



Friday, 7 December 2018

## **HARBOUR COMMITTEE**

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

**Monday, 17 December 2018**

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 O'Dwyer
Councillor Bye	Councillor Pentney
Councillor Carter	Councillor Robson
Councillor Ellery	Councillor Thomas (D)
Councillor Hill	

### **External Advisors**

Mr Blazeby, Mr Buckpitt, Mr Day, Mr Ellis and Mr Stewart

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**A prosperous and healthy Torbay**

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

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# HARBOUR COMMITTEE AGENDA

1. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 4 - 7)  
To confirm as a correct record the Minutes of the meeting of the Committee held on 24 September 2018.
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 Environmental Policy Statement** (Pages 8 - 11)  
To review and endorse the Tor Bay Harbour Authority Environmental Policy Statement.
6. **Tor Bay Harbour Authority Local Port Services Policy Statement** (Pages 12 - 15)  
To review and endorse the Tor Bay Harbour Authority Local Port Services (LPS) Policy Statement.
7. **Tor Bay Harbour Edge Protection Policy** (Pages 16 - 21)  
To review and endorse the Tor Bay Harbour Authority - Edge Protection Policy.
8. **Tor Bay Harbour Authority Audit Plan - 2018-2023** (Pages 22 -

- That the Harbour Committee consider the amended Tor Bay Harbour Audit Plan for 2018-2023. 28)
9. **Port Marine Safety Code - Annual Compliance Audit** (Pages 29 - 89)  
To consider a report that provides an update on the annual Port Marine Safety Code compliance audit.
10. **Tor Bay Harbour Authority Budget and Harbour Charges 2019/2020** (Pages 90 - 116)  
To consider a report that provides the opportunity to consider the level of harbour charges to be levied by Tor Bay Harbour Authority for the 2019/2020 financial year.
11. **Tor Bay Harbour Authority Budget Monitoring 2018/2019** (Pages 117 - 122)  
To note a report that provides an update with income and expenditure projections for 2018/2019.
12. **Torquay/Paignton and Brixham Harbour Liaison Forums** (To Follow)  
To note the minutes of the above Harbour Liaison Forums.



## Minutes of the Harbour Committee

24 September 2018

-: Present :-

Councillors Amil, Bye, Darling (M), Ellery, Hill, Lewis (C), O'Dwyer, Pentney and Robson

External Advisors: Mr Buckpitt, Day, Mr Ellis and Mr Stewart

(Also in attendance: The Elected Mayor, Gordon Oliver)

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### 13. Election of Chairman/woman

The Monitoring Officer advised the Harbour Committee that concerns were brought to her attention after the last Committee meeting that the election process for the Chairman had not been carried out in accordance with the Council's Constitution. Whilst recognising that no objections were raised at the meeting, when it was brought to her attention she felt it was appropriate for her to investigate. After careful consideration she concluded that the process undertaken was not in accordance with the Constitution, and accordingly required the election of Chairman and Vice-Chairman to be re-run.

Some Members and External Advisors questioned the Monitoring Officer's advice and expressed an aversion to the suggestion that the election be re-run. However on the advice of the Council's Monitoring Officer the election of Chairman and Vice-Chairman was re-run.

(At this juncture Councillors Darling (M) and Pentney withdrew from the meeting).

Resolved:

Councillor Bye was elected Chairman for the remainder of the 2018/2019 Municipal Year.

### 14. Appointment of Vice-Chairman/woman

Councillor Hill was appointed Vice-Chairman for the remainder of the 2018/2019 Municipal Year.

### 15. Apologies

An apology for absence was received from Mr Blazeby External Advisor.

It was reported that, in accordance with the wishes of the Conservative Group and the Liberal Democrat Group, the membership of the Committee had been amended for this meeting by including Councillor Lewis (C) instead of Councillor Thomas (D) and Councillor Darling (M) instead of Councillor Carter.

**16. Minutes**

The Minutes of the meeting of the Harbour Committee held on 18 June 2018 were confirmed as a correct record and signed by the Chairman.

**17. Urgent items**

The Committee considered the items in Minute 18, 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.

**18. Appointments to Harbour Sub-Committee's and Working Parties**

Following the election of the Chairman and Vice-Chairman the Chairman sought clarification regarding membership of the Harbour Asset Working Party, Harbour Budget Working Party, Appointments Sub-Committee and Pilotage Review Working Party.

The Clerk advised that the Harbour Asset Working Party and Harbour Budget Working Party were appointed at the Adjourned Annual Council meeting on 14 May 2018, these working parties are subject to political balance with nominations made by group leaders. The Appointments Sub-Committee and Pilotage Review Working Party were appointed at the Harbour Committee on 18 June 2018. As a result of the change in Chairman and Vice-Chairman a vacancy had arisen on the Appointments Sub-Committee.

Resolved:

That Councillor Amil be appointed to the Appointments Sub-Committee.

**19. Torquay Fuel Station**

Members considered a report that sought to determine the most efficient and effective way of providing a marine fuel service in Torbay harbour. The Head of Tor Bay Harbour Authority informed Members that the marine fuel station in Torquay was council-owned but has historically been leased to a commercial operator. After the lease was terminated in April 2018 a marine fuel engineering consultancy firm was commissioned to provide a material assessment of the fuel station. They concluded that the infrastructure was in a poor condition and they would not endorse its continued use. The Head of Tor Bay Harbour Authority had identified a number of options to reinstate the marine fuel service and recommended that an external service provider was sought.

Resolved:

That the Harbour Master be authorised to seek tender applications for the provision of a marine fuel service in Torquay harbour.

## **20. Parking on the Fish Quay**

Members considered a report that sought agreement to future parking arrangements for the Fish Quay, Brixham Harbour. The Head of Tor Bay Harbour Authority advised Members that due to the thriving fishing industry and growth in fish landings the numbers of parked vehicles on the Fish Quay had increased in line with the success of Brixham as a fishing port. Historically parking had been a nuisance issue however parking had now become a serious health and safety concern due to the number and size of vehicles attempting to manoeuvre on and off the site, the lack of space for the increasing quantity of fishing equipment and ready-use stores required and the resultant over-congestion.

Resolved:

- i) that all car parking on the Fish Quay be suspended for Health and Safety due to congestion; and
- ii) that the Harbour Master be directed to liaise with the Assistant Director of Business Services to investigate arrangements for displaced vehicles to park in the Oxen Cove car park.

## **21. Tor Bay Harbour Authority Budget Monitoring 2018/19**

The Committee noted a report that updated Members with the income and expenditure projections for 2018/19. The report also identified the overall budgetary position for the Tor Bay Harbour Authority as at end of August 2018 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels. Members attention was drawn to the amended outturn projections of the harbour accounts and adjustments to the Reserve Funds, the Head of Tor Bay Harbour Authority's use of delegated powers to make decisions in relation to the budget allocated to Tor Bay Harbour and that no waiver of harbour charges has been approved to date under the Harbour Master's use of delegated powers for 2018/19.

Members were also advised that the Harbour Authority would be seeking legal advice following a legal challenge made by a group of residents regarding Scarborough Borough Council's classification of income and expenditure from Whitby Harbour. Members were informed that the outcome of the legal challenge could affect the future Harbour Authority's financial relationship with the Council therefore Members felt it appropriate to seek legal advice.

**22. Performance Monitoring**

The Committee noted the latest performance monitoring and incident data.

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

Members noted the topics discussed at the Torquay/Paignton and Brixham Harbour Liaison Forums.

Chairman

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**Meeting: Harbour Committee**

**Date: 17 December 2018**


**Wards Affected: All wards in Torbay**

**Report Title: Tor Bay Harbour Authority Environmental Policy Statement**

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

**Supporting Officer Contact Details: Adam Parnell**

**Tor Bay Harbour Master**

 **Telephone: 01803 292429**

 **Email: [adam.parnell@torbay.gov.uk](mailto:adam.parnell@torbay.gov.uk)**

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## **Purpose**

- 1.1 To review and endorse the Tor Bay Harbour Authority Environmental Policy Statement. Our customers and employees will benefit from a clear and concise Environmental Policy Statement that demonstrates compliance with environmental best practice and is regularly reviewed by the Harbour Committee.

## **Proposed Decision**

- 2.1 **That the Environmental Policy Statement be approved.**

## **3. Summary**

- 3.1 In addition to their operational duties, ports and harbours have extensive environmental responsibilities. A harbour's commercial and recreational activities must co-exist with sound environmental practice.
- 3.2 The Authority is required to exercise its functions with regard to nature conservation and other environmental considerations (s48A Harbours Act 1964) and to protect – or at least minimise – environmental damage (Environmental Protection Act 1990). Included within the Authority's Port Masterplan are two objectives to:
  - 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 recreation; and,
  - Balance the responsible stewardship of the marine environment with appropriate socio-economic development and use of Tor Bay.
- 3.3 To assist the Harbour Committee to fulfil these objectives it is appropriate to periodically review its Environmental Policy Statement.



## **Supporting Information**

### **4. Position**

- 4.1 Tor Bay Harbour contains, or is adjacent to, many environmentally protected areas *inter alia* including:
- Special Area of Conservation;
  - Special Protection Area;
  - Sites of Special Scientific Interest;
  - Marine Conservation Zone;
  - Marine Nature Reserves;
  - Local Nature Reserves;
  - South Devon Area of Outstanding Natural Beauty;
  - Berry Head Nature Reserve;
  - Torbay UNESCO Geopark.
- 4.2 It is therefore essential that Tor Bay Harbour Authority has a fit for purpose Environmental Policy Statement. Keeping such a policy under regular review reflects national best practice.
- 4.3 An Environmental Policy Statement is a necessary component of any future Environmental Management System. It is important that the Harbour Authority helps to maintain a healthy and safe environment for harbour users, employees and the local community alike.

### **5. Possibilities and Options**

- 5.1 To continue to operate without review or endorsement of existing Environmental Policy Statement.

### **6. Preferred Solution/Option**

- 6.1 To approve the Environmental Policy Statement at Appendix 1.

### **7. Consultation**

- 7.1 As an Environmental Policy Statement already exists no further consultation has been sought.

### **8. Risks**

- 8.1 There are no risks associated with this decision.

## **Appendices**

1. Environmental Policy Statement December 2018

### TOR BAY HARBOUR – ENVIRONMENTAL POLICY STATEMENT

It is the policy of Tor Bay Harbour Authority to ensure that our business practices protect the welfare of our employees and the communities in which we operate. This Environmental Policy is applicable to all employees and is also encouraged within our tenants, contractors and operations within the limits of Tor Bay Harbour.

Torbay Council, as the Harbour Authority for Tor Bay Harbour, is committed to maintaining the balance between commercial, recreational and environmental interests, at the same time maintaining a sustainable and commercially viable municipal port.

We will seek to attract and develop sustainable harbour operations and to minimise impacts on the environment. We will operate the harbour in accordance with procedures designed to prevent incidents that may cause environmental damage.

Tor Bay Harbour Authority will seek to maintain and wherever practical improve, a high level of environmental quality through the strict adherence of U.K. environmental legislation and internationally agreed conventions, directives and resolutions intended to protect the environment.

In pursuance of these policy objectives the Harbour Authority will :

- Seek opportunities to apply innovative technology to reduce emissions and energy consumption;
- Consider the efficient use of renewable energy and natural resources;
- Continually assess recycling, re-use and waste minimisation opportunities;
- Ensure that contingency plans and controls are in place and regularly reviewed and tested, to endeavour to prevent spills of oil, chemicals or potentially contaminating materials;

Harbour Authority adheres to the industry standard policy that the 'polluter pays' for the cost of clean-up and disposal following land or marine based incidents.

The Harbour Authority recognises the need to conserve the natural environment of the Bay through sound environmental management. Environmental policies for the Harbours ensure, wherever possible, that duties carried out by Tor Bay Harbour Authority staff as well as recreational and commercial activities within harbour limits, take place without any adverse effects on the quality of the environment.

Most of the inshore area within Tor Bay Harbour limits has been designated as a Marine Conservation Zone. The waters of Tor Bay also include and/or are adjacent to Sites of Special Scientific Interest, an Area of Outstanding Natural Beauty, Special Areas of Conservation and other sites with an environmental designation. Tor Bay Harbour Authority will continue to work closely with environmental agencies to ensure that, where possible, the quality of the environment is improved upon, thereby enhancing the natural resources for future generations.

Tor Bay Harbour Authority will encourage users of the Bay and suppliers of services to the harbour to adopt practices compatible with the aims of an evolving environmental management system. This aim will be communicated to our customers.

The Council consider that educating and training our employees, as well as the public, on the importance of conserving and enhancing the Bay will contribute to achieving our environmental goals. This policy will be published and communicated to harbour staff, tenants and contractors.

Tor Bay Harbour Authority has pledged to work towards a cleaner environment through implementation of effective management strategies, co-operation with relevant authorities, purchasing of energy efficient goods and consultation with users and other interest groups.

This policy will be reviewed from time to time to embrace changes in the Harbour Authority's activities and will be endorsed by the Torbay Council's Harbour Committee.

December 2018



**Meeting: Harbour Committee**

**Date: 17 December 2018**

**Wards Affected: All wards in Torbay**

**Report Title: Tor Bay Harbour Authority Local Port Services Policy Statement**

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

**Supporting Officer Contact Details: Adam Parnell**

**Tor Bay Harbour Master**

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 **Email: [adam.parnell@torbay.gov.uk](mailto:adam.parnell@torbay.gov.uk)**

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## **1. Purpose**

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

## **2. Proposed Decision**

- 2.1 That the Local Port Services Policy Statement be approved.

## **3. Summary**

- 3.1 The Guide to Good Practice (GtGP) on Port Marine Operations indicates that Harbour Authorities have the power to establish Vessel Traffic Services (VTS) or LPS to mitigate risk, enhance vessel safety and to protect the environment.
- 3.2 The requirement to manage navigation varies by port. The GtGP deals only with general principles, recognising that while a VTS is essential in some cases it is not appropriate in others, the decision being informed by a formal risk assessment of navigational risk. In Tor Bay harbour our formal risk assessments indicate that a VTS is not required and an LPS is instead sufficient.
- 3.3 As a Statutory Harbour Authority, the Tor Bay Harbour Authority should review its VTS/LPS on a regular basis; the existing LPS was last reviewed December 2016.
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## **Supporting Information**

### **4. Position**

- 4.1 The Maritime and Coastguard Agency (MCA) has issued a Marine Guidance Note 401 *Vessel Traffic Services and Local Port Services in the United Kingdom* which provides guidance on determining the need to establish a VTS or LPS, and defines the responsibilities of those Authorities concerned with providing such services.
- 4.2 Having conducted a formal risk assessment for Tor Bay Harbour it was determined that an LPS, not a VTS, was sufficient to meet the Authorities obligations and responsibilities.
- 4.3 Implementing a LPS permits the identification and monitoring of vessels, longer term planning of vessel movements and the provision of navigational information and assistance. It also assists in the prevention of pollution, the co-ordination of pollution response, and the protection of the marine environment.
- 4.4 The requirements of a LPS are:
- (i) Equipped appropriate to task;
  - (ii) Staffed and trained appropriate to task; and,
  - (iii) Does not require to be authorised by the MCA.
- 4.5 In order to be effective an LPS must be kept under review to ensure that changes in in operations, operational methods, personnel and the available technology are optimally employed.

### **5. Possibilities and Options**

- 5.1 To take no action and continue to operate without review or endorsement of existing LPS Policy Statement.

### **6. Preferred Solution/Option**

- 6.1 To approve the LPS Policy Statement at Appendix 1.

### **7. Consultation**

- 7.1 As LPS are already in operation no further consultation has been sought.

### **8. Risks**

- 8.1 The adoption of a clear and updated LPS Policy Statement will enhance the Harbour Authority's reputation for accountability.

## **Appendices**

Appendix 1 Local Port Services Policy Statement December 2018

Appendix 1

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

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

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

To this end it is the Tor Bay Harbour Authority's policy that it shall:

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

**Appendix 2**

**Local Port Service – Equipment and capability table (minimum recommendations)**

Service Category	Equipment <sup>1</sup>														Capabilities					
	Communications					Traffic Image			Sensors											
	VHF	VHF/DF	Telephone	Facsimile	Email	Manual plotting	Stand-alone radar with ARPA	Unofficial electronic charts with Radar & ARPA	Official electronic charts with Radar & ARPA	Radar	AIS	CCTV	Meteorological information	Hydrological information	Equipment performance monitoring	Redundancy	Data recording	Data management system	Data export	Logs and record keeping
Local Port Service	√	O	√	√	O	√	O	O	O	O	O	O	O	O	√	√	O	O	O	√
Tor Bay Harbour	√	X	√	√	√	√	X	X	X	X	√	√	√	√	√	√	√	X	X	√

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

<sup>1</sup> The use of equipment requires that operators are appropriately trained.



## Tor Bay Harbour Authority – Edge Protection Policy

### Introduction

1. A harbour authority is obliged to take reasonably practicable measures to ensure the safety of those who visit and use the harbour (section 3 Health and Safety at Work Act 1974).
2. Many activities carried out in ports and harbours could lead to a fall from height (the biggest cause of work-related fatalities and major injuries). In docks, the added hazard of working near water means that a fall may lead to the risk of drowning. Typical falls from height hazards in docks include:
  - Access to and from vessels;
  - Loading and unloading some types of cargo;
  - Maintenance and unplanned work on or near the water's edge;
  - Working adjacent to open edges of docks, wharves etc; and mooring points.
3. This policy sets out the Harbour Authority's approach to edge protection and our obligations under Health and Safety regulations.

### Regulation

4. Legislation which covers the need for edge protection includes:
  - Health & Safety at Work Act 1974
  - Management of Health & Safety at Work Regulations 1999
  - Work at Height Regulations 2005
  - Merchant Shipping (means of access) Regulations 1988
  - The Construction ( Health, Safety & Welfare )Regulations 1996
  - Provision & Use of Work Equipment Regulations 1998
  - Lifting Operations & Lifting Equipment Regulations 1998
  - Personal Protective Equipment at Work Regulations 1992
  - Manual Handling Operations Regulations 1992
  - Shipbuilding & Ship Repairing Regulations 1960
  - Health & Safety in Construction HS-G 150
  - HSE Safety in Docks - Approved Code of Practice and guidance (April 2014)
  - Code of Practice on safety and health in ports (ILO152)
5. Guidance on edge protection is set out in sections 150 - 153 of the HSE's *Safety in Docks - Approved Code of Practice* (ACOP) dated 2014:

*150 Except for straight and level quaysides, fencing should be provided at all dock, wharf, quay or jetty edges from which people may fall into water, and where they must pass within 1 m of the edge, or the configuration of the quay or the arrangement of walkways is such that they are more than ordinarily liable to fall over such an edge.*

*151 Fencing should be provided throughout every open side of narrow access ways, whether the fall would be into water or not.*

*152 These provisions do not apply to areas where there is no work activity being undertaken, subject to any foreseeable risk to members of the public.*



153 *Secure and adequate fencing should be provided where risk assessment has found this to be needed.*

## **Edge Protection Risk Assessment**

6. Tor Bay Harbour Authority has determined, through risk assessment at each of its three enclosed ports, the need for edge protection control measures to reduce the risk of falling from height at these locations to As Low As Reasonably Practicable (ALARP). It has determined the need for fencing or other control measures by employing the following principles:

- HSE advise that harbour authorities needs to consider whether the open sections are used for 'fishing' or 'dock', type operations, such as specific loading/unloading tasks. In areas where loading or dock processes are going on, the Loading and Unloading of Fishing Vessels Regulations 1988 and the HSE Safety in Docks – ACOP 2014 recognise the impracticability of protecting edges during certain operations. However, they do require fencing in other specified circumstances.
- In areas where other vessels are mooring alongside, the physical type of mooring arrangement may dictate the practicality (or otherwise) of edge protection. However, the advice is to start from a presumption towards protection, where there is a risk to the public/users.
- Access steps and the like (slipways) may not require a second handrail on the open edge, where this would create a risk to vessels by becoming a submerged hazard at full tide.
- If a working platform is at two metres from ground level or higher, then adequate double guardrails and toe-boards must be fitted.
- Suitable guardrails should be provided around the edge of harbour work boats and ships to prevent personnel and materials falling.
- In all other circumstances, where there is no practical reason against edge protection it is the risk assessment that will need guide what would be a reasonable control measure.
- There are particular areas of risk which need careful consideration such as:
  - where people are routinely walking in an area;
  - where vehicles are parking alongside the edge and it is foreseeable that they could be driven over, or that their occupants could fall once they get out of the vehicle;
  - where people are likely to use an area in a manner which could put them at risk (e.g. a bar or restaurant seating area on the harbour side).

## **Edge Protection Control Measures**

7. The hierarchy of edge protection control measures employed by the Tor Bay Harbour Authority:

- a. **Eliminating or preventing risks** (not normally possible).
  - Barring unnecessary operations at edges from which there is a risk of falling eg where such activities can take place away from the edge such as by moving them.
- b. **Isolating the risks.**
  - Controlling access to the edge eg through prohibiting access to non-authorised personnel;

- Installing adequate walls, fencing or guardrails at the edge;
  - Siting lifting equipment such that the operator does not need to approach the edge.
- c. **Reducing the risks.**
- Operating a 'permit to work' scheme to regulate the frequency and timing of such activities;
  - Parking restrictions at/near harbour edges;
  - Controlling vehicular access and imposing speed limits.
  - Installing adequate lighting;
  - Safety signage;
  - Yellow and white lines along quay edge with words "Mind the Edge" between lines.
- d. **Protecting against the risks.**
- Installing temporary fencing;
  - Wearing life jackets or buoyancy aids when working within 1m of the water's edge;
  - Consider wearing safety harnesses (not normally practicable).

## Guidance

8. This section provides guidance as to best practice when implementing edge protection control measures:

- a. It would be best practice for any new fencing to be carried out to the same standard. Building regulation part K, requires that all areas with a risk of people falling more than 600mm should be protected by a barrier of between 800mm and 1100mm dependent on location and environment.
- b. People should be protected from a distance likely to cause injury or falling into a substance which increases the risk of injury by a substantial barrier of 1100mm.
- c. At jetties and quay edges where the edges are unfenced, means should be provided to help people to rescue themselves from drowning, and also provision for other people to rescue those in danger without endangering themselves. The means should include:
- Handholds on the quayside at water level (at any state of the tide);
  - Ladders on quay walls;
  - Life-saving equipment.
- d. At jetties or quays where the edges are fenced throughout. the provision of life-saving equipment alone is sufficient unless:
- the public has access to the quay edge; or
  - the duty holder is made aware of a risk of people falling over a fenced edge that is comparable to the risk of people falling over an unfenced edge (whether or not by means of risk assessment).

In these situations additional measures will be required such as handholds and/or ladders.

- e. Take into account the risks to lone workers and to members of the public where public access is possible or foreseeable, even if there is no dock work activity being undertaken.

**November 2018**

Edge Protection Policy

Appendix 1 – Tor Bay Harbour Authority Edge Protection Audit

Audit of Tor Bay Harbour facilities - Brixham Harbour

Location	Edge Protection	Control Measure (if unfenced)	Pedestrian Traffic Levels	Usage/Rationale
Breakwater - seaward	Sea wall	N/A	Low	Low risk of falling into water
Breakwater - inside	Unfenced	N/A	Moderate	Low risk of fall onto sloping rock armour
Old Oil Jetty	Unfenced	N/A	Zero	No public access
Breakwater Hard Jetty	Unfenced	N/A	Low	Low risk of fall into water
Breakwater Hard Slipway	Unfenced	Safety signage	Moderate	Low risk of fall into water
Lifeboat Pontoon - access steps	Fenced	Security gate	Zero	No public access
Lifeboat Slipway	Unfenced	N/A	Low	Not used by the public for launching
Prince William Walkway	Sea wall	N/A	High	Risk of fall from significant height onto a hard surface
Grenville House Slipway	Unfenced	Safety signage	Moderate	Risk of fall into water on seaward edge of slipway
King's Quay	Chain fencing	N/A	High	Low risk of falling into the water
Southern quay	Chain fencing	N/A	High	Low risk of falling into the water or onto sea bed
The Strand Slipway	Security gate	Safety signage	Low	Not used by the public for launching
The Strand Quay	Fenced	N/A	High	Low risk of falling into water or onto sea bed
The Quay	Fenced	N/A	High	Low risk of falling into water or onto sea bed
Middle Pier	Unfenced	Yellow & white lines due to be painted along quay edge with words "Mind the Edge" between lines	No public access	Risk of falling into water or sea bed
New Pier - south side	Temp fence, permanent fence due to be erected early 2013	Yellow & white lines due to be painted along quay edge with words "Mind the Edge" between lines	High	Risk of fall into water or drying harbour bed
East Quay - passenger steps	Fenced	Yellow & white lines due to be painted along quay edge with words "Mind the Edge" between lines	High	Passenger access via fenced steps – risk of fall onto a hard surface
East Quay - outer fuel berths	Unfenced	N/A	No public access	Berths in use 24/7 by working fishing vessels
MFV Basin	Unfenced	N/A	No public access	Berths in use 24/7 by working fishing vessels
Fish Quay - north side & Ice Plant end	Unfenced	N/A	No public access	Berths in use 24/7 by working fishing vessels
New Fish Market - east side	Unfenced	N/A	No public access	Berths in use 24/7 by working fishing vessels
New Fish Market - north side	Unfenced	N/A	No public access	Berths in use 24/7 by working fishing vessels
Oxen Cove Walkway - south of BYC Slipway	Unfenced	Safety signage	High	Low risk of fall onto sloping rock armour
BYC Slipway	Gated	Safety signage	Low	Low risk of fall into water - private facility
Coastal Footpath - Oxen Cove	Unfenced	Safety signage	Moderate	Low risk of fall onto sloping rock armour
Oxen Cove Slipway	Unfenced	Safety signage & painted white line	Low	Low risk of fall onto sloping rock armour
Coastal Footpath - Freshwater Quarry & remainder	Fenced - in part	Yellow & white line due to be painted along quay edge with words "mind quay edge" between lines	Low	Risk of fall from significant height into water

Edge Protection Policy Appendix 1  
Audit of Tor Bay Harbour facilities - Torquay Harbour

Location	Edge Protection	Control Measure (if unfenced)	Pedestrian Traffic Levels	Usage/Rationale
Haldon Pier - end steps	Fenced	N/A	Low	Risk of fall from significant height onto a hard surface
Haldon Pier - western end	Unfenced	Signs regarding working quayside. Yellow & white lines along quay edge with words "Mind the Edge" between lines (pending)	Low	Low risk of fall into water
Haldon Pier - eastern end	Fenced	N/A	Medium	Risk of fall into the water or onto a hard surface. Temporary fencing during summer season when risk includes falling onto pontoons.
Haldon Pier - seaward	Sea wall	Signs stating Keep off the wall	Medium	Low risk of fall onto sloping rock armour
Beacon Quay Slipway	Unfenced	Restricted area for launching & recovery only	Low	Fencing would impede vessel access and present a danger to navigation
Beacon Quay	Fenced	N/A	High	Risk of fall into the water or onto a hard surface
D-Day Slipways	Fenced	N/A	Zero	No public access
South Pier - south side	Unfenced	Timber sleepers on edge. Signed as boat lifting areas	Low	Access needed for boat lifting. Not easily accessed by the public.
South Pier - north side	Fencing – vertical bars	N/A	High	Risk of fall into water or onto pontoons
South Pier - end	Unfenced	Yellow & white lines along quay edge with words "Mind the Edge" between lines (pending)	Low	Low pedestrian traffic - low risk of fall into water
Victoria Parade	Fenced	N/A	High	Risk of fall into water
Strand Quay	Fenced	N/A	High	Risk of fall into water
Inner Harbour Slipway	Unfenced	N/A	Low	Fencing would impede vessel access and present a danger to navigation
Vaughan Parade	Fenced	N/A	High	Risk of fall into water
North Quay - adjacent MDL car park	Fenced	N/A	Medium	Risk of fall into water
Fish Quay - eastern steps	Fenced	N/A	Medium	Risk of fall from significant height onto a hard surface
Fish Quay - main berth	Unfenced	Area restricted as working part of quayside	Low	Area used by commercial fishermen and roped off to members of public
Fish Quay - passenger steps	Fenced	N/A	Medium	Risk of fall from significant height onto a hard surface
Princess Pier - inner steps	Fenced	N/A	Medium	Risk of fall from significant height onto a hard surface
Princess Pier - middle steps	Fenced	N/A	Medium	Risk of fall from significant height onto a hard surface
Princess Pier - end steps	Fenced	N/A	Medium	Risk of fall from significant height onto a hard surface
Princess Pier - seaward	Fenced	N/A	Medium	Risk of fall into water. Steps no longer used and fenced off to public.
Princess Pier - inner berths	Unfenced	Yellow & white lines along quay edge with words "Mind the Edge" between lines	Medium	Berths in frequent use for a variety vessels
Princess Pier - decked promenade	Fenced	N/A	Medium	Risk of fall into water

## Edge Protection Policy Appendix 1

### Audit of Tor Bay Harbour facilities - Paignton Harbour

Location	Edge Protection	Control Measure (if unprotected)	Pedestrian Traffic Levels	Usage/Rationale
North Quay	Inside = unfenced Outside = sea wall	Yellow & white lines along quay edge with words "Mind the Edge" between lines	Moderate	Berths on inner wall in constant use by commercial vessels
North Quay Steps	Fencing – vertical bars	N/A	Moderate	Passenger access via fenced steps – risk of fall onto a hard surface
West Quay	Fencing – vertical bars	N/A	Moderate	Little or no alongside berthing – risk of fall onto drying harbour bed
West Quay Slipway	Unfenced	Safety signage	Low	Fencing would impede vessel access and present a danger to navigation
Roundham Road cliff edge	Fencing – vertical bars	N/A	High	Risk of fall from significant height onto a hard surface
South Quay	Fencing – vertical bars	N/A	High	Risk of fall from height onto a hard surface
South Quay Slipway	Unfenced	Safety signage	Low	Fencing would impede vessel access and present a danger to navigation
East Quay	Inside & end = fencing – vertical bars Outside = sea wall	N/A	Moderate	Berths on inner wall used occasionally – fencing stepped back with access gates for mooring rope access. Risk of fall onto a hard surface or drying harbour bed



**Meeting: Harbour Committee**

**Date: 17 December 2018**


**Wards Affected: All wards in Torbay**

**Report Title: Tor Bay Harbour Authority Audit Plan – 2018~2023**

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

**Supporting Officer Contact Details: Adam Parnell**

**Tor Bay Harbour Master**

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## 1. Purpose

- 1.1 Tor Bay Harbour Authority is a function of Torbay Council and all local authorities and other relevant bodies are subject to the Local Government Act 1972 Section 151 and the Accounts and Audit (England) Regulations 2015 which require that the Authority make provision for Internal Audit. Consequently, the Council must maintain an adequate and effective system of Internal Audit of its accounting records and of its system of Internal Control in accordance with the proper practices in relation to internal control.
- 1.2 Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes. Internal auditing is a catalyst for improving an organisation's effectiveness and efficiency by providing insight and recommendations based on analyses and assessments of data and business processes.
- 1.3 The key objective of the Audit Plan is to deliver a framework of audit tasks that will provide the Harbour Committee with the assurances outlined in 1.2 above. By adopting a risk based, systematic approach to internal auditing the Harbour Committee will be able to assist the Tor Bay Harbour Authority business unit to meet the overall objectives of the service. Furthermore, it will also provide assurance to Torbay Council that the strategic management of Tor Bay Harbour, undertaken by the Harbour Committee, meets their aspirations for their harbour authority function.
- 1.4 The Tor Bay Harbour Audit Plan attached as Appendix 1 has been prepared with the help of the Devon Audit Partnership using a risk based approach and priority assessment including consultation at both strategic and operational levels to ensure that the content of the plan is aligned to the Harbour Authority's needs, goals and

objectives and satisfies the statutory assurance requirements. The number of Audit Days for each audit entity will vary depending on risk, available resources and previous audit reports.

- 1.5 Internal auditors are not responsible for the execution of harbour authority activities but through a robust Audit Plan, they can provide advice to harbour management and the Harbour Committee about how to better execute their responsibilities. As part of its governance role the Harbour Committee will receive a copy or executive summary of all internal audit reports relating to Tor Bay Harbour.

## 2. **Proposed Decision**

- 2.1 That the Committee consider and agree in principle the amended Tor Bay Harbour Audit Plan for 2018~2023 shown in Appendix 1.

## 3. **Action Needed**

- 3.1 The Head of Torbay Harbour Authority needs to ensure that the agreed Audit Plan is implemented.

## 4. **Summary**

- 4.1 To inform the Harbour Committee of the arrangements and work plan for the Audit of the Tor Bay Harbour Authority business unit between 2018 and 2023.
- 4.2 To ensure key issues are communicated to and actioned by the Committee to ensure risks are managed and the Internal Control Framework is sound.
- 4.3 To ask the Committee to endorse the outline Audit Plan for 2018~2023 and advise of any areas of concern they feel would benefit from Audit input.
- 4.4 The Devon Audit Partnership will undertake the regulatory compliance and internal audit activity and their work will be in accordance with the guidelines set down in relative regulatory guidance and the Public Sector Internal Audit Standards. Audits are planned and performed to obtain all the information and explanations considered necessary to gain assurance as to the level of control within the business unit. Audit findings and recommendations are however based on restricted samples of transactions / records and discussions with relevant officers.

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## **Supporting Information**

### 5. **Position**

- 5.1 The Council's Audit Committee deals with the local authority's corporate responsibility under the Accounts and Audit (England) Regulations 2015 to include in their annual statement of accounts an Annual Governance Statement. This Statement also requires an annual review of the Internal Control Environment and an annual review of Internal Audit. The statement is wide ranging and includes an assessment of risks, Corporate Governance and the delivery of the Council's functions. Internal Audit work forms an element of the evidence required but it is the management of the organisation that is responsible for the internal control framework and for providing the assurance required.

- 5.2 As part of Torbay's commissioning model, Internal Audit provision is commissioned from Devon Audit Partnership. The Partnership is a shared service between Torbay, Plymouth and Devon County Councils, which delivers Internal Audit services to the partner authorities, and it replaced the previous three separate internal audit sections with effect from 1 April 2009.
- 5.3 On 22<sup>nd</sup> June 2009 the Harbour Committee received report number 147/2009, which provided detailed results of the Internal Audit Report of the Harbour and Marine Services business unit, concluded in May 2009. The key objective of the 2009 audit was to provide assurance to the Council's Audit Committee that the strategic management of Tor Bay Harbour, undertaken by the Harbour Committee and delivered by the Harbour & Marine Services business unit (now the Tor Bay Harbour Authority business unit), met the overall objectives of the service. However, at the time it was considered entirely appropriate that the Harbour Committee should also receive and note the Internal Audit of the Harbour & Marine Services business unit.
- 5.4 In 2009 it was the Audit Report's opinion that the administrative, financial and risk management systems and controls within the Harbour Authority were generally well managed. The 2009 Audit Report did not find any area requiring urgent improvements in controls or in the application of controls and none of the recommendations were considered as being an immediate or high priority. The Council was found to be meeting its legal responsibilities and obligations as a Harbour Authority.
- 5.5 The scope and content of the May 2009 Audit Report was of necessity wide ranging and this led the Executive Head of Business Services (previously the Executive Head of Tor Bay Harbour Authority) to consider a more systematic and targeted approach to future internal audits. In June 2011, the Harbour Committee approved the first formal Audit Plan specifically for Tor Bay Harbour Authority and the Committee now usually reviews that plan in June each year.
- 5.6 For the years 2016-17 and 2017-18, internal audit activity was limited to regulatory compliance work in relation to the Port Marine Safety Code due to audit resource being directed towards the Council's Transformational activities, and as a result, the audit plan was not revised and presented to the Committee for those years. The last audit undertaken as part of the agreed Audit Plan was of Harbour Authority Income and an overview of results was presented to the Harbour Committee in December 2016.
- 5.7 The audit plan for 2018 ~ 23 (Appendix 1) has been prepared and identified, with the help of Devon Audit Partnership, by:-
- Adopting a risk based priority audit planning tool to identify those areas where audit resources can be most usefully targeted. This involves scoring a range of systems, services and functions across the whole of the business unit using a number of factors/criteria e.g. materiality, control environment, sensitivity, time since last review etc. The final score, or risk factor for each area, together with a priority ranking, then determines a schedule of priorities for audit attention.



- Discussions and liaison with Devon Audit Partnership and harbour staff regarding the risks that threaten the achievement of the service objectives, including the introduction of new systems and corporate initiatives.
- Taking into account results of previous internal audit reviews.
- Taking into account Internal Audit's knowledge and experience of the risks facing the Harbour Authority.
- Consideration of risks identified in the Harbour Authority's strategic and operational risk registers.

5.8 The audit plan is matched to available resources and should be delivered within the budget available.

5.9 Resource implications are related to staff time both within the service and within departments who may be required to make officers available to answer audit queries and provide information in respect of any audit review or investigation.

5.10 Members and employees, in their roles and responsibilities, are asked to be vigilant in preventing and detecting fraud, corruption and irregularity. In addition, Members and employees have a responsibility to lead by example in ensuring adherence to legal requirements, Standing Orders, Financial Regulations and all procedures and policies including both Members and Officers Codes of Conduct.

5.11 The Devon Audit Partnership has due regard for section 17 of the Crime and Disorder Act 1998, ensuring that they consider crime and disorder reduction and community safety in the exercise of all of their duties and activities. Part of their role includes being one of the major contacts within the Council's Fraud & Corruption and Whistle-blowing Policies that detail how potential irregularities and frauds will be investigated and reported.

## 6. **Possibilities and Options**

6.1 The issues raised in this report are predominantly for information and as such there is no requirement to consider alternative options.

6.2 There is a statutory requirement for a continual internal audit of the Council's processes and internal controls. Whilst there are options surrounding the risk assessments, those being used are the accepted approaches for this style of risk assessment and may vary from those which are applied to the Council's services generally but in certain cases there are no alternative options if the Council is to meet external requirements.

6.3 Internal Audit reports provide one element of assurance to the Harbour Committee but the Tor Bay Harbour Authority management team provide another source of assurance and should provide evidence to support the view that Internal Controls and wider corporate governance are adequate. External reviews provide another source of assurance.

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

7.1 That the Committee agrees in principle to the amended Tor Bay Harbour Audit Plan for 2018~2023 shown in Appendix 1.

## 8. Consultation

8.1 The draft audit plan has been subject to consultation with the Executive Head of Business Services and the business unit's management team.

## 9. Risks

9.1 The report is predominantly for information and therefore there are no risks associated with the recommendations.

9.2 The adoption of a clear Harbour Authority Audit Plan will enhance the Council's reputation for transparency and accountability in respect of its delivery of its harbour authority function. It also reflects best practice.

9.3 Although the plan has been matched to available resources, if those resources are stretched or unavailable there remains a risk that audit reviews could slip thereby increasing the future risk to the Harbour Authority. Such situations will be managed within the overall audit resources available to the Devon Audit Partnership with audit resources being moved between client Councils to better manage the risk and to address the issue identified. Conversely, the impact of such an event on the other client Councils could necessitate resources being moved away from Torbay but it is hoped that allowing a contingency will help to manage this.

9.4 It should be recognised that ultimately it is the responsibility of management to establish systems of internal control to ensure that activities are conducted in a secure, efficient and well-ordered manner. It does not matter how good the systems of internal control are, it is not possible to guarantee that a fraud will not occur, although it is hoped any irregularity would be quickly identified and resolved. However, the work undertaken by Internal Audit should give the business unit, and the Harbour Committee, assurance that with the testing undertaken, no fraud was found and that all systems were operating effectively within the limitations reported at the time. Only by constant appliance of the Council's Standing Orders, Financial Regulations and operating instructions can this risk be fully minimised.

## Appendices

Appendix 1 Tor Bay Harbour Authority Audit Plan – 2018 ~ 2023

## Additional Information

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

Report 147/2009 Harbour and Marine Services Internal Audit Report - May 2009

Report 90/2010 Torbay Council's Internal Audit Plan 2010/11

Report June/2015 Tor Bay Harbour Authority Audit Plan – 2013 ~ 2018

**Appendix 1**

**Rolling Audit Plan for Tor Bay Harbour Authority – 2018 ~ 2023**

Audit Entity (Name)	Audit Entity Description (Coverage)	Audit Type	Audit Needs Assessment	Last Audited	Next Scheduled Audit
<b>Regulatory Compliance</b>					
Port Marine Safety Code	Compliance with the Code – audit undertaken by independent “designated Person” (currently the Devon Audit Partnership)	Operational Risk	High	October 2017	October 2018
Port Facility Security	Compliance with the Code – International Ship and Port Facility Code (ISPS Code)	Operational Risk	High	N/A Triennial	2018/19
<b>Internal Audit</b>					
Strategic Management	Compliance with Council constitution; governance; strategic management; sustainability; long-term planning.	Strategic Risk	High	N/A	2018/19
Business Unit Management	Business insurances; procurement; financial planning; budget setting and monitoring; personnel and establishment; performance and absence management; staff development; Equality & Diversity.	Operational Risk	High	See Note 5	2019/20
Income	Harbour Charges; Other Income including Rents and Fish Tolls; Cash Handling; Re-charges; Debt Management.	Material System	Medium	2015/16	2020/21

Audit Entity (Name)	Audit Entity Description (Coverage)	Audit Type	Audit Needs Assessment	Last Audited	Next Scheduled Audit
IT System Administration & Security	Information governance; information security; security of physical systems; Harbour management software; disaster recovery.	Material System	Medium	2012/13	2021/22
Asset Management	Harbour Estate and Asset Management; Capital Project planning, management and evaluation; Resource Consumption and conservation (e.g. energy use).	Operational Risk	Medium	2013/14	2022/23
Risk Management	Risk Management – Operational & Business; Insurances; Health & Safety; Business Continuity / Contingency Planning.	Operational Risk	Medium	2014/15	Not yet agreed

Note 1

For all audit entities the associated risks and controls related to the coverage areas examined will be determined including any risk / control issues relating to fraud and corruption.

Note 2

The 'Audit Needs Assessment' is based upon a number of factors including materiality, control environment, changes in management / staff, sensitivity, risk, and the time since the last audit.

Note 3

Reactive fraud and corruption investigation will be undertaken in the event of an incident at Tor Bay Harbour Authority or where routine audit activity uncovers a potential irregularity.

Note 4

2017/18 was the final year of the initial rolling programme conceived in 2011, however due to audit resource being directed elsewhere from 2015/16 to 2017/18 not all of the originally planned programme was completed. This new rolling programme takes into account those areas not previously examined as a result of this prioritisation. The content and prioritisation of the rolling plan is reconsidered at least annually; however, a new rolling audit plan will be devised in 2017/18 for commencement in 2018/19.

Note 5

Prior to 2008/09, the audit of the harbour business unit was undertaken by harbour location covering the financial controls in that location.

Note 6

All audits where the assurance opinion is 'Improvements Required' or worse are subject to a follow up review in the subsequent year.



**Meeting: Harbour Committee**

**Date: 17<sup>th</sup> December 2018**

**Wards Affected: All wards**


**Report Title: Port Marine Safety Code – Annual Compliance Audit**

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

**Supporting Officer Contact Details: Adam Parnell**

**Head of Tor Bay Harbour Service**

**Tor Bay Harbour Master**

 **Telephone: 01803 292429**

 **Email: [Adam.Parnell@torbay.gov.uk](mailto:Adam.Parnell@torbay.gov.uk)**

## **1. Purpose**

1.1 This report updates Members on the annual Port Marine Safety Code (PMSC) compliance audit undertaken for the Council, as the Harbour Authority, by the Devon Audit Partnership.

1.2 The Harbour Committee, on behalf of the Council, is the *Duty Holder* and the Devon Audit Partnership are the appointed *Designated Person*.

## **2. Proposed Decision**

2.1 That the report, and its attached appendices, is noted.

## **Supporting Information**

### **3. Position**

3.1 Torbay Council, as the Statutory Harbour Authority, has implemented the requirements of the PMSC which offers a national standard for port safety in the UK with the aim to "improve safety for those who use or work in ports, their ships, passengers and cargoes, and the environment".

3.2 The PMSC is not mandatory and does not create any new legal duties. Failure to comply is not an offence, however, the Code represents good practice as recognised by a wide range of industry stakeholders and a failure to adhere to good practice may be indicative of a harbour authority being in breach of certain legal duties.

3.3 The Code states that statutory harbour authorities must consider the following 10 measures:

1. **Duty holder:** Formally identify and designate the duty holder, whose members are individually and collectively accountable for compliance with the Code, and their performance in ensuring safe marine operations in the harbour and its approaches.
2. **Designated Person:** A 'designated person' must be appointed to provide independent assurance about the operation of the marine safety management system. The designated person must have direct access to the duty holder.
3. **Legislation:** The duty holder must review and be aware of their existing powers based on local and national legislation, seeking additional powers if required in order to promote safe navigation.
4. **Duties and Powers:** Comply with the duties and powers under existing legislation, as appropriate.
5. **Risk Assessment:** Ensure that marine risks are formally assessed and are eliminated or reduced to the lowest possible level, so far as is reasonably practicable, in accordance with good practice.
6. **Marine Safety Management System:** Operate an effective MSMS which has been developed after consultation, is based on formal risk assessment and refers to an appropriate approach to incident investigation.
7. **Review and Audit:** Monitor, review and audit the risk assessment and MSMS on a regular basis – the independent designated person has a key role in providing assurance for the duty holder.
8. **Competence:** Use competent people (who are trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.
9. **Plan:** Publish a safety plan showing how the standards in the Code will be met and produce a report assessing performance against that plan at least every 3 years.
10. **Aids to Navigation:** Comply with directions from the General Lighthouse Authorities and supply information & returns as required.

3.4 All the officers involved in marine safety have been instructed to familiarise themselves with the updated PMSC and review any implications for marine operations in Tor Bay Harbour. It is strongly recommended that members of the Harbour Committee, acting as the 'duty holder', should also become familiar with the updated Code by reference to this report and by following the link identified in the Additional Information section below.

#### 4. Consultation

4.1 The Brixham Harbour Liaison Forum and the Torquay/Paignton Harbour Liaison Forum were consulted at their December meetings. A meeting was also held with the Torquay Harbour Users Association.

## **5. Risks**

5.1 Without a regular compliance audit programme there is a risk that emergent issues are not identified or addressed and the Harbour diverges from the high standards expected by the MCA.

### **Appendices**

Appendix 1 - Port Marine Safety Code - Compliance Audit Report - November 2018

Appendix 2 – Table of Accident/Incident Statistics - December 2017 to November 2018

### **Additional Information**

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

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

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/564723/port-marine-safety-code.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/564723/port-marine-safety-code.pdf)

A Guide to Good Practice on Port Marine Operations – April 2018 (DfT & MCA)

<https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations>



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## Marine Safety Management System (SMS)

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Version 16.0 dated Nov 2018



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UNCONTROLLED WHEN PRINTED

## Record of amendments

Amendment	Date	Description of changes

## Document control

This is a controlled document which will be subject to periodic review and amendment. Major amendments will be issued as version numbers eg v1, v2 etc with minor amendments annotated by a decimal point eg minor amendments to v2 will be v2.1, v2.2 etc.

Proposals for amendments should be sent to the Harbour Master using one of the following means:

By phone: 01803 853321

By email: [brixham.harbour@torbay.gov.uk](mailto:brixham.harbour@torbay.gov.uk)

By post: Brixham Harbour Office, New Fish Quay, Brixham, TQ5 8AJ

## Review procedures

This plan will be reviewed at least annually by the Harbour Committee. Occasions for review include following an incident or exercise which highlights shortcomings in the Safety Management System. It will also be audited by the Designated Person at least annually.

## Review and Audit record

Date	Review (R) or Audit (A)	Description	Reviewer/ Auditor

# Part 0 - Tor Bay Harbour Committee

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## **The Tor Bay Harbour Committee (in alphabetical order by surname) are:**

Councillor Nicole Amil

Councillor Nick Bye (Chair)

Councillor Christine Carter

Councillor Vic Ellery

Councillor Ray Hill (Vice Chair)

Councillor James O'Dwyer

Councillor Nick Pentney

Councillor Chris Robson

Councillor David Thomas

## **Advisors**

Mr Nigel Blazeby

Mr David Buckpitt

Captain Mark Day

Mr Michael Ellis

Mr Michael Stewart

## **Officers**

Captain Adam Parnell            Harbour Master

Mr David Bartlett            Deputy Harbour Master

Mr Nick Burns            Deputy Harbour Master

Mr Simon Pinder            Harbour Master Paignton

## **Designated Person**

Verna Barnes            Devon Audit Partnership

# Definitions

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<b>ALARP</b>	A term indicating that, after mitigation measures have been implemented, the residual risk is as low as reasonably practicable ie the cost or resources involved in reducing it further would be grossly disproportionate to the benefit gained.
<b>Admiralty List of Radio Signals</b>	A catalogue which provides comprehensive information on marine radio communications.
<b>Area of Outstanding Natural Beauty (AONB)</b>	An area of countryside which has been designated for conservation due to its significant landscape value
<b>Auditor</b>	Person with the competence to conduct an audit
<b>Competent Harbour Authority</b>	A Harbour Authority which has been given statutory power relating to the provision of pilotage in their waters.
<b>Continual improvement</b>	Recurring process of enhancing the safety management system in order to achieve improvements in overall safety performance consistent with the organisation's Health and Safety policy.
<b>Corrective action</b>	Action to eliminate the cause of a detected nonconformity.
<b>Document</b>	Information and its supporting media
<b>Environment</b>	Surroundings in which an organisation operates, including air, water, land, natural resources, flora, fauna, humans, and their interrelation.
<b>Environmental aspect (EA)</b>	Elements of an organisation's activities, products or services that can interact with the environment.
<b>Environmental impact</b>	Any change to the environment, whether adverse or beneficial, wholly or partially resulting from an organisation's environmental aspects.
<b>Environmental policy</b>	Overall intentions and directions of an organisation related to its environmental performance as formally expressed by top management.
<b>Environmental target</b>	Detailed performance requirement applicable to the organisation or parts thereof, that arises from the environmental objectives and that needs to be set and met in order to achieve those objectives.

<b>European Sea Port Organisation</b>	The representative body of EU member states' port authorities. Inter alia it grants the status of eco-port to qualifying ports and harbours
<b>General Lighthouse Authority</b>	The agency primarily responsible for aids to navigation. In the UK this is Trinity House.
<b>Gross Registered Tonnage</b>	A ship's total internal volume expressed in 'register tons' each of which equals 2.83m <sup>3</sup>
<b>Internal audit</b>	Systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which the environmental management system audit criteria set by the organization are fulfilled.
<b>International Ship and Port facility Security code (ISPS)</b>	An amendment to the Safety of Life at Sea Convention on minimum security arrangements for ships, ports and government agencies.
<b>Local Lighthouse Authority (LLA)</b>	Ports, harbours or other parties providing navigational aids in a locality as part of its facilities. These must adhere to the General Lighthouse Authority's policy on the correct provision and maintenance of such equipment.
<b>Maritime and Coastguard Agency (MCA)</b>	A UK government agency working to prevent loss of lives at sea and responsible for implementing British and international maritime law.
<b>Maritime Conservation Zone (MCZ)</b>	An area designated under the Marine and Coastal Access Act 2009 for the purposes of conserving marine flora, fauna, habitats or features of geological or geomorphological interest
<b>Nonconformity</b>	Non-fulfilment of a requirement.
<b>Organisation</b>	Tor Bay Harbour Authority
<b>Port Marine Safety Code (PMSC)</b>	The national standard for port safety within the UK.
<b>Preventive action</b>	Action to eliminate the cause of a potential nonconformity.
<b>Prevention of pollution</b>	Use of processes, practices, techniques, materials, products, services or energy to avoid, reduce or control (separately or in combination) the creation, emission or discharge of any type of

	pollutants or waste, in order to reduce adverse environmental impacts.
<b>Procedure</b>	Specified way to carry out an activity or a process.
<b>Record</b>	Document stating results achieved or providing evidence of activities performed.
<b>Safety management system (SMS)</b>	Part of an organisation's management system used to develop and implement its Health and Safety policy and manage its risks and hazards to people
<b>Safety and Environmental Management System (SMS)</b>	Part of an organisation's management system used to develop and implement its Health and Safety policy and manage its risks and hazards to people, the environment and infrastructure
<b>Safety objective</b>	Overall safety goal, consistent with the Health and Safety policy, that an organisation sets itself to achieve.
<b>Safety performance</b>	Measurable results of an organisation's management of its environmental aspects.
<b>Tor Bay Harbour Committee</b>	The management committee responsible for the management of safety within Tor Bay Harbour
<b>Secretary of State's Representative</b>	The nominated individual empowered by the Secretary of State to be the ultimate decision maker during maritime salvage and pollution incidents.
<b>Site of Special Scientific Interest</b>	A site within the UK considered to be of special interest by virtue of its fauna, flora, geographical or physiological features.

# Part 1 – The Manual

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## 1. Introduction

In its role as Statutory Harbour Authority, Torbay Council is charged with managing, maintaining and improving Tor Bay Harbour within its nominated limits, and has a number of duties which include (but are not limited to):

- a. A duty to keep the port open for shipping and unshipping of goods and embarking and landing of passengers (on payment of rates) – also known as ‘open port duty’ [s33 HDPC Act 1847].
- b. A general duty to exercise its functions with regard to nature conservation and other environmental considerations (including facilities for visiting archaeological, architectural and historic features [s48A of the Harbours Act 1964].
- c. Lighting and buoying responsibilities as a Local Lighthouse Authority [Part VIII Merchant Shipping Act 1995].
- c. A duty of reasonable care to see that the harbour is in a fit condition for a vessel to utilise it safely (this includes surveying navigable channels, placing navigation marks and keeping proper hydrographic and hydrological records) and a common law duty to conserve the harbour so that it is reasonably fit for use as a port.
- d. Environmental Protection legislation including the Environmental Protection Act 1990.

Torbay Harbour Authority has a number of ambitious objectives including reducing its resource consumption, raising environmental awareness among harbour users and protecting and enhancing the harbour’s natural habitats.

### 1.1 Overview of Tor Bay Harbour

Torbay is a natural harbour, which encapsulates the enclosed ports of Brixham, Paignton and Torquay to the west of Lyme Bay. Its orientation protects it from the prevailing south west winds and seas, and it has traditionally been used as a port of refuge for vessels seeking shelter in adverse weather conditions. It is used for many recreational activities and become quite congested in the ‘high’ season however is primarily a year-round ‘working’ harbour: it accommodates merchant ships, cruise liners, naval vessels, tugs and towed barges. It also hosts the largest fishing harbour in England and Wales by value of catch landed (Brixham). Additionally, fishing vessels also work from Torquay and Paignton, and both Brixham and Torquay host large marinas operated by third parties.



A number of marine services are available within Tor Bay light engineering and maintenance, including fuel from Torquay and Brixham.

Tor Bay harbour is also an important area environmentally because of the high level of biodiversity which supports a rich array of marine wildlife: part of its coastline is within the South Devon Area of Outstanding Natural Beauty (AONB) while other parts are designated as Sites of Special Scientific Interest (SSSI), and the Torbay MCZ extends from the coastline to between 1-2.5km to sea and encompasses Hope's Nose and Berry Head.

The UK has obligations under SOLAS to provide shelter for maritime casualties which may require use of waters within a port as a place of refuge. The MCA and SOSREP are responsible for discharging this obligation and Tor Bay harbour may be tasked to accommodate a vessel subject to the limitations of the Harbour facilities described above. The limiting factor in this instance is the lack of dry dock facilities, the nearest of which are Galmpton or Plymouth.

## **1.2 Safety Management System**

As a means of achieving the overarching objectives described above, we developed and implemented a marine Safety Management System (SMS) which has been designed to:

- Provide an understanding of our risks and their potential consequences to people, the environment and equipment through a baseline review and subsequent monitoring;
- Establish processes and procedures to reduce our most significant health and safety risks, and environmental aspects;
- Ensure compliance with relevant legislation; and
- Raise awareness of health and safety and environmental issues amongst staff and Harbour Users through effective communication and training.

## **1.3 Aim and Objectives of the Safety Management System**

The aim of the SMS is to identify, quantify and manage significant marine risks associated with the waters and harbour activities of Tor Bay. This will ensure:

- Proper control of vessel movements within the harbour;
- Personal safety is properly controlled;
- Suitable plans for emergencies are maintained and regularly exercised;
- That all activities are carried out with regard to their possible environmental impact;
- Byelaws and other powers are correctly exercised;
- Compliance with the national standards of the Port Marine Safety Code.

## **1.4 Scope of the SMS**

The SMS covers all operations and activities undertaken by the Tor Bay Harbour Authority in, on or near the Harbour. In addition it also covers:

- Third party marine operations within the Harbour;
- Marine leisure and sports activities; and

- Marine operations undertaken by any support or service organisation, including marine services such as dredging, surveying and diving.

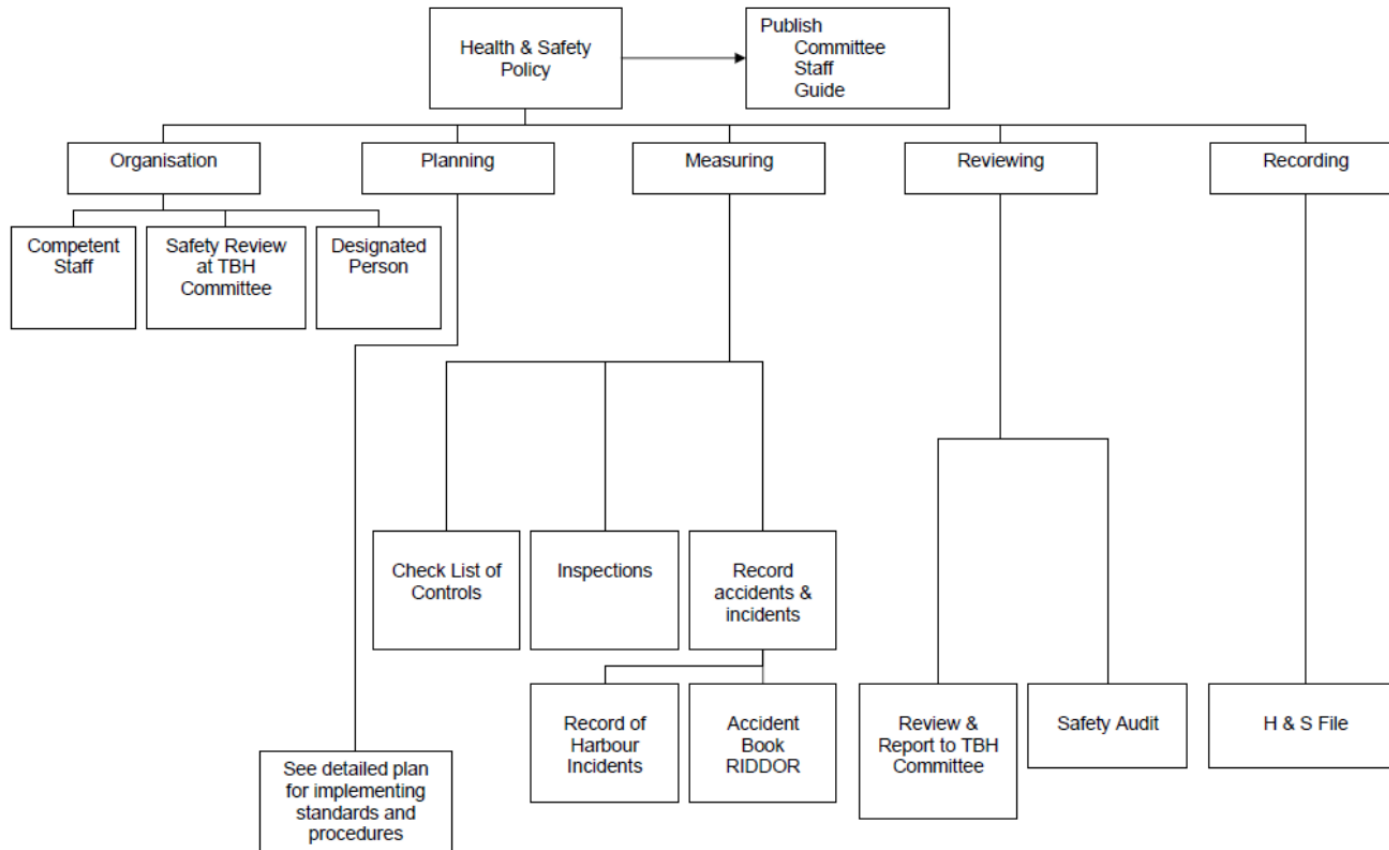
### 1.5 System components

An SMS which manages the hazards and risks, along with any preparations for emergencies, must be developed, implemented and maintained. This should be operated effectively and revised periodically. Its components include (see over):

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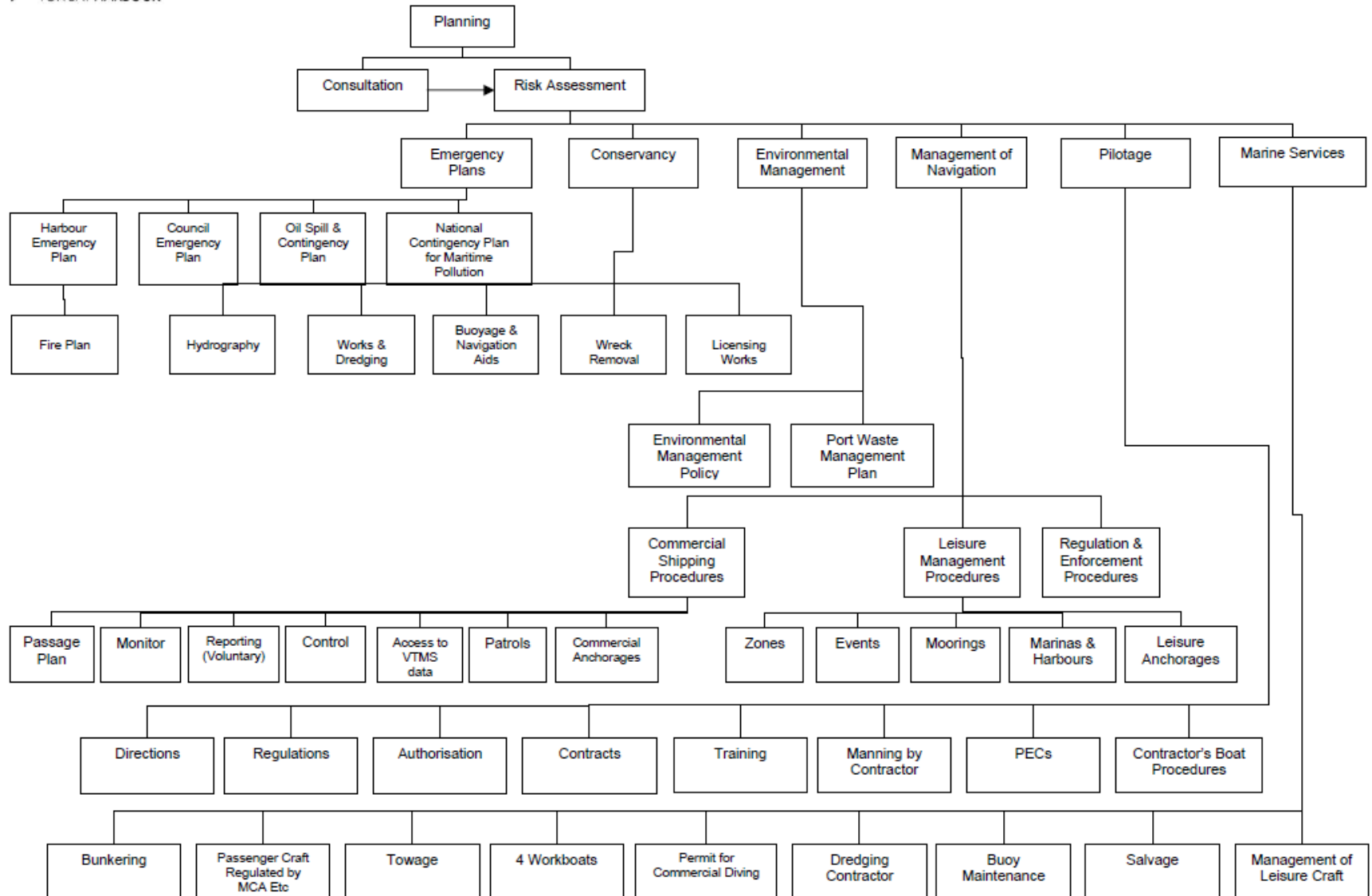


# TOR BAY PMSC SAFETY MANAGEMENT SYSTEM



OUTLINE CHART OF SAFETY MANAGEMENT SYSTEM

# TOR BAY HARBOUR PLANNING FOR PMSC



## 2. Policy

### 2.1 Statements of commitment

#### 2.1.1 Torbay Council (the Tor Bay Harbour Authority)

Torbay Council's commitment to Health and Safety is set out in the Health and Safety Policy which has been signed by the Mayor and Executive Director of Operations and Finance.

All employees are made aware of the policy during induction and a copy is available on the Tor Bay intranet. The policy is also displayed on notice boards in the Harbour Offices and Workshops.

Related Documentation:

**Torbay Council Health and Safety Policy**

#### 2.1.2 Tor Bay Harbour Committee

The Tor Bay Harbour Committee (TBHC) has adopted a health and safety management system in compliance with the principles set out in the Port Marine Safety Code. The health and safety management system includes policies for emergency plans, conservancy and environment, management of navigation, pilotage and marine services.

THBC will within the limits of their jurisdiction provide a safe harbour which is open to the public for recreation and the transportation of passengers and goods. It will ensure the safety of Tor Bay by exercising its statutory functions to a high standard.

TBHC will regulate the use of the harbour by maintaining appropriate byelaws and ensuring that these and other statutory regulations are enforced. The TBHC will ensure such marine services as are required for the safe use of their harbour are available and are well maintained and operated, including the availability of an efficient pilotage service and a regular review and maintenance of pilotage directions. THBC will ensure that up to date plans are available to deal with emergency situations and that the resources required to implement these plans are maintained and exercised.

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

The Policy incorporates input from officers, from staff and from harbour users as high standards of safety can only be achieved through dialogue and co-operation. Plans and reports will be published as a means of improving the transparency and accountability of the harbour authority, as well as providing reassurance to the harbour users. TBHC will consider past events and incidents so as to recognise potential dangers and identify the means of avoiding them.

## 2.2 Marine safety

The Marine Safety Policy augments the Health and Safety Policy. The Harbour Authority is committed to:

- Complying with all legal requirements.

- Managing its assets safely and efficiently.
- Maintaining relevant harbour equipment to agreed industry standards.
- Recruiting and training operational staff to nationally agreed competence levels (National Occupational Standards).
- Ensuring that the staff is properly trained for emergencies and contingencies.

In making these commitments the Harbour Authority has appointed the Harbour Master to fulfil the role of Marine Operations Safety officer responsible for:

- Ensuring that the Harbour Authority complies with the Port Marine Safety Code.
- Ensuring that all risks are assessed and eliminated or reduced to as low as reasonably practical (ALARP) in accordance with best practice.
- Carrying out routine safety inspections on marine operations and re-assessing risks dynamically as appropriate.
- Reporting, investigating and recording all incidents and accidents, and ensuring that 'lessons learned' are widely disseminated to all appropriate persons, bodies and institutions.

### 2.3 Environmental policy

Our commitment to the environment is set out in our Environmental Policy Statement which has been signed by the Chair of the Harbour Board.

All employees are made aware of the policy during induction and a copy is available on the Tor Bay Harbour website. The policy is also displayed on notice boards in the Harbour Office and Workshop.

Related Documentation:

**Environmental Policy Statement**

### 2.4 Beach and water safety

The Council recognises that the beaches of Tor Bay provide a valuable resource for the health, enjoyment and well-being of residents and visitors which underpins the prosperity of the tourism economy. It has published its Beach and Water Safety Policy on its website but these are not currently under the purview of the TBHC and thus do not form part of this SMS.

Related Documentation:

**Beach Management Policy**

## 3. Organisation and responsibilities

### 3.1 Resources, roles, responsibility and authority

#### 3.1.1 Tor Bay Harbour Authority (TBHA)

Torbay Council is the Statutory Harbour Authority for Tor Bay Harbour and has a range of important statutory and non-statutory duties relating to the safety of people who work at or use

the Harbour, and to the wellbeing of the port marine environment and community. In particular:

- Taking reasonable care that all who may choose to navigate in it may do so without danger to their lives or property.
- An environmental duty to exercise its functions with regard to nature conservation and other environmental considerations.
- Conserving and promoting the safe use of the harbour and prevent loss or injury through the organisation's negligence.
- Have regard to the efficiency, economy and safety of operation as respects the services and facilities provided.
- Taking such action that is necessary or desirable for the maintenance, operation, improvement or conservancy of the harbour.

They are also responsible for developing a formal marine safety management system to ensure that all risks are identified and controlled; they should either be eliminated or kept As Low As Reasonably Practicable (ALARP).

The Torbay Harbour Authority is a Competent Harbour Authority under the Pilotage Act 1987.

Related Documentation:

**Tor Bay Harbour Act 1970**  
**Merchant Shipping Act 1995**  
**Health and Safety at Work Act 1974**  
**Port Marine Safety Code**

### 3.1.2 Tor Bay Harbour Committee (TBHC)

The strategy and performance of the Harbour is managed by the TBHC which is a committee of Full Council. It comprises 9 members of Council and up to 5 external non-voting advisors appointed by the Council following an open competition. The Harbour Committee is also the Duty Holder (see below). The Committee is responsible for ensuring that the Harbour Authority complies with the PMSC and is accountable for safe and efficient marine operations. In particular:

- The development and proper operation of a marine safety management system;
- The appointment of a designated person (see below) to monitor and report the effectiveness of the safety management system and provide independent advice on marine safety;
- Assessing the fitness and competence of all persons appointed to positions with responsibility for safe navigation including marine pilots.

Related Documentation:

**Port Marine Safety Code**

THBC considers that current legislation gives them adequate authority to exercise their responsibilities as described in this document and in accordance with the PMSC. The organisation is bound by a number of harbour-related statutes, safety regulations and codes including:

- The Harbour, Docks and Piers Clauses Act 1847;
- The Harbours Act 1964;
- The Tor Bay Harbour Act 1970;
- The Health and Safety at Work Act 1974;
- The Workplace (Health, Safety and Welfare) Regulations 1992;
- The Tor Bay Harbour (Torquay Marina &c) Act 1983;
- The Port Marine Safety Code

Related Documentation:

**Register of Legislation**

### 3.1.3 Harbour Master

The Harbour Master, appointed by the TBHA, is responsible for the day-to-day management of the safe operation of navigation and other marine activities in the Harbour, and for its compliance with all legislation concerning health and safety, marine safety, and the environment. The Harbour Master is responsible for:

- As the nominated **Health and Safety Officer**: ensuring compliance with all applicable health and safety, and marine safety, legislation and associated policies including the Port Marine Safety Code;
- As the nominated **Environmental Manager**: ensuring that the Environmental Policy is implemented and environmental objectives and targets are monitored and met;
- As the principal **officer holding delegated responsibilities for safety**: attending Duty Holder meetings;
- As the Harbour's **Chief Executive**: overseeing the implantation of Harbour Authority policies and decisions and having overall executive responsibility for the safety of operations and staff;
- Reporting on the performance of the SMS to the Harbour Board for review and as a basis for continual improvement of the system;
- Preparing an annual report evaluating the health, safety and environmental aspects of the Harbour's activities;
- Nominating a DHM to deputise for him in his absence.

### 3.1.4 Duty Holder

The nominated Duty Holder as defined in the PMSC is the TBHC who are collectively and individually publically accountable for marine safety under the Port Marine Safety Code. They are also, on behalf of the Harbour Authority, accountable for managing operations within the Harbour safely and efficiently.

The role of Duty Holder includes:

- Maintaining strategic oversight and direction of all aspects of the Harbour operation, including marine safety;



- Responsibility for the development of policies, plans, systems and procedures for safe navigation;
- Ensuring that assessments and reviews are undertaken as required to maintain and improve marine safety;
- Ensuring that the Harbour Authority seeks and adopts appropriate powers for the effective enforcement of their regulations, and for setting dues at a level which adequately funds the discharge of all their duties.

The Duty Holder is to be familiar with the content of the PMSC, and aware of its responsibilities in responding to it. Tor Bay Harbour has a SMS to fulfil the Duty Holder's obligations set out in the PMSC, and has delegated the day to day operation to the Harbour Master.

All members of TBHC are required to sign to the effect that they understand their responsibilities under the PMSC, against which they are held to account during Harbour Committee meetings.

### 3.1.5 Designated Person

The Designated Person provides independent assurance directly to the Duty Holder that the SMS, for which the Duty Holder is responsible, is working effectively. The main responsibility of the Designated Person is to determine, through inspection, assessment and audit, the effectiveness of the SMS in ensuring compliance with the PMSC.

The Board has appointed Vernal Barnes of the Devon Audit Partnership as their Designated Person.

### 3.1.6 Deputy Harbour Masters (DHMs)

The DHMs are nominated **Safety Managers** and responsible for ensuring that the SMS is being followed and to take preventative or corrective action should breaches be identified. In particular they are responsible for:

- When so nominated, deputising for the Harbour Master in his absence;
- Supervising tasks with regard to compliance with the SMS;
- Reporting and if necessary investigating health and safety incidents to the Harbour Master;
- Ensuring that all safety equipment is in good condition;
- To be subject matter experts on moorings, maintenance and office safety as appropriate;
- Be responsible for scheduling of planned mooring, plant and fleet maintenance;
- Ensuring that contractors are aware of the Harbour's safety and environmental policies and explaining that they will be expected to adhere to these;
- Be the **Emergency Planning Officer** for their harbour(s);
- Be the officer responsible for the development, maintenance and regular exercising of the **Oil Spill Contingency Plan** for their harbour(s).

### 3.1.7 Harbour Staff

All Harbour staff are responsible for ensuring that the SMS is being followed on a day to day basis reporting actual or potential breaches of the SMS to their line manager as appropriate. In particular they are responsible for:

- Taking care of their own health and safety and that of other harbour users who might be affected by their own acts or omissions;
- Complying with all harbour safety procedures laid down by the TBHC;
- Ensuring that marine operations are undertaken in a safe manner;
- Reporting hazards, risks, incidents, accidents or near misses to their Safety Officer.

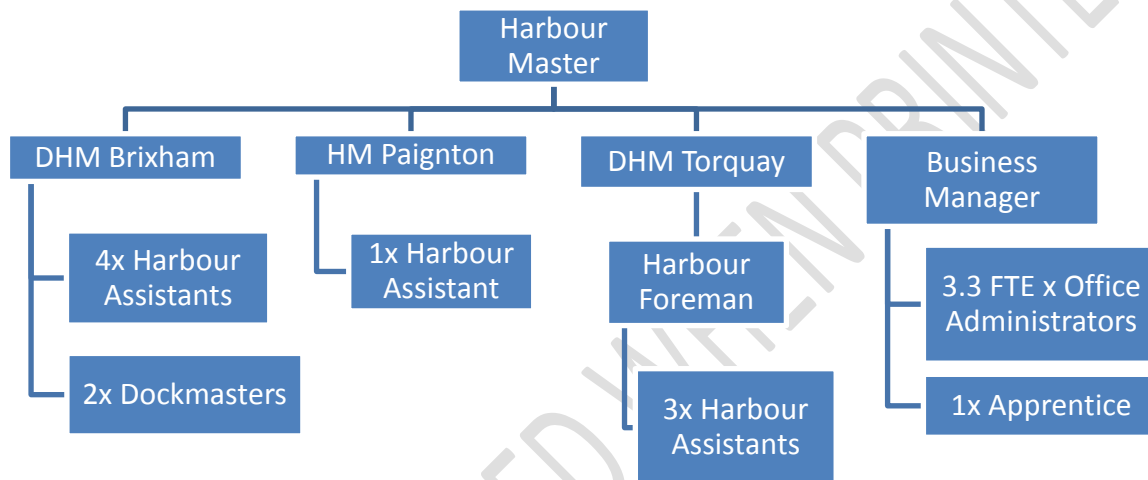


Figure 1: Tor Bay Harbour staff structure

### 3.1.7 Pilots

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

### 3.1.8 Harbour Users

Harbour users are responsible for their own health and safety and that of other harbour users who may be affected by their acts or omissions. They must comply with bylaws, directions and other regulations aimed at ensuring the safe use of the harbour.

### 3.1.9 Consultative forums

A well established and formal consultation mechanism which comprises a number of fora ensures that the TBHC has strong and direct links with both Harbour users, local communities and other external organisations which have interests in the estuary:

- The Torquay and Paignton Liaison Forum;
- The Brixham Liaison Forum;
- The Tor Bay Passenger Boat Operators Forum;

These fora provide valuable insight and information into customer requirements, and the safety and environmental wellbeing of the harbour. In particular, these forums seek consensus about safe navigation.

### 3.2 Training, awareness and competence

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

All staff need to fully understand the rationale behind the SMS and understand what is expected of them to maintain and improve the system. This will be achieved by initial all-staff meetings to explain the importance of the SMS and their responsibilities, and regular team briefings. Every year the training requirements of each member of staff will be assessed and a training programme initiated. All staff are appraised with respect to competence.

The training needs of all new members of staff will be assessed and a bespoke induction and training programme put into action. No member of staff will be expected to undertake any role or take on any responsibility for which they are not correctly trained or qualified. Mentoring and supervision will also be provided from within the Harbour staff.

Training will be scheduled into the programme and adequate records, including certificates or other documentation, maintained to provide an audit trail of qualification and competence. ‘On the job’ training and Continuous Professional Development (CPD) are also key elements of the training policy. All staff will receive training in emergency procedures.

Post	Training Responsibility
Deputy & Assistant Harbour Masters	Harbour Master
Assistant Harbour Master/Business Manager	Harbour Master
Harbour Master, Paignton	Harbour Master
Office Administrators	Business Manager
Business Administration Apprentices	Business Manager
Torquay Staff	Deputy Harbour Master, Torquay
Brixham Staff	Deputy Harbour Master, Brixham
Paignton Staff	Harbour Master, Paignton
Pilots, pilot boat crews & technical staff	Marine & Towage Services Group Ltd
Launch crews Technical staff	Marine & Towage Services Group Ltd

Related Documentation:

**Training log**

## **4. Legislation**

### **4.1 Register of legislation and regulations**

Compliance with statute is a fundamental requirement of any safety or environmental management system. The Harbour Master is responsible for ensuring that the Legislation Register remains up to date by annual review as well as relevant publications and bulletins etc. Appropriate action is then taken to ensure compliance; this may involve revision of operational procedures or training updates.

The British Ports Association, UK Harbour Masters' Association, British Marine Federation, Government Agencies and Departments such as Defra, Natural England, MMO, AONB and Maritime & Coastguard Agency (MCA) together with colleagues from within the Council are all sources of information regarding the introduction and subsequent updates to environmental legislation

Related Documentation:

**SMS Legal Register**

**MCA M notices**

**BPA, UKHMA, MCA and other bulletins**

### **4.2 Legislation compliance evaluation**

The Harbour Master is responsible for maintaining and electronically recording the SMS Legal Register. He shall periodically evaluate compliance with relevant legislation via an audit process, interviews with relevant staff or by training and awareness events.

Where legal non-compliance is identified the Harbour Master shall raise a non-conformity report and seek proposals to address the non-compliance.

Legal compliance evaluation may also identify where practices do not comply with Environment Agency pollution prevention guidance (although not a strict legislative non-compliance. Where such situations are identified the Harbour Master may raise a preventative action and seek proposals to improve the practice.

The Harbour Master is responsible for maintaining this register and electronically recording the information in the SMS spreadsheet.

Related Documentation:

**SMS Legal Register**

**Non conformity reports if applicable**

### 4.3 Review of powers

Existing powers should be reviewed on a periodic basis to avoid a failure in discharging the Harbour Authority's duties or exceeding its powers. These will be formally reviewed annually during the November Board meeting, to ensure that they are fit for purpose. Such a review should include an examination of the Legal Register to identify all appropriate legislation and regulations, and an audit of all in-force Harbour byelaws, Harbour Directions and Special Directions. Where additions, amendments or deletions are required the appropriate procedure set out in the appropriate legislative act is to be followed.

Where Special Directions have been issued (either by the Harbour Master or the Moorings Officers, to whom such powers have been delegated) these are to be recorded in the Incident Log, along with a narrative explaining how that decision was reached.

The Harbour Master may give directions (Dangerous Vessel Directions) prohibiting the entry into, or requiring the removal from, the harbour of any vessel if in their opinion the condition of that vessel or anything it contains presents a grave and imminent danger to the safety of persons or property or prejudice the use of the harbour by other vessels. Such directions may be over-ridden by the Secretary of State's Representative (SOSREP) who may issue contrary directions in the interests of safety. The decisions of both Harbour Master and/or SOSREP are to be recorded in the Incident Log, along with a narrative explaining how that decision was reached.

Related Documentation:

**SMS Legal Register**  
**Local Government Act**  
**Marine Navigation Act**  
**Dangerous Vessels Act**  
**Incident Log**

### 4.4 Enforcement of compliance

The Harbour Authority has statutory powers, including Harbour Authority byelaws, Harbour Directions and Special Directions, to regulate the conduct of vessels in the harbour's jurisdiction and to assist in managing the risks of marine operations. To these ends, enforcement action will sometimes be necessary to safeguard the safety of harbour users and the environment.

A copy of the Enforcement Policy, which has been signed by the TBHC Chair, is available from the Harbour Office and all employees are made aware of the policy during induction. Staff also receive enforcement training, including how to gather and process evidence in accordance with the Police and Criminal Evidence Act.

Related Documentation:

**Harbour Authority byelaw enforcement policy**  
**Training log**

## 5. Risk Assessment

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

### 5.1 Procedure

TBHC has commissioned formal risk assessments of its marine operations to identify and record all hazards associated with activities and operations which occur within the harbour, and identify and enact appropriate control measures to eliminate or reduce the risk to **ALARP**.

There are two types of assessment: the planned, formal assessments which provide the framework to describe how all risk assessments are carried out in practice; and dynamic assessments which helps the individual to assess a situation which is constantly changing. The risk assessments contained within this SMS are of necessity mainly concerned with the former, although a comprehensive working knowledge of these will assist in the 'on the spot' assessment of the latter type. Formal risk assessment involves 5 stages:

1. Identifying the problem (data gathering)
2. Hazard identification
3. Risk analysis
4. Assessing the efficacy of existing control measures
5. Identifying and adopting new control measures

A **hazard** is something with the potential to cause harm, loss or injury whereas a **risk** is a combination of frequency of occurrence (likelihood) and consequence (outcome).

### 5.2 ALARP defined

Guidance offered by the Health and Safety Executive (HSE) defines the concept of ALARP as being at the heart of the British health and safety system. 'Reasonably practicable' involves weighing a risk against the trouble, time and money needed to control it, thus ALARP describes the level to which workplace risks are expected to be controlled.

The Court of Appeal (in its judgement in *Edwards v National Coal Board* [1949]) defined "reasonably practicable" more narrowly than "physically possible" by introducing the concept of proportionality, judgement and flexibility in determining when a control results in a risk being 'as low as reasonably practicable'. Such determinations should consider the application of 'good practice' and discussion with stakeholders. Where there is a lack of 'good practice' then such determinations should be derived from first principles by applying common sense and/or exercising professional judgement or experience.

If for any reason the safety management system identifies a control measure that is not effective the activity is to cease until suitable control measures are in place and the risk mitigated to as low as reasonably practical.

### 5.3 Harbour Authority risk assessments

In line with Council policy, risk assessments are either reviewed as a new risk emerges or is identified, or following an incident in which our assessments have proven to be sub-optimal, or annually, whichever is the most frequent. The Harbour employs the MarNIS risk assessment matrix so that similar hazards are treated in a common manner.

#### 5.3.1 MarNIS risk assessment matrix grid and calculation

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

Consequences		Once every 10 years	Every year	Every month	Every week	Every day
Major (> €10,000,000)	Cat 4	Light Orange	Light Orange	Orange	Orange	Red
Serious (€500,000 - 10,000,000)	Cat 3	Light Orange	Light Orange	Light Orange	Orange	Orange
Moderate (€50,000 - 500,000)	Cat 2	Yellow	Yellow	Light Orange	Light Orange	Orange
Minor (€3000 - 50,000)	Cat 1	Green	Yellow	Yellow	Yellow	Light Orange
Negligible (< €3000)	Cat 0	Green	Green	Green	Green	Green

Figure 2 MarNIS Matrix Grid

The following matrix values are loaded into the MarNIS software:

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

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



The following calculation is used to determine the Overall Score.

- Matrix Score from Worst Credible:  $\text{People} + \text{Property} + \text{Planet} + \text{Port} \div 4 = \text{Average Worst Credible Value}$ ;
- Matrix Score from Most Likely:  $\text{People} + \text{Property} + \text{Planet} + \text{Port} \div 4 = \text{Average Most Likely Value}$ ;
- Maximum score from the Worst Credible Scenario;
- Maximum score from the Most Likely Scenario;
- $= \text{Average Worst Credible} + \text{Average Most Likely} + \text{Max Worst Credible} + \text{Max Most Likely} \div 4 = \text{Overall Score}$ .

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

1. Promotion of safe seamanship: there is forever a need to maintain, refresh, improve and emphasise the advice already being given through notices, brochures, emails of Notices to Mariners, the website, in person by harbour staff and through sea schools.
2. Regularly review how IT developments can improve communications with customers. Consider ways to promote the identity of Tor Bay Harbour Authority, possibly by expanding the Tor Bay Harbour Visitor Guide and by using social media, by improving the web site and providing a clear link to the Safety Management System and compliance with the Port Marine Safety Code.
3. Review security measures in place at the Brixham Fish Market.
4. Structural improvement plans are in hand for Haldon Pier, Princess Pier and a Northern Arm Breakwater at Brixham
5. Review and update where necessary :-  
Tor Bay Harbour Emergency Plan  
Local Port Services Policy  
Harbour Legislation
6. Investigate using Torbay Council's remote learning platform, 'i-Learn', to provide a link to the new Standard Operating Procedures currently being drafted.

Related Documentation:

**Tor Bay Harbour Risk Assessments**

## 5.4 External (third party) risk assessments

Third parties seeking to conduct marine-related activities or operations within the harbour must first submit a copy of their formal risk assessment to the Harbour Master.

## 5.5 Risk control measures

To minimize risks to ALARP, a 'layered defence' approach is employed:

- Eliminate or prevent risks or impacts – for example by not commencing the activity;
- Substituting risks or impacts – by following a different (less hazardous) process;
- Isolating risks or impacts- by putting a barrier between the person (or environment) and the risk;
- Reducing the risk or impact – through procedures or training; and
- Protecting against risk – by wearing suitable PPE.

## 5.6 Safety plan

The PMSC requires Authorities to publish a safety plan for marine operations. This is contained within the Harbour Authority's Port Masterplan which has been adopted by the Council. A copy is available on the Harbour website.

Related Documentation:

**Port Masterplan**

## 6. Environment

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

### 6.1 Procedure

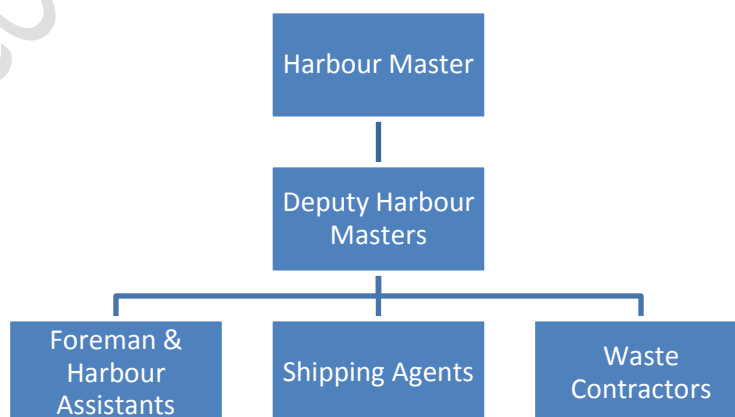


Figure 3 Environmental Organisation

The HM shall, as Environmental Manager, identify and record situations (normal; unusual or emergency) during which an environmental aspect may arise and indicate whether each is directly or indirectly responsible for a resultant environmental impact. Each aspect has also been categorised according to whether the Harbour Authority has direct control over it, or more limited influence. These are considered within the 'planet' element of each MarNIS risk assessment.

Significant Aspects are addressed in the Harbour's Objectives and Targets.

Related Documentation:

**Tor Bay Environmental Policy Statement**  
**Port Waste Management Plan**  
**Standard Operating Procedures**

## 6.2 Objectives and Targets

In order to ensure a structured approach towards achieving continual environmental improvement TBHC will annually establish environmental objectives and targets which are consistent with their Environmental Policy, the Aspects Register, the requirement for legislative compliance and the Harbour's strategic *Port Masterplan*. Our commitment to a wider sustainability and corporate social responsibility agenda is also considered.

Progress is monitored by the Environmental Manger who reports periodically to the Harbour Committee.

Related Documentation:

**Environmental Objectives and Targets**  
**Port Masterplan**  
**Minutes of Harbour Committee meetings**

The "ESPO Green Guide; towards excellence in port environmental management and sustainability" introduces a common framework for port authorities to respond to their environmental challenges under 5Es; Exemplify, Enable, Encourage, Engage and Enforce. Where appropriate this framework is applied to the tasks which contribute towards the agreed Tasks and Objectives.

## 7. Implementation and Operation

### 7.1 Procedure

The Harbour Master is responsible for the overall implementation of the SMS.

All staff are encouraged and expected to make positive contributions to improving safety and managing risks when delivering services. This may be through day to day activities, during team meetings or through specific improvements projects.

In particular all staff should:

- Ensure that they comply with safety procedures and that pollution or air, land and water does not occur as a result of their work;
- Consider the sustainability of the way in which services are delivered.

### 7.2 Standard Operating Procedures

Activities with significant risks or adverse impacts are subject to necessary controls and operating criteria. Where required, documented procedures will be prepared, implemented and maintained to define the operational controls necessary to minimise the potential for damage or harm to people or the environment.

Related Documentation:

**Standard Operating Procedures**

### 7.3 Routine operations

The Harbour Authority undertake a number of routine Harbour operations. They are broadly categorised as follows:

#### 7.3.1 Conservancy: buoys and lights, surveys

TBHA has a duty to conserve the harbour so that it is fit for use as an 'open' port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it.

Hydrographical surveys are regularly commissioned based on the results of routine inspections and evidence of siltation. Survey records are maintained by the Harbour Office; these are shared with the UKHO under a formal agreement, thereby ensuring that Admiralty Chart 26 is maintained up to date. In addition, the survey results are used to determine the necessity for, and timing & scope of, any potential maintenance dredging campaign.

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

As the Local Lighthouse Authority (LLA), Tor Bay Harbour Authority is responsible for the provision of a comprehensive and well-maintained system of Aids to Navigation (AtoN) in the Harbour. AtoN are monitored to ensure correct operation and defects rectified as soon as reasonably practicable. Availability statistics are provided annual to Trinity House, which is the General Lighthouse Authority (GLA) for the UK, and mariners warned of defects by means of Local Notices to Mariners. In addition, AtoN are inspected annually by Trinity House

Related Documentation: **PANAR records**

### 7.3.2 Salvage and wrecks

It is left to the owner to organise salvage of small craft except where safe navigation may be affected. In such cases TBHC may use its powers to take possession of a vessel and arrange salvage. For large commercial vessels which strand or sink within the harbour, recovery measures will be supervised and approved as necessary.

The harbour may be requested to accommodate vessels salvaged by others eg RNLI, or if directed to do so by the Secretary of States' Representative for Marine Salvage and Intervention (SOSREP). All requests to accommodate Salvaged vessels will only be considered after a dynamic risk assessment has been completed by the Harbour Master or his nominated deputy.

If there is a wreck within the Harbour limits that is likely to become an obstruction or danger to navigation, TBHA will take all necessary steps including ensuring that it is lit and buoyed as required and a Local Notice to Mariners issued until it is removed with the minimum environmental impact commensurate with the operational need. TBHA also has the power to remove wrecks if the owner does not take adequate steps once so directed.

Related Documentation: **Annual returns to Trinity House**  
**Trinity House Records of Inspection**  
**Admiralty Chart 26 (as corrected)**  
**Notices to Mariners (NtMs) and Local NtMs**  
**Survey Records**  
**Guidelines on the provision & maintenance of Local Aids to Navigation**

### 7.3.3 Dredging

THBA undertakes maintenance dredging of areas within the estuary approximately when absolutely required to remove silt deposits which may pose a risk to the safety of navigation. TBHA does not hold a maintenance dredging disposal licence. Any capital or maintenance dredging that might take place is subject to MMO statutory consent.

Related Documentation: **Dredging Records**

### 7.3.4 Management of Navigation

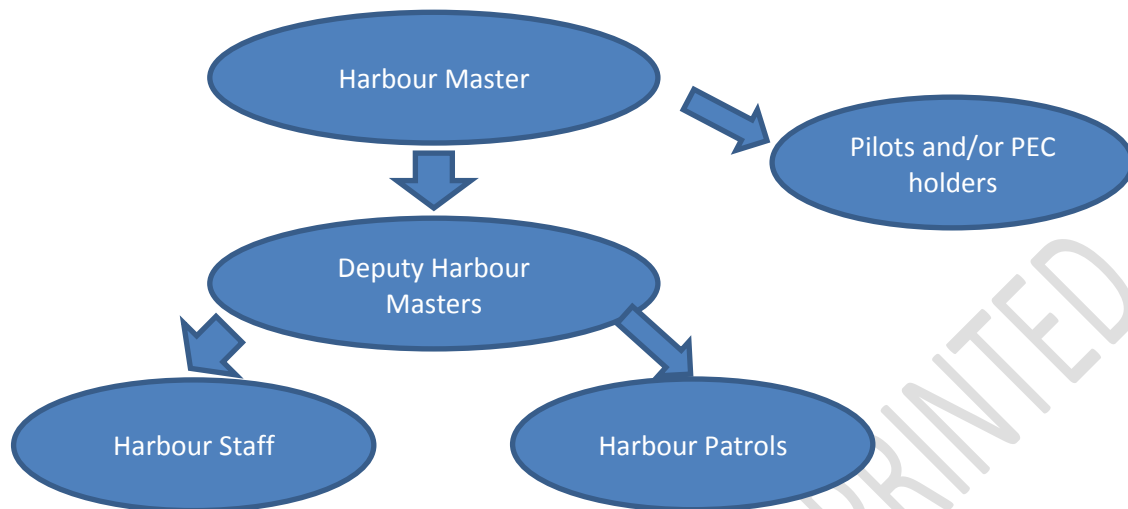


Figure 4 Management of Navigation

Torbay Council, through TBHC, has issued byelaws and other directions which every harbour user must obey as a condition of their right to use the harbour. The Council and its Harbour Master recognise their duty to assess risks and make proper use of powers to make byelaws and to issue directions (including pilotage directions) to regulate all vessel movements within harbour limits. These powers shall be exercised in support of policies and procedures developed in this SMS and should be used to manage vessel navigation.

Powers of direction shall be used to require the use of port passage plans in appropriate cases. THBC has clear policies on enforcement and should monitor compliance of issued directions and byelaws.

Passage plans are to be prepared on standard forms issued by the Pilot and agreed with the master of the vessel. A copy is to be filed at the offices of the shipping agents.

24-hour VHF radio cover is provided by the combined efforts of the Harbour Offices, Brixham security staff and the Pilot station. Reporting is mandatory as per Tor Bay Harbour Pilotage Directions.

TBHA does **not** provide a formal Vessel Traffic Service within the Harbour, instead choosing to provide a Local Port Service and provides information on request. This is **not** an INS Information Service as included within the IMO's definition of a VTS.

### 7.3.5 Pilotage

As the Competent Harbour Authority for Tor Bay harbour within the meaning of the Pilotage Act 1987, TBHA is the competent authority and accountable for the duty to provide a pilotage service. The necessity for the provision of a pilotage service is kept under regular review: the Harbour Board are annually requested to review the necessity to retain the status of Competent Harbour Authority.

THBC therefore exercise control over the provision of the service which is fully integrated with other harbour safety services under their control, including the use of pilotage directions, and employment & training of pilots. TBHC has contracted the services of Marine & Towage Services Group Ltd to provide a pilotage service.

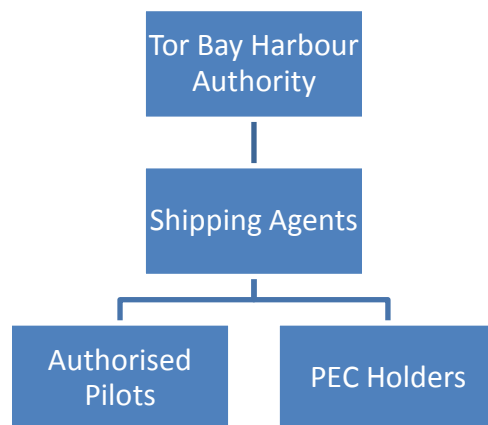


Figure 5 Pilotage Organisation

Pilotage requirements are detailed in the Tor Bay Harbour Pilotage Directions and Pilotage Manual. SOP 28 – Pilotage and Defective Vessel Notification also applies.

Anchorage are specified for large vessels.

Related Documentation:

- Tor Bay Harbour Emergency Plan**
- Tor Bay Harbour Pilotage Directions**
- Pilotage Manual**
- Standard Operating Procedures**

### 7.3.6 Towage

Towage within the harbour is provided by Marine & Towage Services Group Ltd. The staff operating pilot boats and harbour launches are experienced and suitably qualified to tow if necessary and towage guidelines have been published.

### 7.3.7 Bunkering and Cargo Transfer

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

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

### 7.3.8 Diving

Bye-Laws prohibit diving in the estuary without the written permission of the Harbour Master, who operates a 'permit to dive' system. Diving Permits are issued on receipt of:

- A generic risk assessment
- A generic dive project plan
- Divers qualifications
- First aid qualification
- Medical supervisors qualifications
- Divers medical certificate

When the diving permit is completed for the specific dive, any amendment to the generic risk assessment and the diving project plan or qualifications of additional divers are to be produced for the Harbour's retention. For professional divers, HSE Commercial Diving standards must be followed.

Copies of completed Diving Permits are retained in the Harbour Office for one year.

Related Documentation:

**Diving Log**

### 7.3.9 Harbour Patrols

There are procedures for the safe operation of harbour launches based on the risk assessments. These can be found in the Standard Operating Procedures on the Harbour IT system. Maintenance documentation for each workboat is held in the Harbour Office(s).

Related Documentation:

**Standard Operating Procedures**

**Workshop maintenance records and documentation**

### 7.3.10 Leisure Management

Moorings are allocated by TBHC and all berthing and mooring facilities owned and provided by TBHA are inspected annually and maintained as required. Maintenance records are held in the Harbour Offices.

Anchorage are specified for larger vessels.

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

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

Related Documentation:

**Mooring Maintenance records**

**Local Notices to Mariners**

**Harbour Byelaws**



### 7.3.11 Security

Torquay Harbour is compliant with the International Ship and Port Facility Security (ISPS) Code to accommodate visiting cruise and other vessels greater than 500 GRT engaged in international voyages. A comprehensive Port Facility Security Plan has been developed and multi-agency exercises are held at least annually as required by the Code.

Each harbour benefits from a comprehensive and ICO-compliant recorded CCTV system which can be managed by both the harbour staff and the Council's CCTV team. Additionally 24-hour security is provided in Brixham harbour through a combination of Dockmaster staff and contracted security guards to deter and detect crime and other illegal activities.

Related Documentation:                      **Port Facility Security Plan**  
**CCTV records (electronic)**  
**Incident Log**

### 7.3.12 Workshop Operations

All workshop operations are subject to formal risk assessment and all activities should adhere to the Standard Operating Procedures on the Harbour IT system.

Related Documentation:                      **Standard Operating Procedures**

### 7.3.13 Fish Quay

Commercial shore-side fishing activities take place on the Fish Quay, which is designated a 'working area'. Access to the General Public is restricted and all operators must provide the Harbour Office with a comprehensive risk assessment for endorsement. These are held in the Harbour Master's office.

Related Documentation:                      **Third Party Risk Assessments and SOPs**

## 7.4 Contingency planning and emergency preparedness

The potential for accident and emergency situations is identified in the Risk Assessments. Procedures have been established to address our response to emergencies and are contained within the Emergency Logs held in each Harbour Office which provides staff with guidance on how to deal with a number of major incidents. These procedures have been designed to be compatible with Joint Emergency Services Interoperability Programme (JESIP) protocols

Each Safety Manager is responsible for:

- Ensuring that all accidents and incidents are investigated and recorded in MarNIS.
- Arranging emergency procedures to be exercised where practical

- Ensuring that the potential for incidents is reviewed annually.

Related Documentation:

**Incident Log**  
**Emergency File**  
**Training Log**

## 7.5 Incident and emergency response

### 7.5.1 Procedure

All Harbour users and staff, visitors and contractors should report all matters of safety – including accidents, incidents and near misses – promptly to the attention of the Harbour Master. Reports will be used to help in assessment of the effectiveness of the SMS.

In the event of an incident occurring it will be graded according to the nature of the incident, number of casualties, environmental impact and the likely disruption to harbour activities:

**Minor incidents** are those that can be managed and resolved using the Harbour’s organic capacity, resources and available staff, augmented as necessary by the Emergency Services eg ambulance.

**Major incidents** are those that are beyond the Harbour Staff’s and Emergency Services ordinary capacity to manage without extensive mobilisation of additional equipment or personnel. Examples include:

- Death or serious injury;
- Extensive damage or contamination to the environment;
- Extensive damage to vessels or harbour infrastructure; and
- Serious disruption to the routine operating of the Harbour.

TBHA is a designated Category 2 responder under the Civil Contingencies Act 2004 and has a duty to share information with Category 1 responders and with other Category 2 responders as appropriate. It also has a duty to prepare and exercise emergency preparedness and response plans for the Harbour; and example being The Oil Spill Contingency Plan. Torbay Council, as a Category 1 responder, also has a number of emergency plans, which the TBHA has a duty to support where appropriate.

Related Documentation:

**Emergency File**  
**Torbay Council Major Emergency Response Guide**  
**Oil Spill Contingency Plan**  
**Devon Coastal Oil Pollution Plan**

### 7.5.2 Command and Control (C2)

Minor incidents will be controlled at the scene under the command of the senior person present in the Harbour Office. For major incidents, Initial C2 will be effected from the Harbour Office and

routine administrative functions will cease. If the situation is unlikely to be resolved within one working day then a decision regarding the re-location of command and control functions will be taken to allow Harbour Office functions to resume. The pre-identified secondary C2 site is the offices within the Harbour Workshop and the tertiary C2 site is at the Fish Quay, although this will require hosting facilities to be erected. Movement to either the secondary or tertiary site will be the subject of a dynamic risk assessment and will only be made at an appropriate time within the incident management lifecycle.

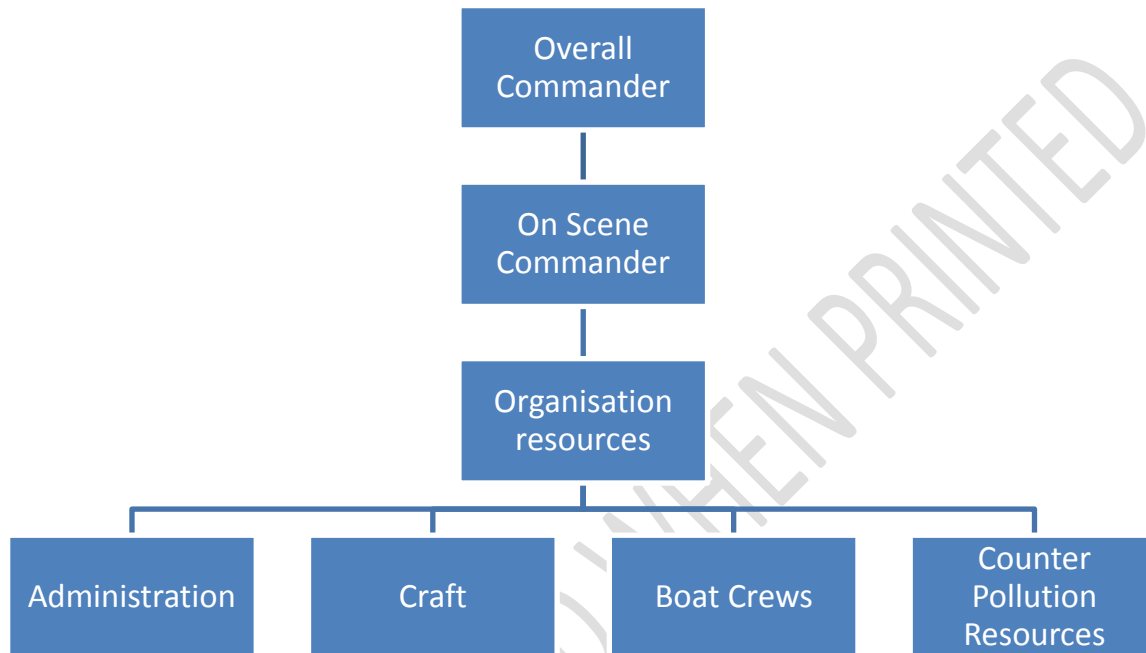


Figure 6 Emergency Organisation

### 7.5.3 Incident/Accident Investigation and Reporting Procedures

It is a statutory requirement that accidents involving or occurring on board any UK ship must be reported to the MAIB by the quickest possible means. However, accidents involving or occurring on board the following are exempt unless the accident involves explosion, fire, death, serious injury, capsize or serious pollution:

- a pleasure vessel
- a recreational craft hired on a bareboat basis
- any other craft (other than one carrying passengers) in commercial use in a harbour <8m in length

The quickest reporting method is via the accident reporting line 02380 232 527 and an Accident Report Form completed.

Related Documentation:

- MarNIS**
- Incident Log**
- Emergency File**
- Accident Report Form**

All accidents and incidents should be investigated by the Harbour Master or delegated to a member of the Harbour Staff to learn lessons to avoid future repetitions. The purpose of this investigation is not to apportion blame. For this reason, none of this evidence can be used in subsequent legal proceedings and this fact should be made clear to all witnesses so that they are not discouraged from coming forward.

If it appears that an offence has been committed then an entirely separate investigation will be conducted, under caution if required, but cannot refer to any of the evidence gathered in the former investigation. Evidence gathered during such an investigation must be collected, processed and preserved in accordance with the Police and Criminal Evidence Act 1984 (PACE) in order that it can be admissible in criminal court proceedings.

The Police will take primacy in any investigation involving death or crime. If someone dies in a work-related incident, a number of different organisations will require to work with the Police to ensure that the reasons for the death are understood. Different organisations have different but important roles in this process and good co-ordination is vital.

The legal framework for incident investigation is summarised in the *Memorandum of Understanding between the MCA, MAIB and HSE for health and safety enforcement activities* at the water margin and off-shore:

- The MCA is responsible for implementing the Government's maritime safety policy;
- The MAIB investigates accidents related to ships and crew;
- The HSE investigates land-based accidents,

## 8. Monitoring and Recording Standards

### 8.1 Procedure

To demonstrate the Authority's commitment to maritime safety and ensure the involvement of harbour users, the safety plan for marine operations shall be published every year at a TBHC meeting open to the press and the public and be available from the Harbour's web site.

The plan shall illustrate how the policies and procedures will be developed to satisfy the requirements under the Code. It shall commit the authority to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment. It shall refer to commercial activities in the harbour; the efficient provision of specified services and the effective regulation of shipping. It shall also explain how commercial pressures would be managed without undermining the safe provision of services and the efficient discharge of its duties.

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

## 8.2 Setting Standards

Standards will be set for operations in the following areas:

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

Performance indicators are to include the following:

AREA	SET BY	REMARKS
Navigation Lights Availability	Trinity House	PANAR SPAR.Net – reviewed annually
Reduce the number of reportable accidents including RIDDOR	Harbour Master	SPAR.Net - reviewed quarterly
Implement the SMS Improvement Plan	Harbour Committee	SPAR.Net – reviewed annually
Incident Investigation	Harbour Master	MarNIS – reviewed at each Committee meeting
Response to Complaints	Torbay Council	Corporate complaints procedure
Enforcement Activity	Harbour Master	Data recorded and details reviewed annually

## 8.3 Measuring Performance

A number of methods are employed to monitor performance. These include:

- Putting this and other documentation into the public domain so that our performance is subject to public scrutiny;
- Reporting against established Performance Indicators (PIs) at Harbour Committee meetings, to which the public are invited. Those pertinent to Safety and Environment include:

- Accidents (both public and staff)
- Incidents (speeding, crime, collisions, mooring failures, groundings)
- Pollution incidents
- Being subject to external assessment and report by:
  - The Designated Person (for Safety Management)
  - The MCA (for compliance with the PMSC, our oil spill contingency readiness and waste facility management)
  - Trinity House (as a General Lighthouse Authority)
  - The Environment Agency (for water quality and pollution incidents)
  - Natural England (for Blue Flag and Seaside Award status)
  - South West Water (for water quality during the bathing season)
- Proactive line management and oversight of activities

Related Documentation:

**Harbour website**  
**Reports to the Harbour Committee**  
**Audit Reports**  
**Reports from external agencies and organisations**

## 9. Corrective Action

### 9.1 Evaluation of compliance

The Harbour Master is responsible for managing the evaluation of compliance with relevant legislation and other requirements as listed above. Such evaluation is carried out during internal audits and by routine monitoring and inspection of relevant activities and sites. Evidence of evaluation is recorded and maintained by the Harbour Master.

### 9.2 Non-conformity, preventative and corrective action

Whenever non-compliance or potential non-compliance of work instructions results in (or is likely to result in) an incident then the following procedures will be undertaken:

- a. The Harbour Master/appropriate DHM will initiate corrective and/or preventive action which may include cessation of the activity.
- b. If the activity results in a possible problem for a neighbouring authority/business then that authority/business shall be contacted by the person in (a) above to advise them of the situation and to inform them of the corrective action being undertaken.
- c. Where an activity requires corrective action the person in (1) above shall determine the cause, restore compliance and ensure no reoccurrence of the detrimental activity.

- d. Once the corrective action has been undertaken the Harbour Master will be required to assess any damage to equipment or the environment, calling upon specialist agencies if required.

If required, Standard Operating Procedures will be reviewed to ensure the incident does not reoccur.

## 10. Audit and Review

### 10.1 Procedure

TBHC will monitor, review and audit the efficacy of the SMS on a regular basis so that lessons are identified from relevant experience and are effectively applied.

Performance of the SMS will be assessed against internal performance indicators and where appropriate by benchmarking against other ports.

In light of these reports the Harbour Master and TBHC will review and where necessary amend working practices and make appropriate recommendations to Torbay Council.

The audit of the SMS is based on an annual cycle and is conducted by the Designated Person with additional staff as required. Performance of the system will be assessed against internal performance indicators and, where appropriate, by benchmarking against other ports that have adopted good practice. The review will be undertaken as follows:

- Quarterly internal checks by the Harbour Master;
- Annual external audit by the Designated Person, normally as part of the harbour inspection;
- Tri-annually the Duty Holder will report the harbour's compliance against the PMSC to the MCA.

The method used to collect the required information for the audit and review would be interview, consultation and SMS records. A synopsis of the audit results will be published in Harbour Committee meeting minutes.

### 10.2 Audit programme

10.2.1 The quarterly check by the Harbour Master ensures that policies and procedures are being correctly followed and compares the outcomes against standing performance indicators which have been set by the Duty Holder. The results are formally reported to the Harbour Board quarterly.

10.2.2 The annual external inspection by the Designated Person. The results of which are also reported formally to the Harbour Board, provide reassurance to the Duty Holder that a comprehensive and effective SMS is in place and being followed sufficient to meet our obligations under the Port Marine Safety Code.



# Internal Audit Report

## Port Marine Safety Code

Torbay Council

*November 2018*

Official



Support, Assurance & Innovation



## **Devon Audit Partnership**

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Devon Audit Partnership has been formed under a joint committee arrangement comprising of Plymouth, Torbay, Devon, Torridge and Mid-Devon councils and we aim to be recognised as a high quality public sector service provider.

We work with our partners by providing professional internal audit and assurance services that will assist them in meeting their challenges, managing their risks and achieving their goals. In carrying out our work we are required to comply with the Public Sector Internal Audit Standards (PSIAS) along with other best practice and professional standards.

The Partnership is committed to providing high quality, professional customer services to all; if you have any comments or suggestions on our service, processes or standards, the Head of Partnership would be pleased to receive them at [robert.hutchins@devonaudit.gov.uk](mailto:robert.hutchins@devonaudit.gov.uk).

## **Confidentiality and Disclosure Clause**

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This report is protectively marked in accordance with the National Protective Marking Scheme. Its contents are confidential and, whilst it is accepted that issues raised may well need to be discussed with other officers within the organisation, the report itself should only be copied/circulated/disclosed to anyone outside of the organisation in line with the organisation's disclosure policies.

This report is prepared for the organisation's use. We can take no responsibility to any third party for any reliance they might place upon it.

## **1 Introduction**

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The 'Port Marine Safety Code (PMSC)' establishes a national standard for every aspect of port marine safety and aims to enhance safety for those who use or work in ports, their ships, passengers and the environment. The code applies to all harbour authorities in the UK that have statutory powers and duties.

The Devon Audit Partnership is the appointed 'Designated Person' for the Tor Bay Harbour Authority for 2018/19.

## **2 Audit Opinion**

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In our opinion, due to the lack of progress made against previous recommendations and agreed actions, and the identification of significant safety risks, we are at present unable to provide assurance that the Tor Bay Harbour Authority is compliant with the requirements of the Port Marine Safety Code.

## **3 Executive Summary**

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We have examined a restricted sample of records relating to the Tor Bay Harbour Authority and its compliance with the requirements of the Port Marine Safety Code and obtained such explanations and carried out such tests as we consider necessary.

To the best of our knowledge and belief, and having carried out appropriate checks, in our opinion the Tor Bay Harbour Authority is not currently compliant with the Port Marine Safety Code. Little progress has been made against the previous year's recommendations and as such have been re-reported. We have also identified some significant safety risks which Tor Bay Harbour Authority must address for us to re-evaluate our compliance opinion.

We have noted areas where action is required (refer to Appendix A).

The detailed findings and recommendations regarding these issues and less important matters are described in the Appendices. Recommendations have been categorised to aid prioritisation. Definitions of the priority categories and the assurance opinion ratings are also given in the Appendices to this report.

## **4 Added Value**

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Compliance against the requirements of the Port Marine Safety code.

## **5 Assurance Opinion on Specific Sections**

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The following table summarises our assurance opinions on each of the risks covered during the audit. These combine to provide the overall assurance opinion at Section 2. Definitions of the assurance opinion ratings can be found in the Appendices.

Risks Covered		Level of Assurance
1	Breach of Port Marine Safety Code	Improvements Required

The findings and recommendations in relation to each of these areas are discussed in the "Detailed Audit Observations and Action Plan" appendix. This appendix records the action plan agreed by management to enhance the internal control framework and mitigate identified risks where agreed.

## 6 Issues for the Annual Governance Statement

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The evidence obtained in internal audit reviews can identify issues in respect of risk management, systems and controls that may be relevant to the Annual Governance Statement.

Following our review, we would suggest that the lack of current compliance against the requirements of the Port Marine Safety code would warrant inclusion within the Annual Governance Statement.

## 7 Scope and Objectives

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Devon Audit Partnership undertook a review and assessment of the Tor Bay Harbour Authority against the requirements as specified in the Department for Transport's Port Marine Safety Code, and the associated Port Marine Safety Code Guide to Good Practice.

## 8 Inherent Limitations

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The opinions and recommendations contained within this report are based on our examination of restricted samples of transactions / records and our discussions with officers responsible for the processes reviewed.

## 9 Acknowledgements

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We would like to express our thanks and appreciation to all those who provided support and assistance during the course of this audit.

**Robert Hutchins**  
**Head of Partnership**

**Appendix A**

**Detailed Audit Observations and Action Plan**

1. Risk Covered: Breach of Port Marine Safety Code	Level of Assurance
<p><b>Opinion Statement:</b>                      In our opinion due to the relatively limited action against previous recommendations, and the significant risks in terms of Harbour safety, we are not yet in a position to provide assurance that the Tor Bay Harbour Authority is compliant with the requirements of the Port Marine Safety Code. We would propose a three-month grace period within which the high and medium risk recommendations must be addressed, following which we would re-evaluate our opinion and assurance. There are a number of key areas of concern we would direct your attention to, these being, staff awareness of the Port Marine Safety Code, where one member of staff had no knowledge; unsafe use of fork lift trucks putting harbour users at significant risk and breaching Harbour Byelaws; the continued slip way hazard and the associated risk this poses, although it's recognised that there is dependency on contractors to resolve; Haldon Pier weight restrictions with no signage or risk assessment undertaken; no designated Safety Officer; and a lack of a trained risk assessor at each site.</p> <p>The Harbour Committee act as the 'Duty Holder' for the purposes of the Port Marine Safety Code and appoint the 'Designated Person' to undertake the PMSC audit. We found that Duty Holders were aware of their responsibilities. All committee members and advisors are responsible for compliance with the Code, which is set out in their terms of reference and published on the Tor Bay Harbour website. The Committee membership terms would benefit from a more proactive approach to review and reappointment. As previously recommended, our opinion remains that a formal structure to evidence regular performance review would be of benefit through implementation of a standing agenda item in committee meetings.</p> <p>Executive and operational responsibilities for marine safety are clearly assigned, with commitment to the PMSC being set out in the 'Safety Management System' which is presented to the Tor Bay Harbour Committee annually along with the outcome of the PMSC compliance audit which is undertaken around November each year. It is a requirement for Harbours to confirm to the MCA they are compliant with the PMSC every 3 years, the letter can be posted or sent via e-mail, the letter attached to the Harbour website is from April 2015, no evidence was received to confirm that this had been provided in 2018. We also identified opportunity for improvement in relation to the consistency of quarterly accident and incident statistics reporting.</p> <p>The Harbour Authority have the powers to make special and general directions. Special and general rules of navigation have been subject to consultation and publication. The Harbour Authority have established and published bye-laws. The legal duties and powers statement is included in the Harbour Authority's plan regarding their legal duties and powers. Communication with Harbour users is in place and considered to be effective, employing various methods such as physically displaying tide times and hydrographic charts in</p>	<p><b>Improvements Required</b></p>

Harbour Offices, plus the use of internet and social media. In addition, the Harbour Assist system maintains a mailing listing and a customer portal is being developed. Warnings to harbour users are issued, however as previously noted, the harbour user may not sign the form to confirm that the warning has been received by them, as in some cases, these are posted to the user. We accept that physical signature may not be possible in all cases.

Each year we confirm that the aids to navigation have been audited and that any deficiencies have been appropriately actioned. However, although we understand that the annual audit by Trinity House has been undertaken, the Harbour Authority are currently awaiting formal issue of the report / certificate to evidence the check.

MarNIS remains the port risk assessment system, holding risk assessments, accidents/incidents and training. Based on data input to the system, it uses an internal algorithm to identify Accidents/incidents that require reporting to the MAIB. Reporting is then a manual process. MarNIS holds a number of the Harbour Authority's risk assessments, with other risk assessments held external to MarNIS. Risk assessments should be subject to an annual review. However, as previously identified and as reported, there remain a number of risks that are overdue for review. Training requirements require review with a programme of initial and refresher training being maintained. The training records held were also found to require updating.

A Harbour Emergency Plan is in place linked to a Business Continuity Plan. There are potential areas for improvement, particularly in relation to ensuring a regular multi-agency exercise is undertaken.

The Port Masterplan has been established and is designed to assist regional and local planning bodies and transport network providers in preparing / revising their own strategic developments, and we understand that this is currently being reviewed, again we would suggest that the review incorporates consideration of and linkage to the Port Marine Safety Code.

No	Observation and implications		
1.1	<p>The Harbour Committee's Terms of Reference (ToR) confirms that they act as Duty holder for Port Marine Safety Code, the ToR states that they will be reviewed annually, however the ToR on the Harbours webpage was dated 2015 and a review of the Harbour Committee meeting notes could find no evidence that they have been reviewed for the current year. The terms of reference were updated in 2016 but we are unable to locate an updated published version.</p> <p>Whilst committee membership terms are reviewed, we did identify one instance where membership of the initial 4 year term of the external advisor had ended in December 2016, however this was not brought to committee for discussion and potential renewal of term until March 2017.</p>		
	Recommendation	Priority	Management response and action plan including responsible officer
1.1.1	In line with the ToR it should be reviewed annually and presented to the Committee for approval. The Harbour Master should consider whether there is a need for an annual review.	Low	Agreed – under guidance from democratic services this will be done after the next elections in May 19 – AP June 19
1.1.2	We would consider it best practice to ensure that committee membership terms are reviewed, discussed and where necessary re-approved prior to the current terms expiring.	Low	Agreed – as with 1.1.1 following advice from democratic services will be actioned following elections in May. AP – June 19

No.	Observation and implications		
1.2	We have previously reported that although there is clear commitment to the code and performance is reported, the PMSC is not currently a standing item on the agenda for the Harbour Committee meetings, it was agreed that this would be combined with the accident and incident statistics agenda however this recommendation remains outstanding.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.2.1	As previously agreed the PMSC should be combined with the Accident and Incident statistics going forward, as a standing agenda item for the Harbour Committee meetings	Low	Actioned – this has been included in the next Harbour Committee in Dec 18. Evidence provided at draft report stage. – AP
No.	Observation and implications		
1.3	A PMSC folder has been established in the Harbours shared drive, this contains various sub folders on risk assessments, SOP's, Safety Management etc however there is no folder or reference to Legislation. There are numerous pieces of Legislation linked to the PMSC along with various Local Acts, compliance with the PMSC states that legislation should be available to staff and kept current. This is especially relevant given that some of the Local Acts are specific to the Harbours for example the Tor Bay Harbour (Oxen Cove and Coastal Footpath Brixham) 1988 Act. Discussion held with Staff found that most had a good knowledge of the PMSC and where associated documents were held, however, when questioned, one member of staff in Brixham stated he did not know what PMSC was or what it was about. We also noted that Harbour Committee members also received training in 2018, and Harbour Estate and Harbour Committee training in 2015. It was also noted that the Dock masters at Brixham Harbour have their own office, however there is no working PC in the office that would give them access to the shared drive and the PMSC folders.		
Page 78	Recommendation	Priority	Management response and action plan including responsible officer
1.3.1	Whilst we acknowledge that most legislation could be found on the internet, it would be appropriate for these to be obtained and held in a folder under PMSC and staff made aware of the location and contents.	Low	Agreed – A legislation Register is to be established and this will held in the PMSC folder along with relevant legislation documents – March 19 AP
1.3.2	To ensure that all Staff and Committee Members are aware of the requirements of the PMSC, associated legislation and their individual responsibilities, a training / briefing session should be provided to all Harbour staff and Committee Members as initial and refresher training as required, and access to information readily provided.	High	A training session was recently sponsored by the BPA for duty holders in relation to PMSC, whilst the Committee members were invited none took up the invitation to attend. Will also create a training package and roll out training to members and staff – SP March 2019
No.	Observation and implications		
1.4	A Port Marine Master Plan was established in 2013, it was recommended that the plan be reviewed every 5 years, this has yet to be done however we understand that this is currently being undertaken. This has been reviewed in full in the Harbour Strategic Management audit with any issues reported there. A safety policy is in place which was adopted by the Harbour Committee in 2014. The policy provides details and the aims of the H&S management system, the duties of employees and users of the Harbours and names the designated Harbour Safety Officers, the policy is available on the Harbours website however it has not been reviewed since it was adopted.		

	Recommendation	Priority	Management response and action plan including responsible officer
1.4.1	The Safety Policy should be reviewed to ensure it remains current and fit for purpose.	Medium	Not agreed –this has now been superseded by the recently updated Marine Safety Management System document which covers all aspects of Safety specifically for Harbours, additionally departments are required to comply with the Corporate Safety Policies – evidence provided by AP. IA would further recommend that the MSMS document title be amended to show it is also policy and a comment to be added to confirm this document supersedes the previous safety policy and have advised AP accordingly.
No.	Observation and implications		
1.5	The Safety Management Document states that accident and incident statistics will be reported to the Harbour Committee quarterly however it was found that in the June meeting no statistics were provided, it is noted that this was a one off as they have been provided previously and at the September meeting.		
Page 79	Recommendation	Priority	Management response and action plan including responsible officer
1.6	As per the Safety Management document the accident and incident statistics should be provided on a quarterly basis to the Harbour Committee.	Low	Agreed – will be presented at the next meeting in Dec AP
No.	Observation and implications		
1.6	<p>The works on Princess Pier have now been completed however a small section is still fenced off whilst they work on the steels below.</p> <p>There remain structural issues with Haldon Pier. We understand that H&amp;S have advised that there is a weight limit for the pier, however there is no warning signage in relation to this. We further understand that although fishing vessels land and unload at Haldon, the vehicles/trucks do not go out there. However, as there is no signage to instruct trucks to this effect, there is a risk that this could occur out of hours when the Harbour is not staffed.</p> <p>We previously reported that the decking along Beacon Quay was in a bad state of repair however this has now been replaced.</p> <p>As previously reported, the end of the slipway had fallen away. There is currently a warning notice on the wall of the slipway. This has been raised with the engineers and continues to be evaluated by the contractors but has yet to be rectified.</p> <p>Brixham continues to be a thriving Harbour, inside the Harbour gates during the mornings there are a large number of cars / trucks / vans and people, added to which there are stacks of equipment and significant fork lift truck movement. It is understood that to alleviate some of the congestion it has been agreed that cars with permits will be allowed to park in Oxen Cove, however they still pose a risk of accident or injury due to the volume of activity within the port.</p>		

	<p>It was noted by the auditor that the fork lift operated by BTA was travelling at speed both in and outside the harbour gates, and on one occasion the operative was reversing round cars / trucks whilst on his mobile phone, this is against the H&amp;S executive guidance for the use of fork lifts and also breaches the Harbour Bylaws 70 and 71.</p> <p>Various works are starting at Brixham, this being works to the breakwater and the new Jetty at Oxen Cove.</p> <p>A new system is being implemented for the recording of all assets, this will be done via PSS, each Harbour has an ipad to record assets and where applicable take photos; there will also be a short cut to the system on desk tops. This system will be used to both undertake inspections and record any issues; Paignton has already started listing their assets using this system.</p> <p>As previously reported, to minimise fall risks there remains a need to update the existing 'Edge Protection Policy' and associated 'Edge Audit Record'. It was previously agreed that the policy would be reviewed to ensure it is sufficient and all relevant legislation is current, and that the audit would also be updated, however this has not yet occurred.</p>		
	Recommendation	Priority	Management response and action plan including responsible officer
1.6.1 Page 89	<p>We acknowledge that the slipway is a known hazard which harbour staff are monitoring and pursuing but are reliant on external contractors in terms of a resolution, this should continue to be pursued.</p> <p>Given the ongoing issues it would be prudent to undertake a full risk assessment of this issue</p>	Medium	<p>Agreed – A temporary fix has been agreed whereby a metal plate will be put in place, and works should begin by Dec 18, will continue to be monitored and a permanent fix sought from the supplier – in addition a complete full risk assessment will be completed and report with long and short term recommendations/actions produced – NB Jan 2019</p>
1.6.2	<p>A speed limit should be introduced for fork lifts in and around the harbour, additionally BTA should be reminded of the proper use of fork lifts as set out by the H&amp;S Executive. Safe Driving and Vehicle Speeds are set out within the Harbour Byelaws (byelaws 70 and 71 respectively).</p> <p>Linked to this, a risk assessment should be undertaken for the use of fork lifts and a SOP should be drawn up.</p>	High	<p>Agreed – there is already a 5 mile an hour speed limit in place, AP has discussed with BTA and raised concerns, will be monitored for compliance.</p> <p>Signage will be put in all forklift cabs. A risk assessment and SOP will be produced for forklifts, and annual sign off of SOP by all forklift users will be required – DB March 2019</p>
1.6.3	<p>Linked to the works to be undertaken at Brixham, both projects should have a risk assessment to determine what / if any impact this will have on the public and to mitigate any risks identified.</p>	Medium	<p>The contractors for the Breakwater have undertaken their own Risk Assessment which includes the impact on the public and it is deemed this is sufficient; the same will apply for the other projects.</p>
1.6.4	<p>Paignton have drawn up a traffic management plan linked to a recent visit for H&amp;S. We therefore recommend that Brixham and Torquay should also do this and all sites should have a risk assessment linked specifically to the traffic around the harbour especially where pedestrians have access.</p>	Medium	<p>Agreed – work has already been started in relation to a plan for Torquay, plans to be completed by end of March 19 – SP</p>



1.6.5	Due to the structural issues and weight restrictions in relation to Haldon Pier, we recommend that a risk assessment is undertaken as a matter of urgency.	High	The Pier has undergone another survey and a weight limit of 20 tons has been imposed, signage has been ordered to this effect, going forward a fork lift will be used to unload fish and taken to the lorries harbour side.  Risk assessment to be undertaken to include the use of fork lifts. A report with long and short term recommendations and actions will be produced – SP March 19
1.6.6	As previously recommended and agreed, the 'Edge Protection Policy' and associated 'Edge Audit Record' should be reviewed and updated.	Medium	Edge Protection Policy has been updated and will be presented to the committee in Dec 18  Edge Audit will be conducted at all three ports – SP Feb 2019
No.	Observation and implications		
1.7	Whilst the Prosecution Policy was found to have been reviewed and updated this has not been put to the Harbour Committee since 2016 for review / approval.		
Page 10 of 11	Recommendation	Priority	Management response and action plan including responsible officer
	1.7.1	The Prosecution Policy should be presented to the Harbour Committee for them to review and approve.	Low
No.	Observation and implications		
1.8	Although there is no there is nothing laid down in legislation to specify how often PACE training needs to be repeated, it is good practice to regularly assess competency and ensure that staff are up to date with developments in the rules surrounding evidence management and legal procedures. PACE itself has been subject to some updates in 2018.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.8.1	As good practice, we would recommend that the competencies of staff that are PACE trained are assessed periodically, or as and when PACE requirements change, to ensure staff remain up to date with developments in the rules surrounding evidence management and legal procedures.	Low	Agreed – this will link to the legislation register, legislation has not changed but will continue to be monitored and updated / actioned as necessary – AP April 19

No.	Observation and implications		
1.9	Harbours have a business continuity plan and an emergency plan in place. Exercises have previously undertaken; however, it has been confirmed that no exercises have been undertaken in the current year other than a security drill undertaken recently.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.9.1	Harbours should look at undertaking a multi-agency exercise in the coming year. This will ensure effective co-ordination between those organisations where their duties for health and safety enforcement and accident investigation overlap at the water margin, offshore and on inland waterways	Low	Table top exercise is due to take place in early Dec in Torquay fire station with Police / Ambulance and fire, this will cover marine accidents, additionally there were two incidents in the current year one where a ship nearly sank, this involved Alder & Allan and multi agencies and a Bomb scare in Brixham that again involved multi agencies, these incidents would negate the need for exercises.
1.9.2	As best practice, for completeness and ease, we would recommend that the Business Continuity Plan (BCP) contain a link to the physical and shared drive location of the Emergency Plan, as this is referenced frequently within the BCP.	Opportunity	Agreed – March 19 AP
No.	Observation and implications		
1.10	Various methods are now being used to communicate with Harbour users, for example the Harbour website, Twitter, Hootsuite and Facebook. It was previously agreed that the webpage relating to publications required a review and update to ensure the public were receiving up to date and current information. However, we understand this site review has yet to be undertaken.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.10.1	As previously recommended, the Harbour web page should be fully reviewed to ensure that all reports and plans are current, ensuring the public has access to up to date and current information.	Low	Agreed – web page has been reviewed and will need to be continually monitored. It now contains new information including events and contact information, and reports – SP ongoing
No.	Observation and implications		
1.11	We continue to report that there are a number of risk assessments outside MarNIS that are in need of review, there is nothing to indicate that this has been undertaken. The document register within MarNIS shows that a number of risk assessments/ documents are either overdue for review or due for review soon.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.11.1	As previously agreed all risk assessments should be reviewed annually, additionally the document register should be reviewed to ensure that where applicable all documents are reviewed.	Medium	Agreed – work has started and will be ongoing, various members of staff have been assigned tasks completion March 19

No.	Observation and implications		
1.12	<p>As previously reported the MarNIS system used to record all risk assessments / accidents / incidents / training etc. has no system controls linked to access i.e. all staff have the same access.</p> <p>It was anticipated that a pending system update would include an audit trail functionality whereby transactions can be attributed to users through view of an on screen provision, whilst there is a properties tab that shows who set up the record and who last updated it, the audit trail does not show all details, it is anticipated that the next update will resolve this issue however this remains outstanding</p> <p>This will provide some element of mitigation; however, the risk remains that the system access cannot be appropriately restricted. Resolution of this issue in full would require a system modification at significant cost to the Harbour Authority.</p>		
	Recommendation	Priority	Management response and action plan including responsible officer
1.12.1	Tor Bay Harbour Authority should either accept the risks (with the upgrade audit trail provision) or progress the modification to provide full system access controls.	Medium	Risk accepted by management due to cost to update system
No.	Observation and implications		
1.13	<p>Although a number of key Harbour staff have undertaken the Risk Management training, we have previously reported that this was out of date, staff that have had training in 2015 will need to re-do this in November 2018.</p> <p>As the recommendation is for a three-yearly refresher training process, further engagement in the training for Harbour staff would ensure all staff are trained to current practices and provide consistency in terms of the processes operated.</p> <p>This issue was also picked up by a recent inspection by the H&amp;S team.</p>		
	Recommendation	Priority	Management response and action plan including responsible officer
1.13.1	Each site should have a trained risk assessor. This is especially important at Brixham, as this is the largest port, which operates largely with the fishing industry, and the port is getting increasingly busy.	High	Actioned – AP has contacted H&S team to arrange risk assessment training for the harbour managers on the next course in Feb 19
No.	Observation and implications		
1.14	<p>It has already been highlighted that a number of risk assessments are overdue for review, however there is little or no progression on formulating new risk assessments, given the diversity of roles across the three Harbours and the continuing growth at Brixham this should be addressed.</p> <p>As previously reported the Safety Management System document does not list the dates for review and the list does not match those detailed in MarNIS.</p>		

	It was previously agreed that a Safety Officer was to be appointed and that a dash board would be established which will identify the owner of risk assessments / SOP's / accidents / incidents etc, and intended that this will ensure that all reviews are picked up and actioned. The manual will then be updated to reflect current dates / reviews; however, this has not been actioned. Given the number of recommendations that we have had to re-report it is now essential that responsibility for ensuring action in relation to risk assessments and that all recommendations are actioned to ensure compliance with the PMSC is assigned to the agreed Safety Officer.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.14.1	A full review should be undertaken to ensure that risk assessments have been established for all areas of the three harbours and this should include all tasks undertaken by staff for example any equipment they use, chemicals they handle etc and activities in and around the harbour e.g. fly boarding	Medium	Agreed – full review to take place, completion date March 2019 – SP  Assigned officers to complete the identified assessments – June 2019
1.14.2	The Safety Management System manual should be updated to reflect the correct date of all reviews for risk assessments and all risk assessments thus ensuring the committee is presented with accurate information.	Low	Actioned – the manual has been updated and sent to IA for review / comment.
1.14.3	As previously agreed a Safety Officer should be appointed to ensure action in relation to risk assessments and that all recommendations arising from the PMSC audit are actioned.	High	Agreed – Steps are being put in place for this, with HR advice being sought - AP - should be fully in place by April 2019
No.	Observation and implications		
1.15	A list of standard operating procedures is held and staff are appropriately aware of them. They have been formulated to link to risks and work practices identified by Harbour staff and Management, however it is not clear that these have been subject to a review as some appear to be several years old.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.15.1	Linked to risk assessments a full review should be undertaken for all SOP's to ensure they cover all areas in particular the use of fork lifts as detailed in 1.6.2 and the Brixham work boat. Where SOP's have been subject to review, the associated review date should also be identified within the document.	Medium	Agreed – SP April 2019
No.	Observation and implications		
1.16	It is pleasing to note that since the previous audit, the contract with MTS for pilotage has now been signed. A Tor Bay Harbour Pilotage Manual has been produced but remains dated as September 2014, with no 'first issue' or 'revision' dates detailed, suggesting that this manual has not yet been formally adopted.		

	Recommendation	Priority	Management response and action plan including responsible officer
1.16.1	As previously recommended the Pilotage Manual needs to be updated, issued for comments and finalised.	Low	Agreed – March 19 AP
No.	Observation and implications		
1.17	The SOP procedure states that where a defective vehicle is a significant risk to the safety of the port, the Emergency Plan should be implemented, however it was noted that the plan has not been reviewed / updated since 2015. In addition, it was previously recommended and agreed that the National Contingency Plan (NCP) for Marine would be obtained and held centrally in order to ensure that all staff were aware of any changes. We found that whilst the NCP had been updated in 2017, all links to it were to the 2014 version		
	Recommendation	Priority	Management response and action plan including responsible officer
1.17.1	The Emergency Plan should be reviewed and if necessary updated, this should then be presented and approved by the Harbour Committee. Additionally, as previously recommended the National Contingency Plan for Marine should be obtained and all links to it updated to ensure they direct staff to the latest version.	Low	Agreed – AP June 19
No.	Observation and implications		
1.18	In a majority of cases staff were found to be appropriately trained to use the harbour craft, part of which requires them to have medicals every 5 years however this is not listed on the training matrix. We did identify one member of staff at Brixham that still needs to re-do his certificate, however we are unclear whether he actively uses the harbour craft.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.18.1	As previously agreed the training matrix should be updated to show when the medicals are due.	Low	Agreed – training matrix to be updated Dec 18 - AC
1.18.2	Harbour craft users should be reviewed to ensure that all are appropriately certificated.	Low	Agreed - will be followed up as part of the review / updating of the training matrix. AC Dec 18
No.	Observation and implications		
1.19	A training matrix is held for each Harbour, a review found that it appears that some staff's training has expired, and the training matrix has not been kept updated		
	Recommendation	Priority	Management response and action plan including responsible officer
1.19.1	A full review should be undertaken of each training matrix and where applicable re-training should be undertaken. Where training has been done this should be recorded.	Medium	Agreed – training matrix is being updated – KA/AC – March 2019

No.	Observation and implications		
1.20	It is a requirement for Harbours to confirm to the MCA they are compliant with the PMSC every 3 years, the letter can be posted or sent via e-mail, the letter attached to the Harbour website is from April 15, no evidence was received to confirm that this was done in April 18.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.20.1	Confirmation should be provided that the MCA were provided with details confirming they are compliant with the PMSC, this should also be on the Harbour website	High	Agreed – AP to reissue and provide evidence to IA (evidence received) and add confirmation to the website – Dec 18 / Jan 2019

## Definitions of Audit Assurance Opinion Levels

Assurance	Definition
High Standard.	The system and controls in place adequately mitigate exposure to the risks identified. The system is being adhered to and substantial reliance can be placed upon the procedures in place. We have made only minor recommendations aimed at further enhancing already sound procedures.
Good Standard.	The systems and controls generally mitigate the risk identified but a few weaknesses have been identified and / or mitigating controls may not be fully applied. There are no significant matters arising from the audit and the recommendations made serve to strengthen what are mainly reliable procedures.
Improvements required.	In our opinion there are a number of instances where controls and procedures do not adequately mitigate the risks identified. Existing procedures need to be improved in order to ensure that they are fully reliable. Recommendations have been made to ensure that organisational objectives are not put at risk.
Fundamental Weaknesses Identified.	The risks identified are not being controlled and there is an increased likelihood that risks could occur. The matters arising from the audit are sufficiently significant to place doubt on the reliability of the procedures reviewed, to an extent that the objectives and / or resources of the Council may be at risk, and the ability to deliver the service may be adversely affected. Implementation of the recommendations made is a priority.

## Definition of Recommendation Priority

Priority	Definitions
High	A significant finding. A key control is absent or is being compromised; if not acted upon this could result in high exposure to risk. Failure to address could result in internal or external responsibilities and obligations not being met.
Medium	Control arrangements not operating as required resulting in a moderate exposure to risk. This could result in minor disruption of service, undetected errors or inefficiencies in service provision. Important recommendations made to improve internal control arrangements and manage identified risks.
Low	Low risk issues, minor system compliance concerns or process inefficiencies where benefit would be gained from improving arrangements. Management should review, make changes if considered necessary or formally agree to accept the risks. These issues may be dealt with outside of the formal report during the course of the audit.
Opportunity	A recommendation to drive operational improvement which may enable efficiency savings to be realised, capacity to be created, support opportunity for commercialisation / income generation or improve customer experience. These recommendations do not feed into the assurance control environment.

## Confidentiality under the National Protective Marking Scheme

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<b>Marking</b>	<b>Definitions</b>
Official	The majority of information that is created or processed by the public sector. This includes routine business operations and services, some of which could have damaging consequences if lost, stolen or published in the media, but are not subject to a heightened threat profile.
Secret	Very sensitive information that justifies heightened protective measures to defend against determined and highly capable threat actors. For example, where compromise could seriously damage military capabilities, international relations or the investigation of serious organised crime.
Top Secret	The most sensitive information requiring the highest levels of protection from the most serious threats. For example, where compromise could cause widespread loss of life or else threaten the security or economic wellbeing of the country or friendly nations.





## Tor Bay Accident / Incident List

	Date	ID Code	Accident Category	Name		
	07/11/2018	TOR0815CLO	Pollution - Water	Bridge oil spill		
	26/10/2018	TOR0814CLO	Breaking Free of Mooring	Delica contact with Simba 6		
	24/10/2018	TOR0813CLO	Slip, trip, fall same level	North Quay slip on steps		
	18/10/2018	TOR0811CLO	Other personnel or public safety item	Crewman suffered a fit onboard MFV		
	15/10/2018	TOR0810CLO	Dangerous occurrence	Boat power lead, damaged and contact walkway.		
	25/08/2018	TOR0808CLO	Vessel Wash	Boy Richard speeding in Torquay Harbour		
	14/08/2018	TOR0807CLO	Other nautical safety	Report of Dart Princess speeding in 5 knots		
	08/07/2018	TOR0805CLO	Dangerous occurrence	Jetski Complaints		
	07/07/2018	TOR0806CLO	Grounding/Stranding	Western LadyVII Grounding		
	28/06/2018	TOR0804CLO	Loss of control	MFV Emilia Jayne		
	12/06/2018	TOR0802CLO	Fall from height	Member of the Public		
	07/06/2018	TOR0809CLO	Slip, trip, fall same level	Trip on North Quay		
	27/05/2018	TOR0801CLO	Vessel Wash	Bears Watching		
	15/05/2018	TOR0800CLO	Vessel Wash	Western Lady & BM110		
	07/05/2018	TOR0799CLO	Vessel Wash	Skiwest		
	03/05/2018	TOR0803CLO	Fall from height	Member of the Public fall		
	28/04/2018	TOR0798CLO	Slip, trip, fall same level	Dart Venturer Pax slip on Dep A		
	14/04/2018	TOR0797CLO	Grounding/Stranding	MFV Ann Marie grounding		
	02/03/2018	TOR0796CLO	Capsizing/Listing	Three capsized vessels (storm Emma)		
	12/02/2018	TOR0795CLO	Breaking Free of Mooring	Yacht Basque broke free of mooring		
	04/02/2018	TOR0794CLO	Grounding/Stranding	Jet Set Go Safari on Hollicombe Beach		
	03/02/2018	TOR0793CLO	Pollution - Water	Jordan A		
	30/01/2018	TOR0792CLO	Drowned, asphyxiated or exposed to harmful substance	Male Swimmer Drowned at Preston Sands		
	27/01/2018	TOR0791CLO	Dangerous occurrence	Swimmer / PWC		
	16/01/2018	TOR0790CLO	Flooding/Foundering	Life of Riley sank on mooring		
	08/01/2018	TOR0788CLO	Capsizing/Listing	Seaking sank on mooring		
	08/01/2018	TOR0789CLO	Capsizing/Listing	JJ Sank on mooring		
	07/01/2018	TOR0786CLO	Flooding/Foundering	Sinking of Bayliner on outer mooring G6		
	03/01/2018	TOR0787CLO	Slip, trip, fall same level	Member of the Public trip over metal post attachment		

### Number of Accidents listed = 29

Incident report status as follows;

Reported = 0; Investigating = 0; Investigation Complete = 0; Actioned-Closed = 29

Key	
Symbol showing the record type:	Symbol showing the record status:
- Incident	- Reported
- Potential Incident	- Investigating
- Details not yet completed	- Investigation Complete
	- Actioned-Closed



**Meeting:** Harbour Committee

**Date:** 17<sup>th</sup> December 2018

**Wards Affected:** All wards in Torbay

**Report Title:** Tor Bay Harbour Authority Budget and Harbour Charges 2019/20

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

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## 1. Purpose

- 1.1 Members are requested to consider the proposed Tor Bay Harbour Authority budget and charges for 2019/20 in order that customers can make an informed choice regarding the leasing of harbour facilities in the next financial year.
- 1.2 The Committee is requested to approve the proposed charges for 2019/20 having considered the budgetary implications set out in this report.
- 1.3 The Committee is further asked to approve the 2019/20 budget for Tor Bay Harbour Authority.

## 2. Proposed Decision

- 2.1 That, taking into account the opinions expressed at the Harbour Liaison Forums, Members **approve** the Harbour Committee's Budget Review Working Party (BRWP) recommendation to increase the harbour charges for 2019/20 by a representative average of 2.0%, and **approve** the schedule of harbour charges set out in Appendix 1;
- 2.2 That any additional contribution to the Council's General Fund from the Tor Bay Harbour Authority accounts above the base level of £802,000 be on the basis of the operating surplus of the Harbour Account by way of:
  - First £25,000 to the General Fund
  - Any amount over £25,000 split 60% retained by the Harbour Account and 40% to the General Fund;

2.3 That, the Tor Bay Harbour Authority budget for 2019/20 be **approved**,

### **3. Summary**

- 3.1 Appendix 2 details the original estimate and projected out-turn for 2018/19, the provisional estimates for 2019/20 and beyond and reflect the likely operating position for the consolidated harbour account assuming a representative average annual 2% increase Harbour charges.
- 3.2 The Harbour can sustain a significant contribution to the Council's General Fund over the period while increasing the Harbour Reserve balance back to the minimum recommended level (Appendix 2).
- 3.3 As a guide, a 1% increase in harbour charges will generate an additional £12k income (£8k from Torquay & Paignton harbours, £4k from Brixham harbour).
- 3.4 The BRWP met in October and November, and this report reflects their findings and recommendations. They recommend an average increase of Harbour Charges by 2.0% as detailed at Appendix 1.
- 3.5 The BRWP recommend splitting the harbour reserve fund into two, with one part ring-fenced to meet any deficit in the revenue budget, and the other part set aside for harbour capital projects (see paragraph 4.9).

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## **Supporting Information**

### **4 Introduction and history**

- 4.1 The BRWP met on several occasions and has proposed a budget for 2019/20.
- 4.2 The Council's General Fund budget continues to face significant pressures with a forecast shortfall of c£17m by 2021. All business units have been tasked to make further savings and/or look at income opportunities to help reduce the corporate deficit. Over recent years the Harbour Committee has agreed to make annual contributions to the General Fund; in 2018/19 this was £802,000 pa.
- 4.3 An additional £50k pa was requested of the Harbour Authority with effect from 2019/20 and at their 10 September meeting this was considered by the BRWP. They concluded that this placed too great a risk on the medium term financial sustainability of the harbour and would result in potential revenue losses over the next three years and the draining of the Reserve within five years.
- 4.4 The published position was discussed between the Head of Finance and the Assistant Director of Assets & Business Services. A number of measures were agreed:
- Realignment of the Salaries structure
  - Postponement of new borrowing costs by one year

- Rebasing of Marina rental income and growth in subsequent years
- Transfer of IFCA subscription into the Harbour account
- Transfer of the toilets liability to a new external corporate management contract and out of the Harbour account
- Increased income streams from recharged utilities

4.5 These measures were successful in reducing the provisional losses in the first two years and generating surpluses in subsequent years, allowing a Reserve balance of around £500k to be maintained. As a quid pro quo it was agreed that any 2018/19 surplus would be passed to the Centre to mitigate the corporate overspend.

4.6 This revised position was not accepted by the BRWP on 29<sup>th</sup> October as they remained concerned that the risk in guaranteeing an additional fixed contribution of £50,000 to the General Fund against uncertain income streams was too high.

4.7 A counter proposal was recommended that the base contribution of £802,000 to the General Fund would remain static but that any future annual surpluses generated by the Harbour Account would be shared as follows:

- The first £25,000 trading surplus would be passed to the General Fund;
- 60% of any additional trading surplus would be retained by the Harbour account and 40% passed to the General Fund in a 'gain share' arrangement.

4.8 The initial estimate of Harbour Reserve Funds at 31 March 2019 is forecast to be £717,000, comprising £645k of harbour reserve and £72k of projects' reserves.

The Reserve table in Appendix 2 reflects this Reserve level being maintained through to 2023/24 with the ability to fund new desirable investment projects such as the Torquay Fuel Station.

4.9 The table below indicates the increase in charges in recent years, compared with the consumer price index (CPI) taken at the April point of the previous year. In the last five years increases of 2.0%, 3.0%, 3.0%, 2.0% and 3.0% have been applied. The table further illustrates the balance of the combined reserves at 1 April of the charges year.

<b>Charges Year</b>	<b>Overall Increase</b>	<b>Actual CPI</b>	<b>Reserve Levels</b>
2018/19	2.0%	2.40%	£811,000
2017/18	3.0%	2.30%	£821,000
2016/17	3.0%	1.60%	£719,000
2015/16	2.0%	1.80%	£687,000

#### 4.10 Capital Plan/Budget

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

Capital Item	Project Year	Total Budget £000	Actual to Date (including prior years) £000	Projected Outturn £000
Harbour Light Restaurant Redevelopment	2018	600	59	600
Oxen Cove Jetty	2018	1,900	585	1,967
Victoria Breakwater, Brixham	2018	3.853	110	3.893
Brixham Harbour Fendering	2018	300	90	300

#### 4.11 Significant variations to harbour charges

This report recommends that Harbour Charges be increased, on average, by 2.0%. However, certain charges, on the advice of Officers, are subject to a more significant variation. The areas affected are:-

- Jet Skis
- Visiting vessels
- Slipway charges

Some charges have been rounded up or down for ease of collection at a remote point of sale eg at the slipway.

### 5 Possibilities and Options

- 5.1 Increase Harbour Charges in 2019/20 by an average inflationary increase of 2.0% and increase the contribution to the General Fund as a share of operational surplus per recommendations in section 2 and as outlined in paragraphs 4.2 to 4.7.
- 5.2 Make no change to the level of harbour charges and accept reduced levels of surplus to the Harbour Reserve.
- 5.3 Do not agree to the recommended additional contribution to the Council's General Fund as set out in para 4.7 and do not contribute further to reducing the Council's overall budget deficit.

### 6 Preferred Solution/Option

- 6.1 See the recommendations in section 2.

## 7 Consultation

- 7.1 The responses from both the Torquay/Paignton Harbour Liaison Forum and the Brixham Harbour Liaison Forum meetings will be circulated prior to the meeting in the form of minutes of the meetings.

## 8 Risks

- 8.1 There is a high risk that continuing the significant contributions to the General Fund will result in the Harbour Authority being unable to remain self-funding. In that scenario the Harbour Authority would require a precept from the General Fund and would be contrary to government best practice for the financial management of municipal ports.
- 8.2 There is a high risk that if income and expenditure do not manifest as expected by this budget then the Harbour accounts could experience operational deficits requiring expenditure from the Harbour Reserve to balance the accounts. The consequence of such depletion would be that that the Harbour would not be financially self-sustaining in the medium term.
- 8.3 There is a medium risk of customer resistance to the increased harbour charges resulting in lower than expected targeted income.
- 8.4 Specific risks and budget line pressures relating to 2019/20 are explained in the table below when read in conjunction with Appendix 2.

Key	Risk and/or pressure to budget line
A	Additional costs are anticipated for the moorings infrastructure at Brixham Harbour.
B	Additional waste costs from the increase of product through Brixham fish market. Savings will accrue from 2019/20 from the outsourcing of toilets management.
C	Provision stripped back to SLA's for Estates Management and Property Services. Engineer fees will be charged per scheme and met from the R&M provision.
D	Transfer of the IFCA (Sea Fisheries) precept liability to the Harbour Account per Mayor's Budget Proposal 2019/20
E	New borrowing costs for Harbour Light development and Oxen Cove Jetty have been re-profiled to commence a year later in 2020/21
F	A further contribution of £50k from 2019/20 was requested by the Council as part of the Budget 2018/19 setting process. This has now been replaced by a proposed "gain share" arrangement with a recommendation that any surplus for the 2018/19 year on the Harbour Account be passed in full to the General Fund.
G	Full year loss of income at Paignton re: Harbour Light in 2019/20 - new rent applied 2021/22. Increase for rent reviews from 2022/23
H	Expectation for 2018/19 increased to reflect 2016/17 actuals. Ongoing growth factored into future years.

I	Reducing demand from private craft at Brixham
J	Base projection assumes £35m value of catch landed annually
K	Previous growth projections have been scaled back in later years.
L	Additional waste, insurance and electricity recharges
M	Withdrawals from the Reserve will include part funding of the Harbour Light redevelopment, metering the water at Brixham and potentially the redevelopment of the fuel station at Torquay.

## **Appendices**

- Appendix 1 Schedule of Tor Bay Harbour Charges 2019/20 showing a representative average increase of 2.0%.
- Appendix 2 Provisional Harbour Estimates for 2019/20 and Subsequent Years with an average 2.0% increase in Harbour Charges.
- Appendix 3 Analysis of Harbour Expenditure by Type
- Appendix 4 Estimated Support Service Charges 2018/19

## **Additional Information**

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

Schedule of Tor Bay Harbour Charges 2018/19

Tor Bay Harbour Act 1970

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

Minutes of Torquay & Paignton Liaison Forum – September & November 2018

Minutes of Brixham Harbour Liaison Forum – September 2018

# TOR BAY HARBOUR AUTHORITY



Torquay Tel: 01803 292429

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## SCHEDULE OF CHARGES, DUES & FEES 2019 – 2020

VAT Registration No. GB 142 2082 11

For the period commencing 1st April 2019  
until 31<sup>st</sup> March 2020

### REFERENCES

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

### PUBLICATIONS

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

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# Part 1 – Introduction

## 1.1 General

- 1.1.1 All charges, dues and fees are subject to the appropriate rate of Value Added Tax except where indicated.
- 1.1.2 Annual charges relate to the period 1st April to 31st March following and any part thereof. Certain charges may be levied. The full annual charge will be charged for anyone accepting a facility in the first 3 months (1st April – 30th June). Anyone accepting a facility after 1st July will be charged at the appropriate pro rata rate through to 31st March.
- 1.1.3 Seasonal charges, only where applicable, relate to the periods:
- |                             |   |        |
|-----------------------------|---|--------|
| 1st April to 30th September | - | Summer |
| 1st October to 31st March   | - | Winter |
- 1.1.4 All accounts are to be paid within 14 days unless otherwise specified. Payment of charges listed may be required in advance of the service being taken up. Credit and debit card facilities are available for payments made at the Harbour Offices or via telephone.
- 1.1.5 Penalty for evading payment of charges – Section 30 Tor Bay Harbour Act, 1970:  
*“The owner of any vessel or goods or any other person who eludes or evades or attempts to elude or evade payment of, or refuses to pay, a charge payable by such owner or person to the harbour authority at the time when the same becomes due and payable shall be liable to pay to the harbour authority, in addition to the charge, a sum equal to the amount thereof, which sum shall be a debt due to the harbour authority and shall be recoverable by them in any court of competent jurisdiction.”*
- 1.1.6 Failure to notify the harbour office of arrival, or departing the harbour without paying harbour charges, will be taken as an attempt to evade the payment of harbour charges.
- 1.1.7 Visiting vessels of special interest and/or vessels owned by Registered Charities may be eligible for a 50% concession on applicable Harbour Charges at the discretion of the Harbour Master.
- 1.1.8 Any person claiming the return of the whole or part of any charges paid to the Authority shall make such claim and produce all documents and give all information required by the Authority in proof of such claim within twelve months from the time of payment and, in default thereof, the claim shall cease to be enforceable. Refunds would normally only apply in exceptional circumstances and will incur an administration charge (see 4.7)
- 1.1.9 All lengths referred to are overall lengths which in the context of these charges includes bowsprit, push-pit, stern davit, and/or bumpkin etc. as determined by the Harbour Master.
- 1.1.10 Any person who without reasonable cause fails to provide information which is reasonably required for the purpose of the harbour undertaking shall be liable on summary conviction to a fine not exceeding level three on the standard scale. (Section 18 Tor Bay Harbour (Torquay Marina &c.) Act 1983).
- 1.1.11 Application for and acceptance of a mooring, quay berth, boat park space, pontoon berth or other facility, implies acceptance of the rate of charge currently in force and of the conditions of issue including that the Authority and its staff are indemnified against any claims arising from or in connection with such berth or facility, save only as the Authority may be liable under the Unfair Contracts Terms Act 1977.
- 1.1.12 Vessels directed into the harbour by the Secretary of State’s Representative (SOSREP) or by any other person legally entitled to direct vessels into a harbour are required to pay one month’s harbour dues in advance as a condition of entry. If using a mooring facility, they will also be

required to pay one month's mooring fees in advance as a condition of entry. These charges are in addition to any charges incurred for pilotage, tugs, berthing the vessel or for the provision of any other service supplied by the Authority.

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

## **1.2 Definitions**

### **1.2.1 Limits of the Harbour**

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

### **1.2.2 Recreational Vessels**

Any vessel, less than 50m LOA, used solely for the purpose of recreation. All vessels owned and operated by a registered charity for the purpose of training people at sea for recreational purposes.

### **1.2.3 Passenger Vessels**

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

#### 1.2.4 **Motor Fishing Vessels**

A registered Motor Fishing Vessel based in and working from a Tor Bay Harbour, the owner/master of which is engaged in commercial fishing, whose sole or main income is derived from selling fish on the Brixham Fish Market or landing fish for sale at Brixham, Torquay or Paignton Harbours and paying Fish Tolls to the Torbay Council. Income from Fish Landings must total at least £10,000 in the previous year to meet the sole or main income test. Motor Fishing Vessel charges only apply to vessels bona fide engaged in fishing. Registered fishing vessels employed as pleasure craft and carrying passenger for reward are to pay the appropriate passenger vessel charge for the period so employed

#### 1.2.5 **Commercial Vessels**

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

#### 1.2.6 **Vessels**

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

#### 1.2.7 **Passenger**

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

#### 1.2.8 **Work Within The Harbour**

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

#### 1.2.9 **Further Definitions**

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

# PART 2 – Harbour Dues & Visitor Charges

## 2.1 General

- 2.1.1 Harbour Dues are payable on **all** vessels entering, within or leaving the harbour. Harbour Dues relate to a particular vessel and are not transferable. Refunds are not normally given.
- 2.1.2 Vessels paying Annual Harbour Dues must display the Harbour Authority 'plaque' issued when payment is made. Failure to do so may result in daily charges being applied as detailed in section 2.3. Tenders must be registered with the Harbour Authority and display a tender plaque. The display of any plaque issued for another vessel will be taken as an attempt to evade the payment of harbour dues.
- 2.1.3 Vessels exempt from Harbour Dues are as follows:
- Small vessels < 3m LOA propelled solely by oars or paddles and which are not normally berthed within the harbour
  - Canoes < 4m LOA, sailboards and rowing skiffs
  - Safety/rescue vessels as agreed with the Harbour Master
  - All RNLI vessels
  - HM Ships, Customs and Excise vessels and craft in the service of Trinity House
- 2.1.4 Tenders (< 4.3m LOA for parent vessels < 10.0m, or < 6.0m LOA for parent vessels > 10.0m LOA) are included in the parent vessel's harbour dues. Such tenders must be clearly marked 'Tender to (the main vessel's name). If the parent vessel has paid the relevant annual harbour charges the associated tender must show the plaque issued at the time of payment and must be. Only one tender per vessel is covered in this way. Tenders can only be used for transport to and from the parent vessel and/or mooring. All tenders shall be stored within designated tender racks except by prior written agreement from the Harbour Master.

## 2.2 Visiting Fishing, Passenger and Commercial Vessels

- 2.2.1 This section applies to visiting Passenger Vessels (defined in 1.2.3), Motor Fishing Vessels (defined in 1.2.4) and commercial vessels (defined in 1.2.5). Prices are **exclusive** of VAT.
- 2.2.2 Where applicable, the charges in this section include mooring/quayside charges.
- 2.2.3 Visiting commercial vessels under 50m LOA not undertaking work within the harbour will pay the charges laid down in section 2.3.

Passenger vessels	£1.88/m LOA/day £8.50/m LOA/week
Commercial vessels visiting an enclosed harbour	£3.39/m LOA/day £15.33/m LOA/week
Commercial vessels laid up un-laden (& gas free if applicable)	£30/m LOA/month or part thereof
Commercial vessels taking on or discharging fuel oil or supplies within an enclosed harbour (max stay 24 hours)	£1.42/m LOA/day
Floating docks (each vessel docked therein is also liable for Harbour Dues)	£1.42/m LOA/day
Commercial vessels anchored in Tor Bay (those seeking shelter are exempt from this charge)	£127.50/day
Vessels anchored in Tor Bay for underwater survey, hull cleaning or repairs	£255.00 for first 48 hrs or part (in addition to above charge)
Motor Fishing Vessels landing fish which attract fishing tolls (section 2.4.2)	FOC for day of landing, otherwise £1.56/m LOA/day £6.51/m LOA/week

## 2.3 Visiting Non Commercial and Recreational Vessels

- 2.3.1 This section applies to visiting recreational vessels and to visiting non-commercial vessels under 50m LOA not undertaking work within the harbour.
- 2.3.2 These charges apply at each of the enclosed harbours and are **inclusive of VAT except where stated**. These charges include both harbour dues and mooring fees where applicable.
- 2.3.3 Visitor Pontoons are available, normally for Recreational Vessels during the summer months in Brixham and Torquay harbours.
- 2.3.4 Visitors staying more than 3 nights get one night free, only applicable for up to a three week stay (This offer is at the discretion of the Harbour Master for undeclared visits). Vessels may be required to double-up with other craft, and in such cases fendering will be the responsibility of the Masters of the craft involved. There is no reduction for doubling up.
- 2.3.5 Motor Fishing Vessel charges only apply to vessels bona fide engaged in fishing. Registered fishing vessels employed as pleasure craft and carrying passengers for reward shall pay the appropriate passenger vessel charge for the period so employed.
- 2.3.6 To avoid the abuse of visitor moorings by local vessels, all craft using visitor mooring facilities will be charged as set out below and are normally restricted to a maximum stay of three weeks (21 days) with no return within one week 7 days.
- 2.3.7 Use of harbour facilities will be denied or withdrawn if boats are not adequately insured.
- 2.3.8 Harbour visitors are permitted up to 2 hours alongside free of charge before the charges set out in this section become due. Slipway charges are payable in addition to visitor charges.

Visitor Charges (per night or over 2 hours)	Per Day	Per Week
Up to 5.5 metres (18ft)	£12.00	£54.00
Over 5.5 metres	£2.00/m	£9.00/m
Catamaran	£2.50/m	£11.50/m
Tri-marans	£3.00/m	£13.50/m

- 2.3.9 Launching/landing fees are charged per day. Vessels which frequently land or launch may, at the Harbour Master's discretion, purchase an annual slipway pass subject to availability. Trailer parking charges (section 3.5) are in addition to these charges.

Daily Slipway Charges	
Up to 5.5 metres (18ft), per day	£12.00
Over 5.5 metres, per day	£2.00/m
Canoes/Kayaks/Paddle-Boards, per day	£5.10

Annual Slipway Charges	
Launching and recovery pass for private use of slipways.	£38.62 per m
Launching and recovery pass for commercial use of slipways.	£52.84 per m
MCA Coded and MCA class V, VI, VIA Passenger Vessels and EU classes visiting Tor Bay Harbour (combined charge)	£306.00

- 2.3.10 Passenger vessels other than MCA Coded and MCA class V, VI, VIA Passenger Vessels and EU Classes to be charged as commercial vessels see section 2.2.

## 2.4 PERSONAL WATERCRAFT (JET SKIS)

- 2.4.1 All personal watercraft (jet skis) must be registered with the Harbour Authority. Proof of insurance must be produced if so requested by the Harbour Office or Harbour Patrol.
- 2.4.2 Use of launching/recovery facilities is at the Harbour Master's discretion.
- 2.4.3 Launching/recovery charges do not include trailer parking – see section 3.6.
- 2.4.4 To promote safety within the Bay, persons holding a recognised RYA Personal Watercraft Certificate will be charged the lesser 'qualified' rate shown below. Proof of such qualification will be required on each occasion.

Personal Watercraft (Jet Skis) Launching & Recovering	Standard charge	Qualified
Daily, per craft	£19.00	£12.00
Weekly, per craft	£81.00	£62.00
Annual, per craft	£255.00	£184.00
Registration fee, per craft	£20.00	£20.00

Town Dock Jet Ski Pods (subject to availability)	Daily	Weekly
Charge	£17.00	£74.00

## 2.5 TRAILER PARKING

- 2.5.1 Trailer parking is subject to availability. Annual trailer parking is only available when an annual launching and recovery pass is purchased.
- 2.5.2 The annual trailer parking identified in this section does not entitle constant use of the trailer parking area. Customers seeking continuous trailer storage should refer to Boat & Trailer parking in section 3.6.

Daily trailer parking	£5.10 per day
Weekly trailer parking	£25.50 per week
Annual trailer parking (only available with private annual launch & recovery pass)	£61.20 per year or part
Summer storage of empty boat trailers (only available between May and October at Paignton Harbour)	£20.00 per month or part

## 2.6 Resident Fishing, Passenger and Commercial Vessels

2.6.1 This section applies to Passenger Vessels (as defined in 1.2.3), Motor Fishing Vessels (as defined in 1.2.4) and commercial vessels (as defined in 1.2.5) normally moored within an enclosed harbour regardless of whether they are carrying out work or not (other than passenger vessels). Prices are **exclusive** of VAT.

<b>Commercial vessels</b>	
Torquay Harbour	£60.85/m
Paignton and Brixham Harbour	£45.48/m
<b>Passenger Vessels</b>	
Under 16.5m LOA or carrying 12 or fewer passengers	£61.43/m
Over 16.5m LOA or carrying > 12 passengers	£89.46/m
<b>Motor Fishing Vessels</b> based in and working from Tor Bay Harbour	£9.45/m LOA <b>exclusive</b> of VAT

**2.7 Resident Non Commercial and Recreational Vessels**

2.7.1 This section applies to vessels not otherwise covered in section 2.3 which are moored within Torquay, Paignton or Brixham harbours. Charges are levied per metre per annum or part thereof expiring 31<sup>st</sup> March following and are **inclusive** of VAT, **except where specified**.

2.7.2 Vessels owned by charities or charitable organizations, including bona fide local youth organisations are eligible for up to 50% reduction of this charge at the discretion of the Harbour Master.

Torquay Harbour	£60.85/m
Paignton and Brixham Harbour	£45.48/m



## 2.7 Goods and Cargo Dues

2.7.1 Goods dues are levied on all vessels (VAT exempt for vessels of over 15 GRT) per occasion.

2.7.2 The payment of fish tolls includes alongside berthing charge at Brixham and water consumption where a recharge facility does not exist.

<b>Goods (Exclusive of VAT)</b>	
<b>Fish (other than cured fish ) but including shellfish, crabs etc.,</b> Brought into the Harbour or to any place within the limits of the Harbour by sea and sold, on the gross proceeds of fish (includes alongside berthing charge at Brixham)	£0.025 per £
<b>Fish overlanded and sold on Brixham Fish Market,</b> On the gross proceeds of the sale	£0.015 per £
<b>Vessels undertaking fish and cargo trans-shipments</b> Trans-shipment whether at anchor or under way within Harbour limits	Determined by the Harbour Master
General Cargo/Other Commodities	£3.06 per pallet
General Ships Stores/Spares etc	£1.94 per tonne
Waste Bins (1100 litres)	£2.55 per unit

# PART 3 – Moorings, berthing & Facilities

## 3.1 General

- 3.1.1 Waiting lists exist for some moorings & facilities. The registration fee to join each waiting list is £25.00 (£50.00 for commercial waiting lists). The fee is not refundable or transferable.
- 3.1.2 Permanent moorings and berthing facilities are allocated on an annual basis, 1<sup>st</sup> April to the 31<sup>st</sup> of March following.
- 3.1.3 Vessels moored with raised outboard engines must cover the propeller and skeg with a bucket or similar to prevent damage to other boats. Vessels must be sufficiently fendered to prevent damage to other vessels, quays or other property (Tor Bay Harbour Byelaw 46).
- 3.1.4 All charges **include** VAT except where specified.

## 3.2 Visiting Vessels

- 3.2.1 Mooring fees are combined with Harbour Dues for some vessels:

For vessels under 50m LOA not undertaking work within the harbour see section 2.3.  
For all other commercial vessels see section 2.2.  
For visiting non-commercial vessels see section 2.3.

## 3.3 Use of Tor Bay Harbour Authority Landing/Embarkation Facilities

- 3.3.1 These charges apply to passengers embarking/landing within any of the enclosed ports at piers, pontoons or any other fit-for-purpose harbour facility.
- 3.3.2 Passengers embarked as trainees aboard vessels owned and operated by a registered charity for the purpose of training people at sea for recreational purposes are exempt.

<b>Passenger Vessels</b>	
MCA coded vessels and MCA Class V, VI, VIA vessels & EU classes and other passenger vessels; per passenger per visit	£2.83
Cruise ships; per passenger per visit	£3.75
MCA Coded and MCA class V, VI, VIA Passenger Vessels and EU classes visiting Tor Bay Harbour (combined charge)	£306.00

- 3.3.3 Annual charges may instead be levied on passenger vessels which routinely land or embark within Tor Bay Harbour:

<b>Passenger Vessels - Annual Compound Charges</b>	
MCA coded vessels < 24m LOA	£57.22
MCA class V, VI, VIA vessels, EU classes and coded vessels of 24m and over; per licenced passenger capacity	£3.48

## 3.4 Quayside Charges

- 3.4.1 This section applies to non-commercial vessels and resident commercial vessels.
- 3.4.2 Grids are only available at Brixham Harbour.

3.4.3 Annual charges for MFV's lying alongside the quay in Brixham are covered by the payment of fish tolls as described under goods and passenger dues in section 2.4.

3.4.4 Torquay Inner Harbour pontoon and Outer Harbour Town Dock charges are **inclusive** of harbour dues.

3.4.5 Town Dock non-commercial facilities are charged per the allocated berth size, not vessel LOA.

<b>Quayside Berth Daily Charges</b>	
Vessels carrying out repairs <b>inclusive</b> of harbour dues (where a bookable facility exists)	£3.04 per m LOA/per day
Vessels carrying out repairs <b>exclusive</b> of harbour dues (where a bookable facility exists)	£2.94 per m LOA/per day
Resident vessels with moorings and paying harbour dues lying alongside the quays or each other	£1.83 per m LOA/per day
<b>Use of Grids; per day</b> Inclusive of harbour dues Exclusive of harbour dues	£3.64 per m LOA £3.54 per m LOA
Use of slipway/beach to dry out/repairs – Torquay and Paignton only	£3.59 per m LOA/per day
<b>Annual Charges for Vessels Lying Alongside the Quay, Pontoon or Each Other.</b>	
Torquay Harbour	£72.17 per m LOA
Paignton Harbour	£55.92 per m LOA
Brixham Harbour	£55.92 per m LOA
Use of Brixham Town Pontoon by Tenders (At the Harbour Masters discretion)	£55.92 per m LOA
Torquay Princess Pier Pontoon (does not include harbour dues)	£137.45 per m LOA
Torquay Inner Harbour South Pier Pontoon	£186.17 per m berth
Torquay Inner Dock	£186.17 per m berth
Torquay Inner Dock – Specific charge for certain vessel categories (see 2.3.4 for details)	£93.09 per m berth

<b>Torquay Outer Harbour Town Dock</b>	
Private Vessels - per year	£247.37 per m berth
Jet Ski Pods – per year	£760.00 per pod

### **3.5 Parking and Storage facilities**

3.5.1 Annual charges for boat and trailer parking on quays are **inclusive** of VAT and **include** harbour dues. Charitable organisations, local yacht clubs, and recognised youth training organisations are invited (on an annual basis) to submit details of eligible young persons under 18 years old to be considered for the reduced rates highlighted below.

3.5.2 Charges for horizontal racks are **inclusive** of harbour dues.

3.5.3 Craft other than tenders to a larger vessel on a Council Mooring, will pay harbour dues in addition to the rack charge (see section 2.1.2). Boat park charges will be based on the greater length of either boat or trailer - if not stored on a launching trolley.

3.5.4 Beacon Quay reserved car parking spaces: allocation of spaces is subject to their being required by the Authority for up to 14 days per year to accommodate maritime events.

<b>Car, Boat &amp; Trailer Parking, Storage on Quays</b>	
Boat storage on the Quay (on or off a trailer)	£3.01 per m LOA/per day
Boat trailers only	As per single hull boat
Boat parking <u>under</u> 6m LOA Single hull (includes racks at Torquay) Reduced charge Multi hull (occupying more than one space)	£71.43/m LOA/per year £35.72/ m LOA/per year £92.19/ m LOA/per year
Boat parking under 6m LOA – Haldon Pier (summer only) Reduced charge (see 3.6.1)	£35.72/m LOA/per season £17.51/ m LOA/per season
Boat parking <u>over</u> 6m LOA	£107.75 per m LOA/per year
Commercial boat parking on Haldon Pier	£141.49 per m LOA/per year
Dinghy/tender rack	£40.00 per rack per year
Use of courtesy tenders, subject to availability	£35.00 per year
Paignton horizontal racks, subject to availability (max, length 3.7m)	£176.87 per rack per year
Kayak/Canoe rack (where available)	£115.48 per year or part
Paignton Harbour car parking West Quay only South Quay & West Quay	£155.01 (April to Sept) £307.96 per year or part
Beacon Quay car parking (quayside level only)	£520.20 per year or part
Brixham parking permit (Oxen Cove only)	£280.00 per year or part

### **3.6 Annual Mooring Charges**

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

<b>Mooring Charges per annum per m LOA</b>	
Brixham Inner Harbour trot mooring (no risers provided)	£53.18
Brixham Outer Harbour swinging mooring	£94.68
Paignton trot mooring (no risers provided)	£53.18
Paignton trot mooring – Specific charge for certain vessel categories (see 2.3.4)	£26.59
Paignton outhaul mooring (not exceeding 4.88m) (no risers provided)	£21.92
Mooring Licence Fee (Paignton Harbour only)	£5.10

### **3.7 Winter Storage**

3.7.1 Winter storage is available at Brixham & Paignton Harbours for the period 1<sup>st</sup> October to 31<sup>st</sup> March following only (in whole or in part) and no reduction will be allowed for any lesser period.

3.7.2 Vessels having annual facilities at Paignton Harbour will be entitled to a 25% concession.

<b>Winter Storage Charge</b>	
Uncovered storage at Brixham Harbour	£53.89/m LOA
Uncovered storage at Paignton Harbour	£40.42/m LOA
Lifting Charge (Brixham Harbour only)	£21.96/m LOA/per lift
Craft remaining in storage after 31 <sup>st</sup> March (by exception only)	£3.01/m per day

# PART 4 – Services and Other Charges

## 4.1 Utilities

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

<b>Electricity Charges</b>	
Level 1 card (available only at Torquay & Paignton)	£1.00 each
Level 1 (10 KW card) (available only at Brixham)	£1.00 each
Level 5 (50 KW card) (available only at Brixham)	£5.00 each
Level 10 (100 KW card) (available only at Brixham)	£10.00 each
Smart Card (available at Torquay Harbour only)	Determined by the Harbour Master
Brixham Harbour KW charge for MFVs	Determined by the Harbour Master

- 4.1.3 Water taken in quantities of less than one tonne there is no charge except where a recharge facility exists.
- 4.1.4 For water supplied from the Council's standpipes other than in 4.1.3 above the following charges apply.

<b>Water Charges (Zero rated VAT)</b>	
Up to 50 tonnes	£3.36 per tonne
50 tonnes and over	£2.69 per tonne
Fishing Vessels with fresh water tanks 0m ~ 8m LOA	£20.40 per annum
Fishing Vessels with fresh water tanks over 8m ~ 12m LOA	£40.80 per annum
Fishing Vessels with fresh water tanks over 12m ~ 20m LOA	£204.00 per annum
Fishing Vessels with fresh water tanks over 20m LOA	£255.00 per annum

## 4.2 Crane, Labour and Equipment Hire Charges

- 4.2.1 Use of mobile commercial cranes or other lifting appliances (including Hiab's) on Harbour estate is at the Harbour Master's discretion. At least 48 hours advance notification must be provided for each operation.

<b>Crane Charges</b>	
Crane per lift (other than boat lifts) e.g. masts engines etc.	£90 per hour or part
Boat lift (minimum charge £82.00)	£11.08 per m
Lift out and re-launch same day before 1600 hours (Monday - Friday)	Charge as 1½ lifts
Block-up charge	£4.26 per m LOA
Block up charge, twin keel	£1.80 per m LOA
Storage on quay, per day or part per metre LOA (See 4.5)	£3.01 per day or part/m LOA
Site rental for mobile crane at Torquay Harbour	To be determined by the Harbour Master
Use of mobile commercial crane and/or Hiab on Harbour Property/Estate up to 4 hours. (Inclusive of Launch Fee)	£40.80 per crane
Use of mobile commercial crane and/or Hiab on Harbour Property/Estate over 4 hours. (Inclusive of Launch Fee)	£81.60 per crane/per day

- 4.2.2 Enhanced rates will be charged, out of ordinary working hours, where overtime is required to be worked. If staff have to be called out, a minimum of 2 hours overtime will be charged (per person).
- 4.2.3 Tor Bay Harbour Authority personnel and equipment (subject to availability) are charged out at the following rates all including VAT. Hire of these facilities are at the Harbour Masters discretion.
- 4.2.4 Towing and water taxi services are provided at the discretion of the Harbour Master.
- 4.2.5 Use of forklifts on harbour property/estate is at the discretion of the Harbour Master.
- 4.2.6 Fork lift truck services to Ship's Agents, includes labour up to 30 minutes and minimal storage up to 1 week. Storage charges (subject to capacity) after 1 week are at £2.00 per pallet per day. (Exclusive of VAT).
- 4.2.7 The boat pressure washing service includes the provision of an operator.

<b>Labour and Equipment Hire Charges</b>	
Labour charge (during normal working hours) per staff member	£25.50 per hour or part
Hire of workboat including skipper and crew	£153.00 per hour or part
Hire of workboat including skipper and crew	£714.00 per day, 0900-1700 hours
Water taxi service to or from vessel in enclosed Harbour, including crew	£13.01 per single trip or per round trip if no waiting
Towing within enclosed harbour	£25.50 per ½ hour or part
Towing outside enclosed harbour to nearest enclosed harbour within Tor Bay	£51.00 per ½ hour or part
Pumping out of vessels within the enclosed harbours	£51.00 per hour or part
Hire of fork lift truck without driver (Requires qualified driver)	£102.00 per half day
Hire of fork lift truck with driver	£51.00 per hour or part
Fork lift truck services to Ship's Agents (Exclusive of VAT)	£18.36 per pallet
Boat pressure washing service (minimum charge £45.00)	£10.78 per metre LOA

### **4.3 Storage Space**

- 4.3.1 Storage of fishing equipment is chargeable after 48 hours at the Harbour Master's discretion.
- 4.3.2 Moving equipment into storage will be charged at the applicable rates in 4.2.7.

Unleased quay areas for fish boxes, fishing gear, cargo containers etc.	£1.02 per m <sup>2</sup> /per day
Unleased quay areas for fish boxes, fishing gear, cargo containers etc (subject to availability and at the Harbour Masters discretion)	£66.30 per m <sup>2</sup> /per annum
Storage of beams. on unleased quay areas	£6.12 per set/per week
Storage of waste bins (1,100 litres)	£2.55 per bin per day
Storage of loaded pallets on unleased quay areas	£3.06 per pallet/per week
Unleased storage areas in Oxen Cove, Brixham	£28.56 per m <sup>2</sup> /per annum
Lock-up storage (ship stores only) (Equipment removal and transportation costs at applicable hourly rate)	To be determined by the Harbour Master
Storage lockers at Paignton Harbour (subject to availability)	£195.84 per annum

#### 4.4 Licences (Exclusive of VAT)

- 4.4.1 Fish salesmen's and buyer's licences are valid from 1<sup>st</sup> April each year.
- 4.4.2 The period of validity for a Boatman's licence must run concurrent with their DfT licence - MCA and Code of Practice Boatmen only.
- 4.4.3 Torbay Council, as the Harbour Authority, may grant upon such terms and conditions as they may think fit licences for pleasure craft to be let for hire or to be used for carrying passengers for hire within the Harbour, and to the boatmen or persons assisting in the charge or navigation of such craft. (See section 22 (1) Tor Bay Harbour Act 1970).

Fish salesmen's licence (includes use of Fish Market brand)	£326.40 per annum
Fish buyer's licence (includes use of Fish Market brand)	£326.40 per annum
Self-drive pleasure boats	£5.10 per boat/per annum
Harbour estate trading licence (at the Harbour Masters discretion)	As per Council's Street Trading Consent Fee.
Fishing permit	To be determined by the Harbour Master

#### 4.5 Bunkering Charges (Exclusive of VAT)

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

For fuel oil delivered to vessels from tankers on shore or afloat up to 4,000 litres (minimum charge £25.00)	£0.04p per litres per vessel
For fuel oil delivered to ships from tankers on shore or afloat over 4,000 litres (minimum charge £25.00)	£1.53p per 500 Litres
For fuel oil delivered to ships from tankers afloat in Tor Bay	To be determined by the Harbour Master

#### 4.6 Waste Charges

- 4.6.1 Waste/rubbish that litters the Harbour Estate as a result of refit or repair work maybe removed by the Harbour Authority. Fishing vessels undergoing a refit will be required to use a dedicated skip. The related charges and applicable costs are detailed below.

Transportation to the Council refuse tip, Including attendants and use of Council transport etc.	£153.00 per truck load or part load
Council tipping charge.	As per weighbridge load
Provision of skip for fishing vessels in refit	At cost + 10%

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

Passenger Craft Waste Reception Facilities	To be determined by the Harbour Master
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#### **4.7 Miscellaneous Charges (inclusive of VAT unless otherwise stated)**

- 4.7.1 The parking of exhibition vehicles on Harbour Estate is at the discretion of the Harbour Master.
- 4.7.2 Pleasure Boat Advertising Boards are licensed sites and are subject to a tendering process.
- 4.7.3 Vessels of exceptional construction or methods of propulsion, or not otherwise covered which include; sea planes, hovercraft, hydroplanes, hydrofoils and similar craft, rafts used for recreational purposes, etc.
- 4.7.4 The Harbour Authority may from time to time levy a charge on persons promenading on Quays and Piers of the Harbour Estate
- 4.7.5 Annual Contractors passes are valid from 1<sup>st</sup> April each year and are subject to Terms and Conditions of Use. To be determined by the Harbour Master using Powers Delegated by Torbay Council.
- 4.7.6 A Payment Plan is available on a discretionary basis for annual facility charges only. The annual charge will remain the full amount payable and will not be subjected to a pro-rata basis. The payment plan can be set up for a maximum of six months, with April being the first month, ensuring all payments are complete by 1<sup>st</sup> October.

Administration Charge (This charge is at the discretion of the Harbour Master)	£51.00 Minimum
Officer Charge (for time spent by officers preparing reports or supervising work that is not the Harbour Authority's responsibility)	To be determined by the Harbour Master
Parking of Exhibition Vehicle on Harbour Estate	£71.40 per day or part
Replacement Swipe Card or Fob for controlled access/electricity meters	£10.20 per unit
Additional pontoon cleat (subject to Harbour Master's agreement)	£47.94 per unit fitted
Vessels of exceptional construction or methods of propulsion, or not otherwise covered.	Such charges as may from time to time be fixed.
Contractors Pass (for Tradesmen working on the harbour estate) Exclusive of VAT	£321.30 per year or part
Daily Contractors Pass Exclusive of VAT	£9.20 per day or part
Advertising Charges	To be determined by the Harbour Master
Salt Water Extraction Charge (Use of quays to pump water for commercial purposes) (At the Harbour Masters discretion)	£25.50 per day or part £1,020.00 per year or part
Payment Plan Administration Charge (Direct Debit payments over monthly instalments) (annual facility charges only) inclusive of VAT for facilities costing between £0 - £499	£30.00
Payment Plan Administration Charge (Direct Debit payments over monthly instalments) (annual facility charges only) inclusive of VAT for facilities costing between £500 - £999	£42.00
Payment Plan Administration Charge (Direct Debit payments over monthly instalments) (annual facility charges only) inclusive of VAT for facilities costing over £1000	£60.00



# PART 5 – Pilotage

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

### 5.1.1 Extract from Tor Bay Harbour Pilotage Directions

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

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

See [www.tor-bay-harbour.co.uk](http://www.tor-bay-harbour.co.uk) for the latest version of the Tor Bay Harbour Pilotage Directions

From sea to Brixham or Torquay harbours	£73.95 per metre draught
From Brixham or Torquay harbours to sea	£68.85 per metre draught
Shift berth within Torquay or Brixham harbours	£42.84 per metre draught
From sea to Tor Bay Harbour anchorage	£31.62 per metre draught
From Tor Bay Harbour anchorage to sea	£23.46 per metre draught
Sea to Tor Bay Harbour & Tor Bay Harbour to sea – surcharge for vessels over 150m LOA	£1.63 per metre for each metre over 150m
Minimum charge (with or without a Pilot on board)	£112.20
Detention, after 1 hour	£71.40 per hour or part
Pilot Boat Charges (Shipping or Landing a Local Pilot)	Levied by Marine & Towage Services Group Ltd [Brixham Office]

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

## 5.2 Charges for Pilotage Exemption Certificates

5.2.1 Pilotage Exemption Certificate, per issue £112.20

HARBOUR REVENUE ACCOUNTS 2018/19 to 2023/24

Appendix 2

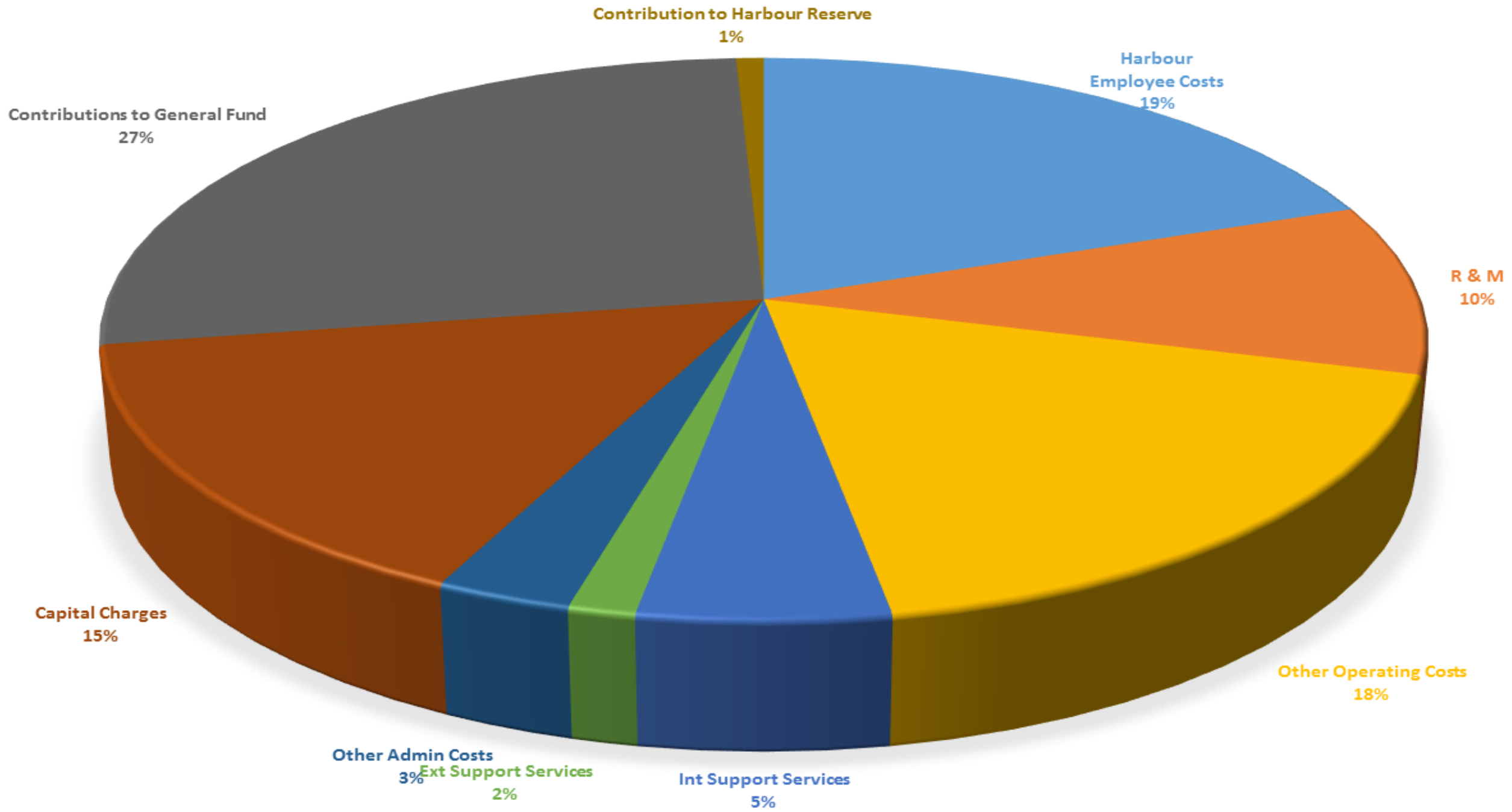
<b>Summary of Harbour Contributions to General Fund</b>						
	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Fixed Contribution to General Fund per year	802	802	802	802	802	802
Gain share additional contribution to General Fund	57	42	32	59	85	87

Expenditure	2018/19	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	Note
	Base Budget £ ,000	Projected Outturn £ ,000	Current Budget £ ,000	Provisional Budget £ ,000	Provisional Budget £ ,000	Provisional Budget £ ,000	Provisional Budget £ ,000	
Harbour Employee Costs	640	632	630	643	655	669	682	
Operations and Maintenance :-								
Repairs and Maintenance	216	343	319	318	339	286	286	A
Rent Concessions	17	10	11	11	11	11	11	
Other Operating Costs	580	606	585	592	602	612	622	B
Management and Administration :-								
Internal Support Services	162	177	175	179	183	186	190	
External Support Services	51	46	47	48	49	50	51	C
Other Administration Costs	73	73	95	96	97	98	99	D
Capital Charges	498	498	498	593	593	593	593	E
Contribution to General Fund - EHO	25	25	25	25	25	25	25	
Contbn to General Fund - Cash Dividend	171	171	171	171	171	171	171	
Contbn to General Fund - Asset Rental	631	631	631	631	631	631	631	F
Gain share contribution to General Fund		57	42	32	59	85	87	
Contribution to Harbour Reserve			25	10	50	89	94	
	<b>3,064</b>	<b>3,269</b>	<b>3,254</b>	<b>3,348</b>	<b>3,465</b>	<b>3,505</b>	<b>3,542</b>	
<b>Income</b>								
Rents and Rights :-								
Property and Other Rents/Rights	594	559	549	549	586	591	591	G
Marina Rental	403	451	442	450	460	469	478	H
Operating Income :-								
Harbour Dues	152	148	151	154	157	160	163	I
Visitor and Slipway	55	63	64	65	66	67	68	
Mooring fees	216	199	203	207	211	215	219	I
Torquay Town Dock	313	313	319	326	332	339	346	
Torquay Inner Dock	263	263	268	274	279	285	290	
Fish Toll Income - Fish	755	960	925	930	930	930	930	J
Fish Toll Income - Mussels	20	20	33	67	112	112	112	K
Fish Toll Income - Other	4	20	20	20	20	20	20	
Boat and Trailer parking	43	45	44	45	46	47	48	
Recharged Services	81	96	103	105	107	109	111	L
Other Income	143	132	133	156	159	162	165	
	<b>3,042</b>	<b>3,269</b>	<b>3,254</b>	<b>3,348</b>	<b>3,465</b>	<b>3,506</b>	<b>3,542</b>	
<b>Operating Surplus /(Deficit)</b>	<b>(22)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

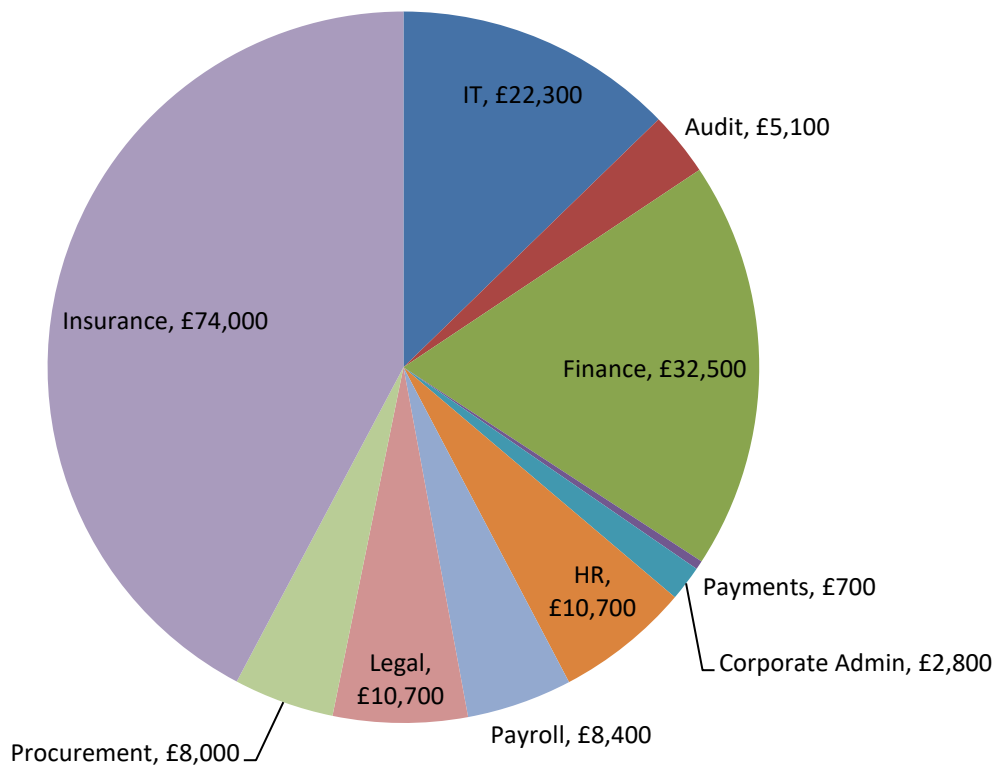
<b>RESERVE FUND</b>							
Estimated Opening Balance as at 1st April		812	717	666	618	609	638
Interest Receivable		5	4	2	1	0	0
Net Surplus / (Deficit) from Revenue Account		0	25	10	50	89	94
Withdrawals - Harbour Schemes		(100)	(80)	(60)	(60)	(60)	(60)
Expected Closing Balance as at 31st March		<b>717</b>	<b>666</b>	<b>618</b>	<b>609</b>	<b>638</b>	<b>672</b>

Minimum Reserve Level	642	637	661	671	666	672
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### HARBOUR EXPENDITURE BY TYPE (%)



**Appendix 4  
Harbour Account  
Estimated Internal Support Service Charges 2019/20**





**Meeting:** Harbour Committee

**Date:** 17<sup>th</sup> December 2018

**Wards Affected:** All wards in Torbay

**Report Title:** Tor Bay Harbour Authority Budget Monitoring 2018/19

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

**Supporting Officer Contact Details:** Adam Parnell

Head of Torbay Harbour Authority

Tor Bay Harbour Master

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Principal Accountant

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## 1. Purpose

1.1 This report updates members with income and expenditure projections for 2018/19. It also identifies the overall budgetary position for Tor Bay Harbour Authority as at end of November 2018 to enable appropriate action to contain expenditure and maintain reserves at sufficient levels.

1.2 The Committee is requested to note

- a. the amended outturn projections of the harbour accounts and adjustments to the Reserve Funds shown in Appendix 1;
- b. the Head of Torbay Harbour Authority's use of delegated powers to make decisions in relation to the budget allocated to Tor Bay Harbour;
- c. that no waiver of harbour charges has been approved to date under the Harbour Master's use of delegated powers for 2018/19.

## 2. Summary

2.1 The Tor Bay Harbour Authority budget for 2018/19 was approved 5<sup>th</sup> December 2017.

2.2 Fish toll levels continue to exceed the level at the same point last year. The surplus income is funding substantial maintenance works to the mooring infrastructure at Brixham Harbour. Marina rental income is exceeding the forecasts. Further details are at Appendix 1.

## Supporting Information

### 3. Position

- 3.1 The projected outturn at Appendix 1 reflects budget amendments made within the Head of Torbay Harbour Authority's delegated powers. Details of each amendment can be found in the associated note.
- 3.2 Following publication of the projected medium term financial position at the September meeting of the Harbour Committee, discussions were held with the Assistant Director of Assets and Business Services and Head of Finance to determine measures to balance the pressures on the Harbour Account and the Council's General Fund. The recommendations were reported to the Harbour Budget Review Working Party in November and are detailed in the separate Harbour Charges and Budget 2019/20 report.
- 3.3 A recommendation directly impacting on the 2018/19 accounts is that any operating surplus for the year be paid over in full as an additional contribution to the General Fund.
- 3.4 The performance against budget is summarised below:

	<b>£000</b>
Original Budget (deficit) 2018/19	(22)
Revised Budget (surplus) 2018/19	18
Projected Surplus 2018/19*	57
<i>* to be transferred to the General Fund</i>	

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

	<b>Total Budget</b>	<b>Actual to Date (including prior years)</b>	<b>Projected Outturn</b>	<b>Notes</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	
Torquay Outer Harbour Pontoons	263	263	263	(i)
Oxen Cove Jetty	1,967	585	1,967	(ii)
North Quay Brixham Fendering	300	90	300	(iii)
Victoria Breakwater	3,853	110	3,893	(iv)
Harbour Light Restaurant Redevelopment	600	59	600	(v)

- (i) Pontoons in place and installation of power and fingers will be completed imminently.
- (ii) Awaiting MMO licence approval.
- (iii) Fenders are on order and awaiting delivery.
- (iv) Works commence in the last week of November 2018
- (v) Existing tenants have now vacated and works expected to commence April 2019.

3.6 The Harbour's liability for prudential borrowing is detailed below. Note that the 2018/19 repayment is not made until later in the year.

<b>Capital Scheme</b>	<b>Amount Borrowed</b>	<b>Start of Repayments</b>	<b>Principal outstanding</b>
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£593,871
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£907,857
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£3,893,021
Torquay Inner Harbour Pontoons (Inner Dock)	£800,000	2014/15	£702,716
	<b>TOTAL</b>		<b>£6,312,841</b>

3.5 Debt position at the end of November 2018:

	<b>Corporate Debtor System</b>		<b>Harbour Charges</b>	
	Unpaid by up to 60 days	Unpaid over 60 days	Unpaid by up to 60 days	Unpaid over 60 days
Debt outstanding	£301k	£60k	£32k	£71k
Bad Debt Provision	£37k			

The outstanding corporate debt includes a recently raised invoice for the 2017/18 marina rental.

3.6 Under the Council's Scheme of Delegation the Harbour Master can vary the approved Schedule of Harbour Charges in such manner as shall be considered reasonable, keeping a proper written record of all variations approved. These must be reported at least twice a year to the Harbour Committee.

## **Appendices**

Appendix 1 Harbour Revenue Accounts for 2018/19

## **Additional Information**

None



Appendix 1

Dec-18

HARBOUR REVENUE ACCOUNTS 2018/19 - BUDGET MONITORING

TOR BAY HARBOUR AUTHORITY

Expenditure	2018/19 Original Budget £ ,000	2018/19 Revised Budget £ ,000	2018/19 Projected Outturn £ ,000	Notes
Harbour Employee Costs	640	664	632	1
Operations and Maintenance :-				
Repairs and Maintenance	216	343	343	2
Rent/User charges Concessions	17	10	10	
Other Operating Costs	580	586	606	3
Management and Administration :-				
Internal Support Services	162	172	177	4
External Support Services	51	51	46	
Other Administration Costs	73	73	73	
Capital Charges	498	498	498	
Contribution to General Fund - EHO	25	25	25	
Contribution to General Fund - Cash Dividend	171	171	171	
Contribution to General Fund - Asset Rental	631	631	631	
Contribution to General Fund - Additional	0	0	57	5
	<u>3,064</u>	<u>3,224</u>	<u>3,269</u>	
<b>Income</b>				
Rents and Rights :-				
Property and Other Rents/Rights	594	594	559	6
Marina Rental	403	403	451	7
Operating Income :-				
Harbour Dues	152	152	148	
Visitor and Slipway	55	55	63	
Mooring fees	216	208	199	8
Town Dock	313	313	313	
Torquay Inner Harbour Pontoons	263	263	263	
Fish Toll Income	775	1,000	1,000	9
Boat and Trailer parking	43	43	45	
Recharged Services	81	81	96	10
Other Income	147	130	132	11
	<u>3,042</u>	<u>3,242</u>	<u>3,269</u>	
<b>Operating Surplus /(Deficit)</b>	<u>(22)</u>	<u>18</u>	<u>0</u>	
<b>RESERVE FUND</b>				
Opening Balance as at 1st April			812	
Interest Receivable (estimated)			5	
Net Surplus / (Deficit) from Revenue Account			0	
Withdrawals - Harbour Capital Schemes			(100)	12
Expected Closing Balance as at 31st March			<u>717</u>	

Note: In line with Harbour Committee minute 398 (5) December 2011 the minimum Reserve level at year end 2018/19 is £608k based on 20% of budgeted turnover to meet any deficit in the revenue budget or winter storm damage. The balance is earmarked for harbour related capital projects.

## HARBOUR REVENUE ACCOUNTS 2018/19 - BUDGET MONITORING

### NOTES

- 1 The Head of Torbay Harbour Authority has increased the current establishment for a temporary period. The additional cost is intended to be met from an increased target for fish toll income including increased landings at Torquay Harbour. (see note 2). Existing career break cover arrangements have ended earlier than originally intended.
- 2 A full maintenance program has been carried out on the moorings infrastructure at Brixham Harbour.
- 3 The Projected Outturn includes an increase in waste collection costs at Brixham Harbour. There will be some savings from not providing winter storage at Brixham in 2018/19 to offset loss of income (see note 7).
- 4 Cost of corporate support services such as Finance, IT and Human Resources.
- 5 The projected surplus on the Harbour Account is recommended to be transferred as an additional contribution to the Council's General Fund for 2018/19.
- 6 Tenants have now vacated the Harbour Light building at Paignton ahead of redevelopment.
- 7 The actual turnover rents due for 2017/18 have now been finalised and exceed the provision made in last year's account resulting in a windfall in the current year.
- 8 The target for moorings is unlikely to be reached due to vacant moorings at Brixham Harbour.
- 9 The target level for fish tolls has been increased by the Head of Tor Bay Harbour Authority based on recent operating levels and discussions with the fishing industry. Current income is exceeding the levels at the same point in 2017/18.
- 10 Increased income is expected from recharging for trade waste (see note 3), electricity and insurance.
- 11 No winter storage will be facilitated at Brixham Harbour during 2018/19. The loss of around £29k income will be mitigated by other small miscellaneous income streams and from costs savings (see note 3).
- 12 A withdrawal from the Reserve to part fund the costs of the Harbour Light redevelopment.