable social and economic asset - So the impact of harbour activities may degrade the natural environment resulting in possible prosecution, loss of revenues and damage to our reputation.	Unlikely	Possible environmental, economic and social damage. Unprepared for sea level rise. Potential for serious damage to our infrastructure which would impede our ability to meet budget and may also have capital implications. Insufficient staff to fulfil obligations. Public misunderstanding of the significance of the Bay and Tor Bay Harbour. Loss of reputation. Requirement to reduce or cease commercial fishing in designated areas. Loss of jobs and reduced fish toll income. Increased waste costs if not properly managed. Risk of corporate prosecution. Ineffective strategic direction based on an incomplete understanding of the direction being taken by the Harbour Authority. Inability for the Harbour Committee and Council to respond effectively to change and maximise opportunities. Poor coherence between the Port Master Plan, marine planning and terrestrial planning. Loss of reputation.	1.Work closely with the Environment Agency and make reference to the Shoreline Management Plan when taking key decisions. 2.Support and engage with the local Coastal Partnership - SeaTorbay (Quarterly). 3.Assist in the collection of spatial mapping data. 4.Maintain competitive charging regime. (Annually) 5.Review harbour charges and maintain strong rental streams. (Annually) 6.Maintain a specific Environmental Policy. (Biennial) 7.Contribute to the delivery of the Coastal Zone Management Plan. (Sept 2017) 8.Improve corporate management of environmental risks & the harbour's environmental performance. 9. Influence decision making over the management measures of the new SAC in Torbay. 10. Maintain a Tor Bay Harbour - Port Masterplan (Ongoing). 11. Influence decision making over the management measures within the Marine Conservation Zones. (Nov 2017) 12. Investigate renewable energy projects for use on the harbour estate (Sept 2017).	2	3	6	M	Kevin Mowat	Executive Head of Business Services	Harbour Committee			

Monetary Focused

Risk No	Spar Code	Scorecard Objective	Risk Title	Risk Description, Threat: What could happen to affect this, Cause: How could it happen	Probability and Proximity Description (How likely is it to happen? When is it likely to happen?)	Impact description, what could the impact be?	Control measures (SPAR Projects & PIs)	Current Risk Score				Control Owner	Risk Owner	Accountable Body
								Probability Score	Impact Score	Risk Score	Risk Rating. 1-4=L 6-9=M 12-16=H			
4	HMS RR 04	4. To achieve financial strength and effectively manage the Harbour Authority's assets	Effectively manage the Harbour Authority's assets	If we fail to effectively manage all of the Harbour Authority's financial and built assets - Then we may fail to secure competitive rental stream revenue and our built infrastructure will deteriorate - this may leave us with unsafe infrastructure, failing to meet government guidelines on best practice, forced cessation of some discretionary services and damage to our reputation.	Likely	Ineffective strategic direction, cessation of business activities, loss of staff, loss of revenue, damage to reputation and failing to meet best practice guidelines. Inability for the harbour account to service prudential borrowing. Premises unsafe/unusable for extended period.	1. Produce an Asset Management Plan for the Harbour Authority. (March 2017) 2. Monitor and maximise harbour estate lettings occupancy (Quarterly). 3. Monitor variation on budgeted income and budgeted expenditure. (Quarterly) 4. To keep existing business and attract new activities (Ongoing). 5. Implement the safety management improvement plan. (Nov 2017) 6. Maintain a Harbour Emergency Response Plan and Business Continuity Plan (Ongoing). 7. Financial Regulations and audit controls. 8. Review harbour charges and maintain strong rental streams. (Annually) 9. Maintain competitive charging regime (Annually). 10. To produce and review a Risk Register for the Harbour Authority. (March 2018) 11. Maintain a Harbour Authority Audit Plan. (June 2017) 12. To keep existing businesses and attract new activities (Ongoing). 13. Explore marketing opportunities (Ongoing).	3	3	9	M	Nick Burns Kevin Mowat Dave Bartlett Simon Pinder	Executive Head of Business Services	Harbour Committee

Risk No	Spar Code	Scorecard Objective	Risk Title	Risk Description, Threat: What could happen to affect this, Cause: How could it happen	Probability and Proximity Description (How likely is it to happen? When is it likely to happen?)	Impact description, what could the impact be?	Control measures (SPAR Projects & PIs)	Current Risk Score				Control Owner	Risk Owner	Accountable Body
								Probability Score	Impact Score	Risk Score	Risk Rating. 1-4=L 6-9=M 12-16=H			
5	HMS RR 05	5. Effective risk management and health and safety in place	Effective risk management and health and safety	If we do not have a robust culture for managing our risks, our projects, as well as our information governance and operational Health and Safety - Then we may suffer failings in the overall management of the Harbour Authority - So this may result in injury to stakeholders, loss of revenue, lost information, legal action and damage to our reputation.	Unlikely	Insufficient staff to fulfil obligations. Staff health & safety compromised. Legal action against the Council. Weak project governance leading to poor delivery & inadequate control measures. Projects run late and/or over budget. Outcomes not achieved. Information or financial loss. Time wasted looking for information. Risk of not meeting FOI/customer requests correctly. Loss of reputation.	1.Help provide appropriate sea and flood defences. 2.Reduce the number of reportable accidents (RIDDOR). 3.Test and review a Business Continuity Plan. 4.Review harbour charges and maintain strong rental streams (Annually). 5.Ensure staff are properly trained (Ongoing). 6.Employ properly trained Project Managers. 7.Monitor project performance using SPAR.net (Quarterly). 8.Data Protection Act - staff given necessary training. 9.Customer database kept updated and backed-up to Council's server. 10.Document and file retention schedule drawn up and observed (Ongoing). 11.Commercial shredding contractor used for document disposal (Ongoing). 12. Implement the safety management improvement plan (Nov 2017).	2	4	8	M	Nick Burns Kevin Mowat Dave Bartlett Simon Pinder	Executive Head of Business Services	Harbour Committee
6	HMS RR 06	6. Ensuring equality and diversity in service delivery - together with equality of opportunity	Ensure quality and diversity of service delivery and provision	If we fail to provide a service that ensures equality and diversity - Then we may unknowingly discriminate against staff and/or stakeholders - So this may result in legal action, insufficient staff levels, drop in service delivery and damage to our reputation.	Very Unlikely	Discrimination, legal effects. Insufficient staff to fulfil obligations. Legal action against the Council. Loss of reputation.	1.Complete equality impact assessments and produce an improvement action plan (Annually).	1	2	2	L	Simon Pinder	Executive Head of Business Services	Harbour Committee
7	HMS RR 07	7. Improve and maintain the customer experience	Maintain or improve the customer experience	If we do not provide a high quality harbour service that accurately meets the needs of our customers - Then we will not be providing a professional and equitable service - So this may result in loss of demand for harbour services, loss of revenue streams and damage to our reputation.	Unlikely	Insufficient staff to fulfil obligations, facilities provided at a loss, income stream lost, unfair allocation of harbour facilities, legal action against the authority, high level of complaints and damage to our reputation.	1.Review visitor feedback forms and Harbour Users Survey. 2.Review harbour charges and maintain strong rental streams (Annually). 3.Complete equality impact assessments and produce an improvement action plan (Annually). 4.Maintain competitive charging regime (Annually). 5.Withdraw or do not supply certain discretionary facilities. 6.Retain membership of appropriate Trade and Professional Associations (British Ports Association, UK Harbour Masters Association) (Annually). 7. Maintain a Tor Bay Harbour - Port Masterplan (Ongoing). 8.Keep and review the Harbour Operational Moorings Policy (March 2017). 9. Maintain an up to date Harbour Authority website (Ongoing).	2	2	4	L	Nick Burns Kevin Mowat Dave Bartlett Simon Pinder	Executive Head of Business Services	Harbour Committee
8	HMS RR 08	8. Maintain safety	Maintain safety	If we fail to fulfil our obligation to provide a competent Harbour Authority, by not enforcing all applicable statutes, byelaws and legislation - Then we will not be providing a safe haven for vessels or a safe Harbour estate for users and visitors - So we may fail to accurately respond to legislative changes resulting in a financial penalty and we may face deterioration of our built infrastructure, a major emergency and severe damage to our reputation.	Unlikely	Statutory duty may not be met. Safety may be prejudiced. Government intervention. Stakeholder dissatisfaction. Insufficient staff to fulfil obligations. Legal action against the Council. Harbour cannot achieve objectives in context of government policy. Premises unsafe/unusable for extended period. Cessation of business activities. Loss of reputation.	1.Renew the bilateral agreement with the UKHO (Annually). 2.Audit & Inspection from Trinity House (Annually). 3.PANAR - Navigation Lights availability (Quarterly). 4.Implement the safety management improvement plan (Nov 2017). 5.Maintain a Harbour Emergency Response Plan and Business Continuity Plan. 6.External contract for the provision of pilotage services. 7.Membership of appropriate Trade and Professional Associations (British Ports Association, British Marine Federation, UK Harbour Masters Association & Port Skills and Safety) (Annually). 8.Review harbour charges and maintain strong rental streams (Annually). 9.Periodic review of Harbour legislation (2017). 10. Review and improve the Safety Management System software (Dec 2017). 11. Issue local Notices to Mariners and enforce Harbour Byelaws (Ongoing).	2	4	8	M	Nick Burns Kevin Mowat Dave Bartlett Simon Pinder	Executive Head of Business Services	Harbour Committee

Employee Focused

Risk No	Spar Code	Scorecard Objective	Risk Title	Risk Description, Threat: What could happen to affect this, Cause: How could it happen	Probability and Proximity Description (How likely is it to happen? When is it likely to happen?)	Impact description, what could the impact be?	Control measures (SPAR Projects & PI's)	Current Risk Score				Control Owner	Risk Owner	Accountable Body
								Probability Score	Impact Score	Risk Score	Risk Rating. 1-4=L 6-9=M 12-16=H			
9	HMS RR 09	9. Effective workforce planning	Effective workforce planning	If we lack effective workforce planning - Then we may fail to offer appropriate learning and development to all staff - So this may lead to insufficient staff to fulfil obligations, incompetent staff, deterioration of safety standards which has the potential to lead to personal injury and damage to our reputation.	Likely	Insufficient staff to fulfil obligations. Legal action against the Council. Incompetent staff, deterioration of safety standards. Failure to update skills could lead to a poor service. Unsettled staff. Loss of productivity. Personnel leaving. Insufficient budget to meet the cost of an appropriate grading structure. Staff redundancies or reduced working hours. Loss of reputation.	1.To encourage Harbour Masters to fully complete CPD records (Ongoing). 2.To monitor and support staff through induction and appraisal reviews (Annually). 3.To reduce staff absence (Monthly). 4.Review harbour charges and maintain strong rental streams (Annually). 5.Take professional advice from Human Resources (Ongoing). 6.Liaise with staff on a regular basis and ensure that information is promulgated (Daily). 7.Membership of appropriate Trade and Professional Associations (British Ports Association, British Marine Federation, UK Harbour Masters Association & Port Skills and Safety) (Annually).	3	2	4	L	Nick Burns Kevin Mowat Dave Bartlett Simon Pinder	Executive Head of Business Services	Harbour Committee

Score	Probability	Description
4	Very Likely	Has occurred in the organisation in recent months OR It is almost certain that it will occur at some time in the future
3	Likely	Has occurred in the organisation in recent years OR There is a strong probability that it will occur at some time in the future
2	Unlikely	Has occurred in the organisation in the past OR There is a possibility it will occur at some time in the future
1	Very Unlikely	Has not occurred in the organisation before OR Will only occur in exceptional circumstances

Impact Scoring Guidance - Risks					
Impact Level	Financial	Reputational	Human Welfare	Organisational	Natural & Built Environment
4 - Catastrophic (Crisis with potential to lead to severe disruption)	Loss of 50% or more of budget or funding	<ul style="list-style-type: none"> Negative national and local media attention for over 6 months Possible change to the Senior Management Team Government intervention and investigation Outrage amongst the local community 	<ul style="list-style-type: none"> Over 1000 people negatively affected Multiple fatalities, disabilities or long-term hospitalisation of 10 or more people 	<ul style="list-style-type: none"> Interruption lasts over 6 months Negatively affects entire commission and multiple business units Major impact on strategic objectives Challenge to accounts Ombudsman investigation Legal claims and/or proceedings brought by multiple individuals, groups and/or organisations 	<ul style="list-style-type: none"> Negative effects last over year Widespread damage to human infrastructure Widespread pollution and damage to the natural environment Multiple wards affected
3 - Major (Critical Event)	Loss of between 25 and 50% of budget or funding	<ul style="list-style-type: none"> Negative local media coverage for up to 6 months Potential for ombudsman investigation Serious damage to organisation's reputation 	<ul style="list-style-type: none"> 100 – 1000 people negatively affected 1 fatality or short term hospitalisation and rehabilitation of up to 10 people 	<ul style="list-style-type: none"> Service delivery interrupted for between 1 and 6 months Negatively affects multiple business units Major impact on business unit objectives Possible challenge by Ombudsman Potential for legal proceedings and large claims for multiple individuals/groups 	<ul style="list-style-type: none"> Negative effects last between 6 months and 1 year Significant damage to human infrastructure Significant pollution and damage to natural environment Single ward affected
2 - Moderate (Event requires a moderate level of resource and input)	Loss of between 10 and 25% of budget or funding	<ul style="list-style-type: none"> Negative local media coverage for up to 1 month Generates a small number of complaints Local community aware of statutory prosecution of a non-serious nature 	<ul style="list-style-type: none"> 10 – 100 people negatively affected Severe injury to several individuals 	<ul style="list-style-type: none"> Service delivery interrupted for between 1 week and 1 month Negatively affects 1 business unit Potential for claims from several individuals 	<ul style="list-style-type: none"> Negative effects last up to month Minor damage to human infrastructure Minor pollution and damage to the natural environment
1 - Minor (effect minimal)	Loss of up to 10% of budget or funding	<ul style="list-style-type: none"> Negative local media coverage for less than 1 week Complaint from single individual or small group 	<ul style="list-style-type: none"> 1 – 10 people negatively affected Very minor injury or discomfort to an individual 	<ul style="list-style-type: none"> Service delivery interrupted for up to 1 week Potential to negatively affect multiple service areas Very low possibility of litigation 	<ul style="list-style-type: none"> Negative effects last up to week Single building or pieces of infrastructure negatively affected Limited negative effect on natural environment and/or human infrastructure

Impact Scoring Guidance – Opportunities					
Impact Level	Financial	Reputational	Human Welfare	Organisational	Natural & Built Environment
4 - Triumph	Gain of 50% or more of budget or funding	<ul style="list-style-type: none"> Positive national and local media attention for over 6 months Possible national commendation for a member of the Senior Management Team National award or recognition of elevated status by national government 	<ul style="list-style-type: none"> Improved safety and welfare of over 1000 people Major improvements in welfare, health and safety of multiple people, groups and organisations 	<ul style="list-style-type: none"> Positive effects last over 6 months Positively affects service delivery in entire commission and multiple business units Excellent performance against corporate / community plan priorities Potential for national award for excellence Increase in funding streams due to service innovation and/ or excellence 	<ul style="list-style-type: none"> Positive effects last over 1 year and is adapted into further improvements Widespread positive change to natural environment Widespread positive change to human infrastructure Multiple wards affected
3 - Major	Gain of between 25 and 50% of budget or funding	<ul style="list-style-type: none"> Positive local media coverage for up to 6 months Potential for promotion of employee Serious boost to organisation's reputation 	<ul style="list-style-type: none"> Improved safety and welfare of up to 1000 people Improved welfare and safety of multiple groups and/or organisations 	<ul style="list-style-type: none"> Noticeable improvement in service delivery for between 1 and 6 months Positively affects service delivery in multiple business units Major step towards achieving priority in corporate / community plan Potential for regional award or recognition for excellence Potential for increased regional funding due to service innovation and/or excellence 	<ul style="list-style-type: none"> Positive effects last between 6 months and 1 year and can be easily capitalised upon Significant positive change to natural environment Significant positive change to human infrastructure Single ward affected
2 - Moderate (Event requires a moderate level of resource and input)	Gain of between 10 and 25% of budget or funding	<ul style="list-style-type: none"> Positive local media coverage for up to 1 month Generates a small number of local compliments Local community aware of a minor improvement in service delivery 	<ul style="list-style-type: none"> 10 – 1000 people positively affected Improved safety and welfare of up to 100 people and/or some small groups /organisations 	<ul style="list-style-type: none"> Noticeable improvement in service delivery for up to 1 month Potential for service area to be recommended for a professional excellence award Move towards achieving an objective on time and within budget 	<ul style="list-style-type: none"> Positive effects last up to 1 month Minor positive change to natural environment Minor positive change to human infrastructure
1 - Minor (effect minimal)	Gain of up to 10% of budget or funding	<ul style="list-style-type: none"> Positive local media coverage lasts less than 1 week Compliment on service from single individual or small group 	<ul style="list-style-type: none"> Improved safety and welfare to an individual 1 – 10 people positively affected 	<ul style="list-style-type: none"> Potential for an individual being recommended for a professional acknowledgement of excellence 	<ul style="list-style-type: none"> Positive effects last up to 1 week Limited positive effect on natural environment and/or human infrastructure

Impact Scoring Guidance – Opportunities



Meeting: Harbour Committee

Date: 5th December 2017

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Pilotage Directions

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat
Executive Head of Assets & Business Services
Tor Bay Harbour Master
☎ Telephone: 01803 292429
✉ Email: Kevin.Mowat@torbay.gov.uk

1. Purpose

1.1 The Pilotage Directions for Tor Bay Harbour need to be reviewed on a regular basis as part of the Council's ongoing compliance with the Port Marine Safety Code.

2. Proposed Decision

2.1 **That, having considered the recommendation of the Pilotage Review Working Party, the Harbour Committee agree that following a recent review of the existing Tor Bay Harbour Pilotage Directions, which were published on 1st June 2015, no further amendments are required to the Directions.**

2.2 Action Needed

2.3 The Harbour Committee needs to consider the recommendation made by the Pilotage Review Working Party that the existing Tor Bay Harbour Pilotage Directions, which were published on 1st June 2015, do not need further amendment at this time.

3. Summary

4.1 Torbay Council, as the Tor Bay Harbour Authority, and the Competent Harbour Authority for the purposes of the Pilotage Act 1987, has powers under Section 7 of the Act to make Pilotage Directions. A pilotage service must be provided if required in the interests of safety.

4.2 Competent harbour authorities have specific powers under the Pilotage Act to enable them to discharge the duties imposed under that Act.

4.3 A competent harbour authority has specific powers and duties for marine pilotage and must issue pilotage directions if it decides, based on its assessment of the risks, that pilotage should be made compulsory. The directions must specify how

and to which vessels they apply. Ship owners and any other interested parties who use the port on a regular basis, must be consulted before the directions are implemented. Current operational risk assessments indicate the need for compulsory pilotage for specific vessels in certain weather conditions.

- 4.4 Tor Bay Harbour Authority is committed to complying with its legal obligations and to complying with the Port Marine Safety Code. After a period of consultation and having considered all the relevant comments, the Authority is recommended to adopt the new Pilotage Direction and to publish the same in accordance with Section 7 (6) of the Pilotage Act, so as to bring it to the notice of those persons likely to be interested.
- 4.5 It is essential that Tor Bay Harbour Authority has Pilotage Directions that are fit for purpose. Keeping such Directions under regular review reflects national best practice.

Supporting Information

4. Position

- 4.1 On 30th March 2000 the Harbours Sub-Committee received a report on the newly published Port Marine Safety Code. The Committee resolved that the requirements of the Code be implemented, as specified, by the end of 2001. Consequently a Marine Safety Risk Review was undertaken for Tor Bay Harbour Authority by Willis (UK) Ltd. Willis identified the need for a formal review of the existing Pilotage Directions, including consultation with all relevant stakeholders. It was specifically stated that the issue of pilotage provision in bad weather should be addressed. Options for consideration included the withdrawal of compulsory pilotage, part withdrawal (zoning) of compulsory pilotage, reduction of the waters controlled by Tor Bay Harbour Authority, investment in a radar controlled system and pilotage resources to ensure diligent regulation of compulsory pilotage.
- 4.2 During the winter of 2002/03 further work was undertaken to review the Pilotage Directions with the Harbour Masters and consultants Marine Enforcement Limited. This work concluded with a consultation exercise on a new draft Pilotage Direction. Following the consultation period a revised set of Tor Bay Harbour Pilotage Directions were approved in July 2003.
- 4.3 In September 2014 the most recent set of Pilotage Directions were approved by the Harbour Committee and these were published in June 2015.
- 4.4 A Pilotage Review Working Party was appointed by the Harbour Committee in June 2017 – *“to work alongside Officers to review the Pilotage arrangements for Tor Bay Harbour and to recommend to the Harbour Committee any amendments to the Pilotage Directions as and when appropriate”*.
- 4.5 Each year the Harbour Committee receives a report with details of the annual Port Marine Safety Code compliance audit undertaken for the Council, as the Harbour Authority, by the Devon Audit Partnership.
- 4.6 The Harbour Committee, on behalf of the Council, is the ‘Duty Holder’ under the

Port Marine Safety Code (PMSC) and the Devon Audit Partnership are the appointed 'Designated Person'.

- 4.7 Under the Port Marine Safety Code Authorities should determine, through risk assessment whether any and, if so, what pilotage services need to be provided to secure the safety of ships (including those carrying dangerous goods or harmful substances) navigating in or in the approaches to its harbour; and whether in the interests of safety, pilotage should be compulsory for ships navigating in any part of that harbour or its approaches and, if so, for which ships and in which circumstances and what pilotage services need to be provided for those ships.
- 4.8 Each competent harbour authority should provide such pilotage services as is necessary.
- 4.9 Authorities must grant a bona fide master or deck officers of any vessel a 'pilotage exemption certificate', if they demonstrate they have sufficient skill, experience and local knowledge to pilot the vessel within the harbour. The requirements for granting an exemption must not exceed or be more onerous than those needed for an authorised pilot.
- 4.10 Each competent harbour authority may authorise suitably qualified pilots in its area. Authorisations may relate to ships of a particular description and to particular parts of the harbour. The authority determines the qualifications for authorisation in respect of medical fitness standards, time of service, local knowledge, skill, character and otherwise. It may also after giving notice and allowing a reasonable opportunity to make representations suspend or revoke an authorisation if it appears to the authority that the authorised person is guilty of any incompetence or misconduct affecting his capability as a pilot, or has ceased to have the required qualifications or failed to provide evidence that he still has them. An authorisation may also be suspended or revoked, on reasonable notice, if any contract or other arrangement under which the services of pilots are provided is terminated.

5. Possibilities and Options

- 6.1 To continue using the existing Tor Bay Harbour Pilotage Directions and task the Pilotage Review Working Party to keep the Directions under review.
- 6.2 Withdrawal of compulsory pilotage within Tor Bay would present unacceptable safety and environmental risks.
- 6.3 The Harbour Committee will keep the Authority's pilotage responsibilities under review as part of the Council's ongoing statutory duty as a Competent Harbour authority and following its commitment to compliance with the requirements of the Port Marine Safety Code.

6. Preferred Solution/Option

- 6.1 To approve the recommendation of the Pilotage Review Working Party and keep using the existing Tor Bay Harbour Pilotage Directions without any amendments.

7. Consultation

- 8.1 No consultation has been undertaken because no changes are being proposed.

8. Risks

- 9.1 There are no key risks associated with taking this decision.
- 9.2 The adoption of clearly stated Harbour Pilotage Directions will enhance the Harbour Committee's reputation for transparency and accountability in respect of its function as Tor Bay Harbour Authority, on behalf of Torbay Council.

Appendices

None

Additional Information

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

The Pilotage Act 1987

The Port Marine Safety Code – November 2016 (DfT & MCA)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/564723/port-marine-safety-code.pdf

A Guide to Good Practice on Port Marine Operations – March 2015 (DfT & MCA)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417662/guide-good-practice-marine-code.pdf

Tor Bay Harbour Authority – Port Marine Safety Code Safety Management System

The Tor Bay Harbour Act 1970

Existing Tor Bay Harbour Pilotage Directions – June 2015

<http://www.tor-bay-harbour.co.uk/torbay-pilotage.pdf>