

HARBOUR COMMITTEE

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

Monday, 18 March 2019

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 Haddock
Councillor Bye	Councillor Hill
Councillor Carter	Councillor O'Dwyer
Councillor Ellery	Councillor Robson

External Advisors

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

A prosperous and healthy Torbay

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

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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 - 5)
To confirm as a correct record the Minutes of the meeting of the Committee held on 5 February 2019.
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. **Review of the Tor Bay Harbour Authority Asset Management Plan** (Pages 6 - 14)
To consider a report that seeks the approval of the Tor Bay Harbour Authority Asset Management Plan.
6. **Tor Bay Harbour Business Plan 2019/20** (Pages 15 - 32)
To consider a report that seeks approval of the Tor Bay Harbour Business Plan for 2019/20.
7. **Tor Bay Harbour - Operational Moorings and Facilities Policy** (Pages 33 - 55)
To consider a report that seeks to approve the Operational Moorings and Facilities Policy.
8. **Request for Allocation of Reserves to Progress Brixham** (Page 56)

Improvement scheme

To consider the report on the above.

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|------------------------------------|--|--------------------|
| 9. | Water Metering Brixham Harbour
To consider a report that proposes to extend the metered 'pay as you use' system to include provision of water. | (Pages 57 -
61) |
| 10. | Tor Bay Harbour Authority Budget Monitoring 2018/19
To note a report that updates members with income and expenditure projections for 2018/19. | (Pages 62 -
67) |
|
Port Marine Safety Code | | |
| 11. | Enforcement and Prosecution Policy
To consider a report that seeks approval of the Enforcement and Prosecution Policy. | (Pages 68 -
77) |
| 12. | Risk Register
To note the report. | (Pages 78 -
82) |
| 13. | MARNIS
To note the Tor Bay Accident/Incident List. | (Page 83) |
| 14. | Harbour Committee Work Programme 2019/2020
To consider the Harbour Committee Work Programme for 2019/2020 as set out in the submitted report. | (Page 84) |
| 15. | Torquay/Paignton and Brixham Harbour Liaison Forums
To note the minutes of the above Harbour Liaison Forums. | (Pages 85 -
87) |



Minutes of the Harbour Committee

5 February 2019

-: Present :-

Councillor Bye (Chairman)

Councillors Amil, Carter, Ellery, Hill (Vice-Chair), O'Dwyer, Pentney, Robson and Thomas (D)

External Advisors: Mr Buckpitt, Mr Ellis and Mr Stewart

(Also in attendance: Elected Mayor Oliver)

34. Apologies

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

35. Minutes

The Minutes of the meeting of the Harbour Committee held on 17 December 2018 were confirmed as a correct record and signed by the Chairman.

36. Port Marine Safety Code Compliance Update

Members noted a report that provided an update on the implementation of the high and medium risk recommendations identified in the Port Marine Safety Code compliance audit. The Tor Bay Harbour Master informed Members that the majority of recommendations had been implemented with the exception of the Prosecution Policy which will be presented to the Harbour Committee on 18 March 2019.

37. Brixham Harbour Improvement Scheme

The Harbour Committee considered a report that sets out details of a project to install a northern breakwater arm to provide additional capacity for vessels and essential environmental protection for Brixham Harbour.

The Tor Bay Harbour Master advised Members that Brixham's capacity to accommodate the commercial fishing industry has been reached both ashore and afloat. This has been exacerbated by the operational loss of the more exposed (north-facing) Fish Quay berths during inclement weather. Similarly, the associated growth in storage and transport requirements have led to lorries being loaded beyond the Fish Market gates. Recreational harbour users are eschewing the current swinging mooring arrangements in preference for affordable 'walk ashore'

pontoon berths. While demand for vessels berths exists the desirability of the current moorings in Brixham is declining. The financial consequences are compounded by the rise in maintenance costs to operate this aging infrastructure.

Members were very supportive of the scheme but wished for a detailed business case to be available when the scheme was presented to Council.

Resolved:

- i) That the Harbour Committee fully support the strategic direction presented by the Tor Bay Harbour Master and endorse the proposal to undertake urgent capital works that will improve Brixham Harbour; and
- ii) That the Harbour Committee recommends to Council the clear strategic direction set out in the submitted report and that the Interim Director of Place be requested to prepare a business case for presentation to Council at the earliest feasible opportunity.

Chairman



Meeting: Harbour Committee

Date: 18 March 2019

Wards Affected: All

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

Is the decision a key decision? No

When does the decision need to be implemented? N/A

Executive Lead Contact Details: Non-Executive function

Supporting Officer Contact Details: Adam Parnell, Harbour Master, 01803 853321, adam.parnell@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The Harbour Authority operates a number of Council assets to deliver a safe and sustainable harbour to serve the needs of our communities; improve the lives of those who live and work in the Bay; and assist in regenerating Torbay as an attractive visitor destination.
- 1.2 This report proposes the Tor Bay Harbour Asset Management Plan for consideration and adoption.

2. Reason for Proposal and associated financial commitment

- 2.1 The Tor Bay Harbour Authority Asset Management Plan is the means by which the Harbour Committee meets its obligations to provide strategic direction for those assets within Tor Bay Harbour and the harbour estate that it manages.
- 2.2 An appropriate asset management plan helps the Harbour Asset Review Working Party monitor the harbour estate; enables the identification of inefficient assets or those which require maintenance; and assists the Harbour Committee to provide the necessary strategic advice in respect of harbour assets.
- 2.3 The harbour's asset maintenance programme is reviewed annually, and prioritised against the results of condition surveys, which are customarily held on the Council's asset register (Torbay Online Asset Database [TOAD]).
- 2.4 There are no new financial commitments associated with the adoption of this plan.

3. Recommendation(s) / Proposed Decision

- 3.1 **That the Harbour Committee approve and adopt the Harbour Asset Management Plan.**

Appendices

Appendix 1: The Tor Bay Harbour Authority Asset Management Plan 2019/20.

Background Documents

None

Section 1: Background Information

1.	What is the proposal / issue? 1.1 The Harbour Authority operates a number of Council assets to deliver a safe and sustainable harbour to serve the needs of our communities; improve the lives of those who live and work in the Bay; and assist in regenerating Torbay as an attractive visitor destination. 1.2 The Tor Bay Harbour Committee annually adopts and implements an Asset Management Plan as the means by which it meets its obligations to provide strategic direction for those assets within Tor Bay Harbour and the harbour estate that it manages.
2.	What is the current situation? 2.1 The assets currently managed by the Tor Bay Harbour Authority service on behalf of Torbay Council are governed by the Harbour Committee. Many are critical to the safe operation of the harbour, and others are essential in generating revenue. 2.2 The 'harbour estate' means the piers, wharves, quays, berths, roads, sheds and other works and conveniences, and the lands, buildings and property of every description, and of whatever nature, which are for the time being vested in or occupied by the Corporation (Council) as harbour authority and used for the purpose of the harbour undertaking. (Tor Bay Harbour Act 1970). 2.3 The estate may be varied from time to time by the Council, having taken full consideration of the operational requirements of the Harbour Authority and the Council's policy to deliver a self-funding, financially sustainable harbour service. 2.4 Every June a Harbour Asset Review Working Party is nominated by the Harbour Committee to challenge whether harbour assets are required, fit for purpose and provide value for money. It also provides strategic direction in relation to these assets regarding their retention or disposal. This is in line with the Harbour Committee's Terms of Reference set out in the Council's Constitution. 2.5 The Harbour Asset Review Working Party met on the 20 th February 2018. Officer support to the Working Party was provided by the Head of Tor Bay Harbour Authority/Tor Bay Harbour Master with support from the TDA. All assets were reviewed and the Working Party was satisfied that they could broadly establish how each asset was performing. No assets were identified as being surplus to the requirements of the Harbour Authority.

	<p>2.6 The Council is the freehold owner of Tor Bay Harbour and the harbour estate. Under the Tor Bay Harbour Act 1970 and 1983, the Council is also the Harbour Authority. Under these Acts the Harbour Authority has a duty to maintain and improve the harbour and the services and the facilities in it and, under the same Acts, the harbour authority is granted the relevant powers to do so.</p>
3.	<p>What options have been considered?</p> <p>The following options have been considered:</p> <ul style="list-style-type: none"> - Forego the use of an Asset Management Plan and respond reactively to emergent maintenance requirements. This would likely place short-notice and unplanned pressures on the revenue maintenance budget and is not recommended as it would prohibit effective financial planning. - Outsource asset management and repair to a third party. This would increase overall costs as their overheads would have to be included in the overall maintenance budget and is thus not recommended.
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>This project directly contributes to the following Corporate Plan targets:</p> <ul style="list-style-type: none"> • Working towards a more prosperous Torbay. <ul style="list-style-type: none"> ○ As the largest fishing port by value of landed fish in England and Wales, the industry is a key driver in Brixham in terms of direct jobs associated with the fishing industry. The maintenance – if not improvement – of existing assets is essential to the sustainability of this important industry. • Ensuring Torbay remains an attractive and safe place to visit. <ul style="list-style-type: none"> ○ Effective asset management will ensure that the Harbour Authority discharges its statutory duty of care to provide a safe environment and its duty to conserve the environment.
5.	<p>How does this proposal contribute towards the Council’s responsibilities as corporate parents?</p> <p>Not applicable.</p>
6.	<p>How does this proposal tackle deprivation?</p> <p>Not applicable.</p>
7.	<p>How does this proposal tackle inequalities?</p> <p>Not applicable.</p>

8.	<p>How does the proposal impact on people with learning disabilities?</p> <p>Not applicable.</p>
9.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>This proposal positively impacts upon all Brixham harbour users, in particular the commercial fishers, recreational boat owners but indirectly the residents and visitors to Brixham who will benefit from a well maintained environment.</p> <p>Consultation is proactively undertaken through dialogue with the harbour forums, the planning process and with representative bodies eg the Brixham Town Council.</p>
10.	<p>How will you propose to consult?</p> <p>Using existing consultation channels such as the Harbour For a.</p>

Section 2: Implications and Impact Assessment

11.	<p>What are the financial and legal implications?</p> <p>Legal</p> <p>The Council, as the nominated Statutory Harbour Authority in the Tor Bay Harbour Act 1970, has <i>inter alia</i> a duty to ensure the following:</p> <ul style="list-style-type: none"> • To provide, conserve, maintain and improve the harbour and services and facilities afforded therein [s6 Tor Bay Harbour Act 1970]; • To see that the harbour is in a fit condition for a vessel to utilise it safely [Harbour Docks & Piers Clauses Act 1847]; • A general duty to exercise its functions with regard to nature conservation and other environmental considerations [s48A Harbours Act 1964]. <p>The key provisions in local legislation regarding to the Authority's works powers are:</p> <ul style="list-style-type: none"> • Tor Bay Harbour Act 1970: <ul style="list-style-type: none"> ○ S13: works in the harbour; <p>Financial</p> <p>The costs of routine maintenance have already been incorporated into the revenue budget, thus there are no new financial commitments arising as a result of this report</p>
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<p>12.</p>	<p>What are the risks?</p> <p>Without an Asset Management Plan there is a risk that the material condition of the harbour estate declines to the point that lease revenues are depressed, personal safety is put at risk and that the Authority's reputation is traduced.</p> <p>Adoption and implementation of an Asset Management Plan will mitigate all of these risks.</p>
<p>13.</p>	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable</p>
<p>14.</p>	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <ul style="list-style-type: none"> • Analysis of historic spending norms on routine and reactive maintenance requirements; • Asset rental returns; • Inspection reports; • Stakeholder consultation feedback; • Asset registers.
<p>15.</p>	<p>What are key findings from the consultation you have carried out?</p> <ul style="list-style-type: none"> • The current strategy of managing assets through a proactive Asset Management Plan is the most cost effective approach and should be continued.
<p>16.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>None.</p>



Tor Bay Harbour Authority - Asset Management Plan 2019/20

1. Service Background and Outcomes

The Harbour Committee deals with the Council's strategic function as the Harbour Authority and is an open and accountable committee of full council. In particular the Committee sets the budgets for the harbour, determines the level of harbour charges and fulfils the Council's role as Duty Holder for the purposes of the Port Marine Safety Code. With the assistance of the Tor Bay Harbour Authority service, it also manages Tor Bay Harbour within the framework of Council policy, with special attention given to the aspirations of the Port Masterplan.

Tor Bay Harbour has successfully existed as a statutory entity since 1970 and has demonstrated that it can operate successfully, efficiently and economically. Since 2012/13 a cash dividend contribution has been made to the Council's general fund from harbour accounts to help support the corporate budget shortfall resulting from government funding cuts. There is a strong commitment on behalf of Torbay Council both to improve the service provided by the Harbour to its direct users and to develop its role in supporting the local economy and as a focus both for the local community and visitors to the Bay.

Harbour Estate

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

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

The accommodation and property controlled by the Harbour Committee and the Tor Bay Harbour Authority adequately meets the immediate needs of the service. Income derived from property on the harbour estate is critical to the harbour business. The level of rental income received is significantly more than that generated by harbour charges, with the exception of fish toll income.

Routine maintenance costs for harbour assets are met from the ring-fenced harbour accounts as per Council policy. The agreed budget for repairs & maintenance for 2019/20 is as follows:

	£54,900 for Torquay harbour
	£12,000 for Paignton harbour
	£235,900 for Brixham harbour

The Harbour Committee's terms of reference require it to provide strategic direction in relation to the assets within the harbour estate that are managed by the Tor Bay Harbour Authority service. In June 2016 the Harbour Committee resolved that a Harbour Asset Review Working Party, comprising four members of the Harbour Committee and two of the External Advisors to the Committee be appointed with the following terms of reference:

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

The Harbour Asset Review Working Party has worked in consultation with the Harbour Master and the Torbay Development Agency to recommend to the Harbour Committee this Asset Management Plan.

10. Predicted Service Delivery Changes

The Harbour Asset Review Working Party concluded that:

- all assets within Tor Bay Harbour and the Harbour Estate had been successfully reviewed.
- they were satisfied that they could broadly establish how each asset was performing.
- no assets were identified as being surplus to the requirements of the Harbour Authority.

The Working Party has been updated on the following:

- The proposed updated to the Harbour Light restaurant in Paignton harbour
- The fuel station in Torquay harbour
- The deteriorating state of the derelict Brixham fuel jetty
- Ongoing and proposed future projects including:
 - Repairs to Victoria breakwater;
 - Improved fenders on the north side of the Brixham Fish Quay;
 - A new landing jetty in Brixham;

3. Scope of Service Asset Management Plan

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

4. Identification of Current Property Portfolio

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

5. Preferred Options & Action Plan

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

6. Implement Audit & Review

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

Asset Ref	Asset Name	Action	Timeline
P0242	Harbour Light Restaurant Building	Pursue redevelopment opportunity in line with the Port Masterplan	Under way
T0004AC02	Marine Fuel Station – South Pier, Torquay harbour	Revert to Harbour Authority (landlord) control followed by options to re-let and/or run using own resources	Under way
B0082AB	Old Fuel Jetty	Monitor deterioration and develop long-term alternative options	Under way

Page 14



Meeting: Harbour Committee

Date: 18 March 2019

Wards Affected: All

Report Title: Tor Bay Harbour Business Plan

Is the decision a key decision? No

When does the decision need to be implemented? N/A

Executive Lead Contact Details: Non-Executive function

Supporting Officer Contact Details: Adam Parnell, Harbour Master, 01803 853321, adam.parnell@torbay.gov.uk

1. Proposal and Introduction

1.1 This report presents the Tor Bay Harbour Business Plan for 2019/20.

2. Reason for Proposal and associated financial commitment

2.1 The Ports Good Governance Guidance (DfT, 2018) recommends that Harbour Authorities publish a business plan to ensure their harbour's long-term success

2.2 The business plan is predicated on the budget set and agreed by the Harbour Committee on 17 December 2018 and there are no new budgetary commitments as a result of this report.

3. Recommendation(s) / Proposed Decision

3.1 **That the Harbour Committee approve the Business Plan (appendix 1).**

Appendices

Appendix 1: PMSC Compliance Audit Continuous Improvement Plan 2018/19

Background Documents

DfT, 2018: *Ports Good Governance Guidance*,
<https://www.gov.uk/government/publications/good-governance-guidance-for-ports>



Business Plan 2019/20

Index

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

1. Executive Summary

Torbay Council, as the statutory Harbour Authority, manages Tor Bay harbour through the Tor Bay Harbour Committee which consists of up to 9 Councillors and 5 external advisors who have been selected following a skills audit.

The Harbour Committee is a committee of the full council and oversees the harbour's strategic management of Tor Bay Harbour and ensures the safe and efficient operation of the harbour estate. In particular it sets the harbour's budget, determines the level of harbour charges and fulfils the Duty Holder role for the purposes of the Port Marine Safety Code. This management is undertaken within the framework of Council policy with special attention being given to the aspirations set out within the Tor Bay Harbour Port Masterplan.

There is a strong commitment by Torbay Council to continually improve its services to its stakeholders, to develop its role in supporting the local economy and as a focus both for the local community and visitors to the Bay.

2. Introduction

Torbay Council's role as a strong maritime local authority is enhanced because the jurisdiction of the Harbour Authority mirrors the Council's land boundaries and it includes the Bay's entire coastline. Appendix 1 has a plan showing the limits of Tor Bay Harbour.

In operational terms it controls over 22 miles of coastline and 16 square miles of open sea. By taking a joined up and holistic approach to issues of water safety, sound marine environmental and safety management, tourism and the wider economy is essential, since many challenges have an impact both afloat and ashore, and overlap across the public, private and commercial sectors.

Bay-wide harbour controls have permit the regulation of shipping, control over pollution risks, management of the harbour estate and zoning of small craft activity. Marine operations regularly dovetail effortlessly with beach, coast and environmental issues, often with a common aim.

Torbay as one harbour is well suited to best serve the needs of all the relevant stakeholders.

Vision - *'To ensure safe and efficient harbour operations within an improving commercial and natural environment'*.

"Better Services – Safer Harbour – Enhanced Environment"

Mission Statement – *'to provide a high quality service that is committed to improve Tor Bay Harbour and provide a cleaner and safer environment'*.

To deliver its vision, the Tor Bay Harbour Authority continuously challenges the way harbour services are provided to ensure the most cost effective and efficient approach is adopted. The Harbour Authority continues to work with the private sector, external agencies and other organisations to deliver high quality services. To achieve this outcome the business unit will endeavour to ensure that all staff are well trained, dedicated and well-motivated.

Tor Bay Harbour Authority - Business Plan 2019/20

Harbour facilities are provided for residents, tourists, day visitors, clubs, organisations and businesses throughout Torbay. The extent to which individual facilities serve different user groups and individuals is dependent upon the facility type and operation. The service is responsive to the unique make up of Torbay's resident and visiting population.

Our main customers and stakeholders include:

- Commercial Fishermen, based locally as well as visitors from other ports (UK and Europe);
- Brixham Trawler Agents, Fish Merchants & Fish Processors;
- Commercial vessels visiting Tor Bay, including the owners, skippers and crew;
- Owners and users of vessels for private pleasure and recreational purposes;
- Owners, skippers and crew of certified passenger carrying pleasure craft, including chartered angling vessels, dive boats, heritage boats, etc;
- Residents, tourists and visitors;
- Marina operators at Torquay and Brixham;
- Royal National Lifeboat Institution (RNLI);
- Marine Management Organisation (MMO);
- Devon & Severn Inshore Fisheries & Conservation Authority (IFCA);
- Maritime & Coastguard Agency (MCA);
- Organisations involved in waterborne sports and activities (e.g. Yacht and sailing clubs, training organisations, Scouts, Sea Cadets, divers, rowing clubs, youth groups etc);
- Marine & Towage Services Group (Torbay and Brixham Shipping Agents - contracted pilotage service provider);
- Charitable and religious organisations, including various individuals and groups providing entertainment and events within the Harbour Estate;
- Various businesses, organisations and individuals conducting their affairs on the Harbour Estate;
- Local Chambers of Commerce and the Torbay Business Forum.

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

A record of complaints and compliments, together with Users Surveys, all combine to give a good indication of which services are meeting the customers' expectations and those which might be seen as below the quality expected.

Tor Bay Harbour Authority - Business Plan 2019/20

3. SWOT Analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> • Tor Bay Harbour is well protected with good anchorages for ships • Significant Harbour Estate that makes the harbour sustainable • English Riviera is a strong marketing and tourism brand • Unique character of the individual ports • Good provision of leisure and recreational boating facilities, including a number of active yacht clubs • 4th largest fishing port in UK with excellent reputation for quality • Tor Bay is recognised as a port of refuge • Attractive area for living and working • All ports come under one governing Authority • Outstanding natural environment with variety of designations eg MCZ • Excellent water quality • Safe road network which is continually improving • Paignton and Torquay connected to national rail network 	<ul style="list-style-type: none"> • Some unused and derelict harbour facilities • Aging critical harbour infrastructure eg piers, quays and harbour walls • Lack of waterfront space to expand harbour businesses, particularly fishing industry • Congested road networks, particularly in high season • Lack of lift out/repair facilities for vessels eg MFVs • Shortage of onshore marine leisure facilities • Lack of cargo handling facilities • Lack of cold storage and fish processing facilities • No rail connections to the enclosed ports • Tor Bay anchorages exposed to easterly weather • Infrastructure & water depth are insufficient to accept cargo/ cruise vessels alongside • Vulnerability to effects of climate change, particularly Paignton • Paucity of car parking • Shortage of maritime skills
Opportunities	Threats
<ul style="list-style-type: none"> • Growth in 'green' tourism, investment and research • Potential to run Tor Bay Harbour as an 'arm's length' company of the council similar to TDA • Space for development in Brixham harbour • Improvement potential for transport links • Installation of climate change defences could enhance built environment • Potential for further growth in visiting cruise and fishing vessel numbers • Brexit may provide opportunities eg additional landing quota/TAC • Introduction of electronic fish auction could increase volume/value of product landed • Installation of a floating breakwater in Brixham would attract cargo and passenger vessels to the Bay • Introduction of a hull-cleaning service would attract additional vessels into the Bay • Potential for multi-storey parking • Links to regional Higher and Further Education establishments • External development funding opportunities 	<ul style="list-style-type: none"> • Climate change and coastal erosion • Unknown consequences of Brexit on fishing and tourism industries (eg access to markets, loss of grant aid, disruption etc) • Lack of finance to fund harbour infrastructure developments /size of financial contribution to the Council • Risk of piecemeal development without a coherent overarching vision (eg like this document) • Increasingly onerous legislative and regulatory environment could stifle development • Competition from other harbours/ fishing ports/ cruise destinations • Introduction of electronic fish market auction could result in product landed to other ports instead of Brixham • Very lean staffing levels at each of the enclosed ports

Note: unusually, BREXIT appears as an opportunity and a threat because there is presently insufficient detail to identify the risks and opportunities that this might occasion.

4. Compliance with the Ports Good Governance Guidance

In 2018 The Department for Transport (DfT) published its Ports Good Governance Guidance which applied to all Statutory Harbour Authorities in England. While this has neither the force of law nor is legally binding, DfT expects Harbour Authorities to implement its principles if these are not already in place. They include:

- The need for port businesses to be headed by an effective board which is collectively responsible for long-term success of the business;
- Effective stakeholder engagement to improve understanding of the harbour;

Tor Bay Harbour Authority - Business Plan 2019/20

- Operating in an open, transparent and accountable way, making a range of information available to stakeholders about their organisation and activities;
- Ensuring marine safety;
- Environmental conservancy

The Tor Bay Harbour Authority complies with these principles through the establishment of the Tor Bay Harbour Committee, which is a committee of the full Torbay Council to manage and govern Tor Bay Harbour, including the enclosed harbours of Brixham, Torquay and Paignton. Although the Committee cannot make decisions outside the Council's policy framework it does set its own budget, determines the level of harbour charges and has a capital spending limit of £25,000.

Up to fifteen people sit on the Harbour Committee: 9 voting members of the Council plus up to five external non-voting advisors appointed by the Committee on a four year term (maximum term 8 years). The external non-voting advisors are selected and appointed following a skills audit. Meetings are usually held every quarter with additional meetings as required; all are open to the public.

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

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

There are two bespoke stakeholder groups set up to give advice on day-to-day operational matters and to provide a conduit on such matters to the Harbour Committee. They are the Brixham Harbour Liaison Forum, and the Torquay/Paignton Harbour Liaison Forum. Both meet approximately two weeks prior to the Harbour Committee meetings. Their minutes are standing agenda items for the Harbour Committee.

The Government may provide further policy advice to Municipal Ports in future years but for now Torbay Council has created an accountable, expert and responsive form of governance and the harbour management has an appropriate level of independence and flexibility.

Although currently working well, the Council may consider alternative delivery options for its harbour authority governance function.

5. Strategic Objectives and Core Values

Links to Corporate and Community priorities and objectives.

This plan links directly and indirectly to the three targeted actions contained within the Council's **Corporate Plan**. These are:

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

Tor Bay Harbour Authority - Business Plan 2019/20

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

Overall Objective for Tor Bay Harbour Authority

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

Harbour Authority Priorities

1. Maintain safety
2. Improve customer experience
3. Stewardship of the harbour's built and natural environment
4. Engage with the community and harbour users
5. Encourage local prosperity
6. Achieve financial strength

Shared Torbay Council Core Values

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

6. Priorities, Outcomes and Actions

COUNCIL AMBITIONS – A HEALTHY BAY AND A PROSPEROUS BAY

PRIORITY No. 1: MAINTAIN SAFETY

The outcomes we want to achieve are:

- To fulfil the Council’s obligations as a Competent Harbour Authority
- To responsibly manage safety of navigation, and overall harbour safety, through the enforcement of applicable byelaws and appropriate legislation
- To comply with the Port Marine Safety Code through the use of a robust Marine Safety Management System

ACTIONS	Timescale	Who
Provide the Harbour Committee with a summary of accident & incident data	Quarterly	Harbour Master
Pass annual audit / inspection from Trinity House and file quarterly reports	Quarterly	Harbour Master
Issue local Notices to Mariners and enforce Harbour Byelaws	As required	DHMs
Review and exercise the Tor Bay Harbour Emergency Response Plan	April	Harbour Master
Lay seasonal 5-knot buoys & navigational marks	May	DHM Torquay
Manage a seasonal beach / harbour response craft	May to September	DHM Torquay
Implement the Safety Management System Improvement Plan	November	DHMs
Audit the Safety Management System and agree an Improvement Plan	December	DHMs
Improve fendering on MFV berths	September	DHM Brixham

COUNCIL AMBITIONS – A HEALTHY BAY AND A PROSPEROUS BAY

PRIORITY No. 2: IMPROVE CUSTOMER EXPERIENCE

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
Continue benchmarking via the British Ports Association, UK Harbour Masters Association, RYA, BMF & SW Regional Ports Association	Ongoing	Harbour Master
Review the Tor Bay Harbour Operational Moorings Policy	March	Business Manager
Monitor and support staff through induction and appraisal reviews (RADARs)	March/April	All Managers
Complete Equality Impact Assessments	November	HM Paignton
Implement Equality Impact Assessment Improvement Plans	November	All Managers

COUNCIL AMBITIONS – A HEALTHY BAY AND A PROSPEROUS BAY

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

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
Work with partners to help deliver the English Riviera Destination Management Plan	2017 ~ 2021	Harbour Committee, all Managers
Influence decision making over the management measures of the new Special Area of Conservation in Tor Bay	Ongoing	Harbour Committee
Attend meetings with other coastal zone stakeholders. (Inshore Fisheries and Conservation Authority (IFCA), Torbay Coast & Countryside Trust, Devon Maritime Forum)	Ongoing	Chairman, Vice Chairman, Harbour Master, DHMs
Distribute information on good practice and regulations to boat owners (Green Blue Initiative) – improve recycling and reduce carbon emissions	Ongoing	Harbour Masters
Refurbishment of Harbour Light building	Ongoing	HM Paignton
Help provide appropriate sea/flood defences and raise awareness of sea level rise	Ongoing	Harbour Committee, TBC & EA
Support the implementation of the Coastal Zone Management Plan for Torbay	Ongoing	Harbour Masters
Replacement of Beacon Quay decking	April	DHM Torquay
Oxen Cove shellfish jetty (MMO licence permitting)	April-Sept	TDA

COUNCIL AMBITIONS – A HEALTHY BAY AND A PROSPEROUS BAY

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

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
Support and engage with the local Coastal Partnerships	Ongoing	Harbour Master, DHMs
Improve understanding of the work of the Harbour Authority through talks, boat trips, open days, etc.	Ongoing	All Managers
Continue to encourage young people to engage in marine activities	As required	All Managers
Hold quarterly meetings with harbour users & stakeholders (Liaison Forums)	Quarterly	Harbour Master

Tor Bay Harbour Authority - Business Plan 2019/20

COUNCIL AMBITIONS – A HEALTHY BAY AND A PROSPEROUS BAY

PRIORITY No. 5: ENCOURAGE LOCAL PROSPERITY

The outcomes we want to achieve are:

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

ACTIONS	Timescale	Who
Contribute to tourism by working to support event organisers	Ongoing	All Harbour Staff
Work collaboratively with the English Riviera BID Company Ltd, especially in respect of marketing and promoting Tor Bay Harbour	Ongoing	Harbour Masters & ERBC
Work with the Economic Development Company (TDA), the Local Enterprise Partnership (LEP), the Mayor and the Council to maximise the potential benefits of marine/waterfront projects	Ongoing	Executive Head & Harbour Committee
Identify potential grant funding opportunities, including any new European funding programmes and Environment Agency flood defence options	Ongoing	Harbour Master & TDA
Work with the Economic Development Company (TDA) and the Local Enterprise Partnership (LEP) to help deliver the Marine Economy Action Plan, including projects like the Fish Processing Park and marine related development at Oxen Cove	Ongoing	Executive Head & Harbour Committee
Produce a schedule of Maritime Events	January	HM Paignton
Investigate (with stakeholders) options to improve management of the Fish Market complex	March	Harbour Committee, HM, DHM Brixham
Agree the Tor Bay Harbour Authority Business Plan	March	Harbour Committee
Contribute to tourism by providing visitor mooring facilities	May ~ Oct	Harbour Masters

COUNCIL AMBITIONS – A HEALTHY BAY AND A PROSPEROUS BAY

PRIORITY No. 6: ACHIEVE FINANCIAL STRENGTH

The outcomes we want to achieve are:

- **Effective financial management of the harbour**
- **To remain self-financing**
- **Full occupancy of harbour facilities**
- **100% of harbour estate properties let**
- **Effective management of all harbour assets**
- **Effective management of business risks**

ACTIONS	Timescale	Who
Keep existing businesses and attract new activities, including direct and indirect marketing and promotion.	Ongoing	Harbour Master & Harbour Committee
Maximise harbour estate lettings occupancy	Ongoing	Business Manager
Undertake spot checks on fish landing declarations	Ongoing	Harbour Masters & Audit Officers
Monitor variation on budgeted income	Quarterly	Harbour Master & Harbour Committee
Monitor variation on budgeted expenditure	Quarterly	Harbour Master & Harbour Committee
Produce an Asset Management Plan for Tor Bay Harbour	March	Harbour Committee
Review the Audit Plan for Tor Bay Harbour Authority	June	Harbour Committee
Test and review a Tor Bay Harbour Business Continuity Plan	July	Business Manager
Review the Tor Bay Harbour Risk Register	September	All Managers
Set the Tor Bay Harbour Charges and Harbour Budget	December	Harbour Committee

Page 28

Key

TBC	Torbay Borough Council
ERBC	English Riviera BID Company
EA	Environment Agency
TDA	Torbay Development Agency (Economic Development Co.)

Tor Bay Harbour Authority - Business Plan 2019/20

7. Budget and Financial Planning							
Expenditure	2018/19 Base Budget £ ,000	2018/19 Projected Outturn £ ,000	2019/20 Current Budget £ ,000	2020/21 Provisional Budget £ ,000	2021/22 Provisional Budget £ ,000	2022/23 Provisional Budget £ ,000	2023/24 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
Rent Concessions	17	10	11	11	11	11	11
Other Operating Costs	580	606	585	592	602	612	622
Management and Administration :-							
Internal Support Services	162	177	175	179	183	186	190
External Support Services	51	46	47	48	49	50	51
Other Administration Costs	73	73	95	96	97	98	99
Capital Charges	498	498	498	593	593	593	593
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
Gain share contribution to General Fund		57	42	32	59	85	87
Contribution to Harbour Reserve			25	10	50	89	94
	3,064	3,269	3,254	3,348	3,465	3,505	3,542
Income							
Rents and Rights :-							
Property and Other Rents/Rights	594	559	549	549	586	591	591
Marina Rental	403	451	442	450	460	469	478
Operating Income :-							
Harbour Dues	152	148	151	154	157	160	163
Visitor and Slipway	55	63	64	65	66	67	68
Mooring fees	216	199	203	207	211	215	219
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
Fish Toll Income - Mussels	20	20	33	67	112	112	112
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
Other Income	143	132	133	156	159	162	165
	3,042	3,269	3,254	3,348	3,465	3,506	3,542
Operating Surplus /(Deficit)	(22)	0	0	0	0	0	0
RESERVE FUND							
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		717	666	618	609	638	672

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

Torbay Council continues to face significant pressures and in line with previous years the Harbour will contribute an asset rental and a dividend to the General Fund. These have been frozen at the levels set in 2018/19 and any trading surplus over £25K will be split via a gain-share arrangement with the Council 60%-40% in the Harbour's favour to enable the Harbour's reserve funds to be replenished

The Treasury Management Strategy 2019/20 is available on the Council's website. The combined balance of the Harbour Reserve Funds at 1st April 2018 was £717,000.

8. Targets and Performance Indicators

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

Brixham Harbour Fish Tolls

Year	Target	Actual	Status
2013/14	£650,000	£588,378	Below Target
2014/15	£650,000	£562,232	Well Below Target
2015/16	£510,000	£644,354	Well Above Target
2016/17	£571,000	£851,000	Well Above Target
2017/18	£571,000	£1.05m	Well Above Target
2018/19	£960,000	Estimated £960,000	On Target

Navigation Lights Availability

Year	Target	Actual	Status
2013/14	95%	99.99%	Well Above Target
2014/15	95%	99.91%	Well Above Target
2015/16	95%	99.85%	Well Above Target
2016/17	95%	99.45%	Well Above Target
2017/18	95%	98.4%	Well Above Target
2018/19	95%	Estimated 97.87%	Above Target

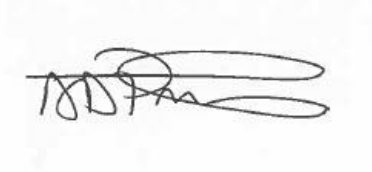
Harbour estate lettings occupancy

Year	Target	Actual	Status
2013/14	98%	98.31%	On Target
2014/15	98%	98.30%	On Target
2015/16	98%	98.30%	On Target
2016/17	98%	100%	On Target
2017/18	98%	100%	On Target
2018/19	98%	Estimated 98%	On Target

9. Business Plan Acceptance Statement

Business Plan Acceptance

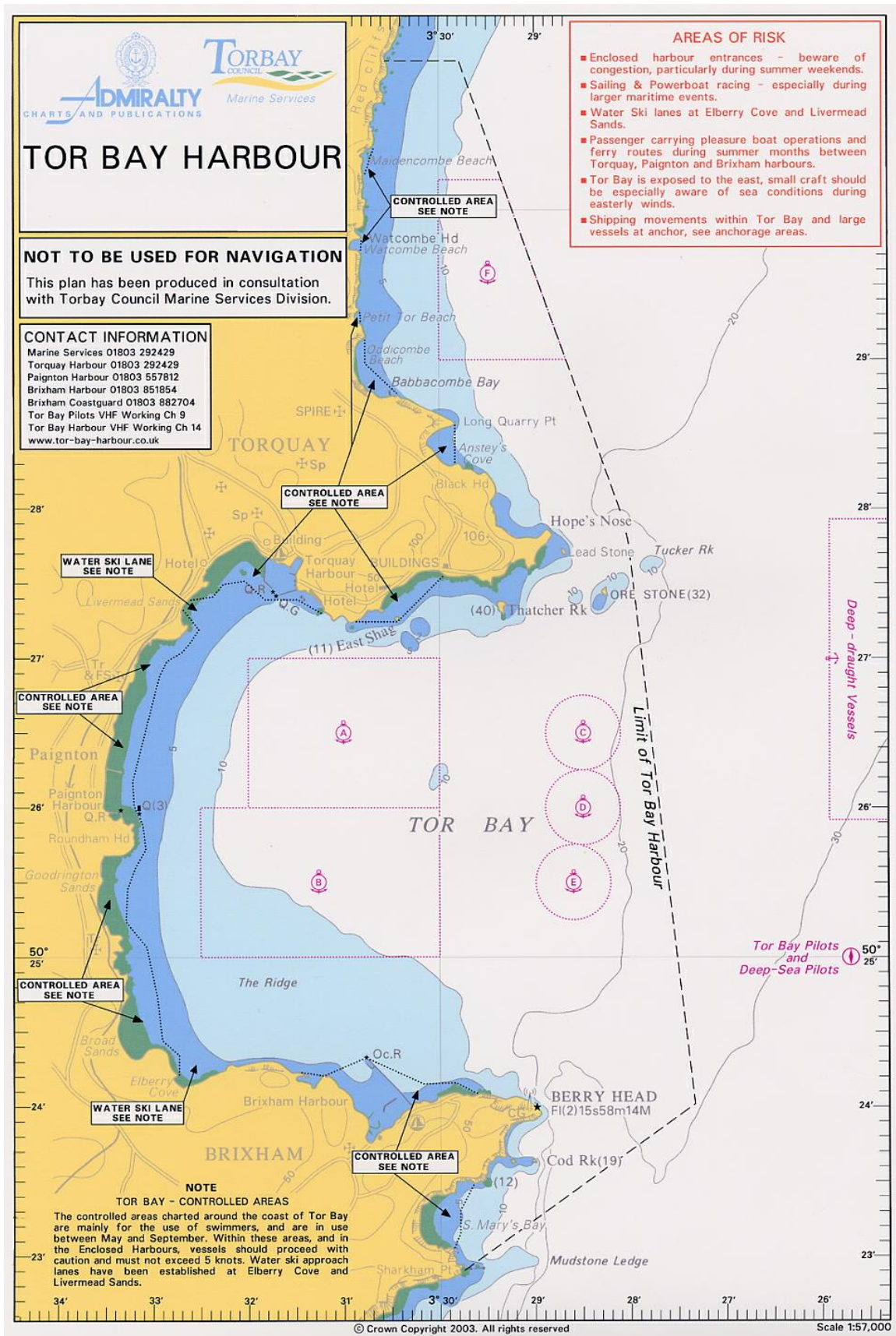
Service Area - Tor Bay Harbour Authority	Business Plan 2019/20
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Signed and accepted by Head of Tor Bay Harbour Authority & Tor Bay Harbour Master	<i>Print and Sign</i>  Captain Adam Parnell
	Date 18th March 2019

Signed and accepted by Harbour Committee Chairman	<i>Print and sign</i> Councillor Nick Bye
	Date 18th March 2019

APPENDIX 1

Plan of Tor Bay Harbour





Meeting: Harbour Committee

Date: 18 March 2019

Wards Affected: All

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

Is the decision a key decision? No

When does the decision need to be implemented? N/A

Executive Lead Contact Details: Non-Executive function

Supporting Officer Contact Details: Adam Parnell, Harbour Master, 01803 853321, adam.parnell@torbay.gov.uk

1. Proposal and Introduction

1.1 This report proposes changes to the Operational Moorings and Facilities Policy.

2. Reason for Proposal and associated financial commitment

2.1 The use of moorings, berths, boat park spaces, tender racks and storage lockers etc is governed by a variety of controlling factors including: local harbour legislation; harbour byelaws and the annual Facility Agreement terms and conditions. These are codified in the Operational Moorings and Facilities Policy, which is subject to annual review. Version 13 was adopted by the Harbour Committee in March 2018.

2.2 The policy ensures that a consistent, fair and equitable approach is applied to new, existing and potential facility users. The existing operational policy statement serves as a management tool but does not form part of the strategic policy framework set by Torbay Council.

2.3 There are no new financial commitments associated with the adoption of this policy.

3. Recommendation(s) / Proposed Decision

3.1 **That the Harbour Committee adopt the Operational Moorings and Facilities Policy version 14.**

Appendices

Appendix 1: Operational Moorings and Facilities Policy version 14.

Background Documents

Operational Moorings and Facilities Policy version 13.

TOR BAY HARBOUR AUTHORITY

OPERATIONAL MOORINGS AND FACILITIES
POLICY



Version ~ 14 February 2019

Tor Bay Harbour Authority

Operational Moorings and Facilities Policy

Introduction

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

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

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

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

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

Capt. Adam Parnell
Head of Tor Bay Harbour Authority
Tor Bay Harbour Master

<u>Contents</u>	Page No
Introduction	1
Definitions	4-5
Types of Mooring/facility	6
Facility Charges	6
Facilities Allocation	6-9
<ul style="list-style-type: none"> • Private Moorings/Facilities Waiting List • Waiting List Priority • Torquay Town Dock & Inner Dock Pontoons Priority • Commercial Moorings • Heritage Vessels • Boat Park Spaces • Duration of Facility Agreement • Renewal of Allocation • Cancellation/determination of Facility Agreement 	
Risk, Liability, Insurance Requirements and Recommendations	9-10
Vessels Injurious to the Amenity of the Harbour	10
Prohibitions on Assignment/Sub Letting of Facilities	10
Size of Vessel	11
Inheritance	11
Vessel Identification	11
Change of Vessel	11
Vessel not on Facility	11
Partnerships	11
Use of facilities	12
Fuel and refuelling	12
Pollution	12

Moorings and Vessel Protection	12-13
<ul style="list-style-type: none"> • Fitting of moorings • Buoyant rope • Removal of moorings • Vessel Monitoring • Propeller covers • Fendering 	
Mooring, Berthing and anchoring in the Harbour	13-14
<ul style="list-style-type: none"> • Vessels to be moored as directed • Vessels not to anchor in Fairway • Vessels not to make fast to unauthorised objects • Vessels not to obstruct free passage • Vessels to be properly secured • Vessels not to obstruct steps or slipways 	
Conduct	14
Compliance	14
Disabled Access	14
Young People	15
Visitor Moorings	15
Facility Form Agreement and conditions - Appendix 1	16-18
Waiting List Procedure – Appendix 2	19-20
Mooring Exchange Scheme - Torquay Town Dock & Inner Dock – Appendix 3	21-22

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

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

Types of Mooring/Facilities

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

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

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

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

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

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

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

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

Facility Charges

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

Facilities Allocation

Private Moorings/Facilities Waiting List

A mooring/facility can only be offered and allocated to the person whose name is next on the appropriate waiting list subject to the priority definitions below. A £25 non-refundable registration fee is required to join the waiting list and lists will be closed if they are over-subscribed. A procedure covering the waiting list can be found in Appendix 2. Under normal circumstances the applicant will only be given one offer of a facility. A second or third offer will only be made in exceptional

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

Waiting List Priority

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

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

Torquay Town Dock & Inner Dock pontoons Priority

The Town Dock and Inner Dock Pontoon waiting lists are closed when **30** names are registered for each band of berth size and when they are re-opened, names will only be accepted from those people with a primary address in the TQ1 to TQ5 postcode areas, on a first come first served basis, to be confirmed by a check of Council Tax records and/or Electoral Register information. Town Dock and Torquay Inner Dock Pontoon berths will only be allocated to people outside the TQ1 to TQ5 postcode areas if no waiting list exists.

Mooring Exchange Scheme - Torquay Town Dock & Inner Dock

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

Commercial Moorings - Waiting Lists

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

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

Given the obvious demand for this type of mooring and the significant contribution made by passenger carrying boats to the English Riviera tourism product, the Harbour Authority will operate a "use it or lose it" policy. If a commercial or

passenger boat owner does not put a vessel on the allocated mooring facility for two consecutive years, or in the view of the Harbour Master the commercial vessel is only infrequently and irregularly operated, the mooring facility will be allocated to the next appropriate applicant on the waiting list. In this context, a commercial vessel operated for fewer than 10 days in a year would be considered to be infrequently or irregularly operated.

Facilities for Heritage Vessels

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

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

Boat Park Spaces

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

Duration of Facility Agreement

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

Renewal of Allocated Facility

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

The Council will, upon receipt of payment allocate a facility to the applicant as described in the Facility Charge Details in a location in Tor Bay Harbour determined at the discretion of the Harbour Master. The Harbour Master may at any time designate to the facility holder an alternative location for such a facility, whereupon the applicant will move their vessel and/or any other possessions or chattels from the previous location to the appointed new location for such a facility forthwith.

Cancellation of Facility Form Agreement

The facility holder may terminate the Facility Form Agreement by giving 14 days' notice in writing to the Council. However, the fee already paid may be retained by the Council where no latent demand exists.

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

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

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

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

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

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

The facility holder shall at all times be responsible for the safety of his/her vessel and shall be liable for any damage occasioned to the Council's property, howsoever caused, during the navigation of any vessel by the applicant or his/her servant or agents, or whilst the applicant's vessel is berthed, moored, or launched, or by the vessel slipping her berth, mooring or being cast adrift and will pay to the Council on demand any claim for reasonable compensation in respect of such damage.

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

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

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

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

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

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

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

The facility is personal to facility holder and may not be shared, assigned, transferred, sub-let or otherwise used or made available to anyone other than the facility holder. In the event that it is discovered that a facility holder is sub-letting the facility will be withdrawn with immediate effect. (This includes the renting of beds/berths on board vessels whilst using harbour facilities. e.g. via websites such as www.bedsonboard.com and www.airbnb.co.uk).

The facility granted may not be loaned without prior notification to, and agreement of, the Harbour Master in writing. Written notification must also be provided to the Harbour Master from both parties to the loan. If the Harbour Master's consent is obtained, in no circumstances will this be given for a period greater than 12 months. In agreed loan circumstances the owner of the vessel borrowing the facility must confirm that he holds the necessary required insurance, confirm acceptance of all conditions and Byelaws and be liable for the appropriate level of harbour dues.

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

Size of Vessel (Facility Agreement Conditions 17)

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

Inheritance

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

Vessel Identification (Byelaw 35)

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

Change of Vessel (Byelaw 33)

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

Vessel Not On Facility

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

Partnerships

Partnerships must have been registered with the Harbour Authority when the facility was first allocated. Any subsequent changes of ownership or partnership buy out **will not be recognised** or count towards facility allocation. The Harbour Authority will not recognise shared ownership beyond one third. i.e. a maximum of three partners inclusive of the applicant. All partners must be over the age of 18 and meet the local residence requirements detailed in this policy with regard to facility allocation priority.

Use of Facilities

Facilities must only be used for the purposes stated in the original application.

Vessels using facilities must not be used for residential purposes. i.e. no living on board is permitted and boats must not serve as the sole or main residence of any individual or group. Customers are not expected to sleep on board their craft, whilst berthed in the harbour, unless that vessel has a suitable manufacturers holding tank for grey water and sewage. Facilities will be withdrawn from those customers who regularly breach this expectation. Customers are not permitted to rent any beds/berths on board their vessels. e.g. via websites such as www.bedsonboard.com and www.airbnb.co.uk. Such activity will be seen as sub-letting and facilities will be withdrawn from those customers who breach this condition.

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

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

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

Fuel and Re fuelling

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

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

Any fuel spillage must be reported to the Harbour Master

Pollution (Byelaw 91 and Byelaw 102)

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

Moorings and Vessel Protection

Fitting of Moorings (Facility Agreement Condition 16)

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

Harbour Master of the fact. The applicant shall also arrange for regular inspection and maintenance of such equipment not provided by the Council.

Buoyant Rope (Byelaw 98)

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

Removal of Moorings (Byelaw 100)

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

Vessel Monitoring

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

Propeller Covers (Facility Agreement Conditions 22)

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

Provision of Proper Fenders (Byelaw 46)

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

Mooring, Berthing, Anchoring in the Harbour

Vessels to be moored etc as directed

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

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

No person shall anchor so as to obstruct a fairway.

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

The master of a vessel shall not make fast his/her vessel to or lie against any buoy, beacon or mark used for navigation. No person shall make a vessel fast to or interfere with any post, quay, ring, fender or any other thing or place not assigned for that purpose.

Vessels not to Obstruct Free Passage

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

Vessels to be Properly Secured

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

Vessels Not to Obstruct Steps, Slipways (Byelaw 26)

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

Reckless Conduct and Disorderly Behaviour

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

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

Compliance with Statute, Byelaws and Directions of the Harbour Master

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

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

Disabled Access

The Harbour Authority provide a range of moorings and other facilities, which by their very nature, have various forms of access. Consideration has been given to providing facilities for disabled persons, wherever this is reasonably practicable, in accordance with the Disability Discrimination Act 1995/2005 (DDA). The Harbour Authority is obliged to make such adjustments as is reasonable to prevent disabled persons from being placed at a substantial disadvantage when compared to others. Anyone who has a disability should assess the most suitable facility that meets their needs and if necessary join the relevant waiting list. The Harbour Authority staff can provide advice to anyone who is uncertain about which facility would be the most appropriate.

Young People

Young people are encouraged to use the harbour facilities and in certain circumstances they will be eligible for a 50% discount on applicable harbour charges.

Please see the current 'Tor Bay Harbour Authority Schedule of Charges, Dues & Fees' for details. Unfortunately it is not lawful for the Harbour Authority to enter into a contract with a minor (under 18 years of age) and the facility form agreement will therefore be in the name of a responsible adult. Please note that this discount is discretionary.

Visitor Moorings

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

Appendix 1

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

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

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

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

18. No attachment whatsoever is to be affixed to the mooring chain provided by the Council, without the prior approval of the Harbour Master.
19. Outboard engines must be in a raised position when vessel(s) are moored and have the propeller and skeg covered with a plastic bucket or other approved protective cover, in order to prevent damage to other boats.
20. The storage of petroleum spirit and / or flammable substances and / or toxic chemicals and / or corrosive substances and / or noxious substances in storage lockers, is strictly prohibited.

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

Enquires, Arrangements to Pay & Failure to Pay

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

Fair Processing Notice

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

Appendix 2

WAITING LISTS

TOR BAY HARBOUR

WAITING LIST PROCEDURE

- 1) The waiting list registration fee is **£25** for private berths and £50 for commercial berths. On receipt of the appropriate fee, your name will be placed on the relevant list. Please make cheques payable to 'Torbay Council'.
- 2) The waiting list entry will be dated the same day the fee is received.
- 3) The registration fee is **NOT REFUNDABLE OR TRANSFERABLE**.
- 4) Under normal circumstances the applicant will only be given one offer of a facility. A second or third offer will only be made in exceptional circumstances. All applicants will have their name removed from the list if they have declined three offers of a harbour facility.
- 5) When a facility is offered and accepted, it can only be allocated to the person whose name is on the waiting list. The facility is **NOT TRANSFERABLE**.
- 6) When a facility is offered and accepted and no boat is immediately available, then the applicant **must pay the full fee** for the size of facility applied for, and then has twelve months to place their craft on the facility.
- 7) Often a waiting list will be banded dependent on the size of the facility. It is therefore important that applicants are certain about the size of facility required. The length entered on the waiting list form will not be adjusted up at a later date and an adjustment down in size may result in a transfer to a new list with a new entry date.
- 8) Applicants who live locally will be given priority over those applicants who live outside the Torbay area. (see the Tor Bay Harbour Operational Moorings and Facility Policy)
- 9) Unfortunately applicants who have a disability do not have priority over other people on the waiting list.
- 10) From time to time applicants will be asked to provide written confirmation of their wish to stay on a particular waiting list. The applicant's details will be deleted from our records if written confirmation is **not** provided.
- 11) It is the applicant's responsibility to keep us advised of any change in the applicant's details, especially any **change of address**.
- 12) The terms and conditions of use of any facility are shown on the reverse side of any invoice/facility form agreement and are also found within the Tor Bay

Harbour Operational Moorings and Facility Policy.

- 13) Partnerships must have been registered with the Harbour Authority when the facility was first allocated. Any subsequent changes of ownership or partnership buy out **will not be recognised** or count towards facility allocation. The Harbour Authority will not recognise shared ownership beyond one third. i.e. a maximum of three partners inclusive of the applicant. All partners must be over the age of 18 and meet the local residence requirements detailed in this policy with regard to facility allocation priority.

Note

Torquay Town Dock & Inner Dock pontoons Priority

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

Appendix 3

Mooring Exchange Scheme - Torquay Town Dock & Inner Dock

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

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

The 12 metre berths will not feature in this scheme.

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

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

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

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

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

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

Step 1

Complete form for existing berth to *move from*

Step 2

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

Step 3

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

Step 4

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

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



Mooring Exchange Scheme – Application

(TOWN DOCK & INNER DOCK ONLY)

Name:

Boat Name:

LOA

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

I wish to move to a :- (circle)

6m **8m** **9.14m** **10m** berth.

Signature

Date

Please return completed form to the Harbour Office



Meeting: Harbour Committee

Date: 18 March 2019

Wards Affected: All

Report Title: Request for allocation of reserves to progress Brixham Improvement Scheme

Is the decision a key decision? No

When does the decision need to be implemented? N/A

Executive Lead Contact Details: Non-Executive function

Supporting Officer Contact Details: Adam Parnell, Harbour Master, 01803 853321, adam.parnell@torbay.gov.uk

1. Proposal and Introduction

1.1 This report seeks Harbour Committee approval to earmark £25k of Harbour revenue reserves to progress the detailed business case for the proposed Brixham Harbour improvement scheme

2. Reason for Proposal and associated financial commitment

2.1 At its 21 February meeting the Council unanimously agreed to support the principle of a capital infrastructure investment scheme, including inter alia a northern arm floating breakwater, and instructed the Interim Director of Place to prepare a detailed business case including all available grant funding opportunities (ref: decision 180/19).

2.2 The development of a detailed business case will incur costs, eg for site investigations or wave modelling, and this report proposes that a sum of £25k be allocated from the Harbour's revenue reserve for this purpose.

3. Recommendation(s) / Proposed Decision

3.1 **That the Harbour Committee authorise the Tor Bay Harbour Master to exercise his delegated powers and allocate £25,000 of Harbour revenue reserves for the purposes of developing a detailed business case for the Brixham Harbour improvement scheme.**

Background Documents

Minutes of the Council meeting 21 February 2019



Meeting: Harbour Committee

Date: 18 March 2019

Wards Affected: All

Report Title: Water Metering Brixham Harbour

Is the decision a key decision? No

When does the decision need to be implemented? N/A

Executive Lead Contact Details: Non-Executive function

Supporting Officer Contact Details: Adam Parnell, Harbour Master, 01803 853321, adam.parnell@torbay.gov.uk

1. Proposal and Introduction

- 1.1 This report proposes that the Harbour Authority extends the metered 'pay as you use' system which is currently employed to supply electricity to also include the provision of water. This is both a fairer means of charging customers for resource consumption as well as a means to encourage greater resource conservation.

2. Reason for Proposal and associated financial commitment

- 2.1 Brixham Harbour currently pays a circa £90,000 per annum for water used on the main site, it is estimated that 75% of this water is used by the harbour users. In previous years Tor Bay Harbour have implemented a set charge to vessels (the charges are grouped depending on size of vessel). This charge has only used where commercial vessels are filling fresh water tanks, it is an inaccurate and ineffective way of capturing the water used with many harbour users not being able to be charged at all.
- 2.2 The option of expanding the MeterMACS system to include the water has been identified as the most cost efficient and effective way of reducing costs, waste and recharging the amounts used by harbour users accurately.
- 2.3 A related issue exists in that the current water supply to the East Quay does not currently comply with the Water Supply Regulations 1999 because there is not a 'break tank'; these introduce an air gap between the taps and the mains water supply to prevent water backing into and contaminating the mains supply.
- 2.4 If approved, this proposal sees the introduction of a metered water supply and installation of 'break tanks' at a cost of £110,000 taken from Harbour Revenue Reserves. It is expected that this cost would be recouped within 2 years from customer recharges.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Harbour Committee authorise the Tor Bay Harbour Master to exercise his delegated powers to allocate £110,000 from Harbour Revenue Reserves to extend the MeterMACS system to introduce water metering at Brixham Harbour.**

Background Documents

None

Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>1.1 This proposal would extend the existing MeterMACS chargeable metered electrical supply control system to additionally include the metered and chargeable supply of water around the Fish Quay in Brixham harbour.</p> <p>1.2 When the MeterMACS system was introduced and customers charged for the electricity that they consumed, the costs to the Harbour Authority were greatly reduced and the overall consumption of electricity around the estate similarly decreased. In effect, customers were incentivised to be more energy efficient. It is envisaged that this would similarly be the result of expanding the system to meter and charge for water use.</p>
2.	<p>What is the current situation?</p> <p>2.1 The Harbour Authority provides water and electricity through access points around the Fish Quay for the benefit of commercial fishing vessels and other harbour users. While the electricity supply is metered, this is not the case for the water supply, the consumption of which is consequently uncontrolled. In previous years Tor Bay Harbour have implemented a set charge to vessels (the charges are grouped depending on size of vessel). This charge has only been used where commercial vessels are filling fresh water tanks, it is an inaccurate and ineffective way of capturing the water used with many harbour users not being able to be charged at all.</p> <p>2.2 Brixham Harbour currently pays a circa £90,000 per annum for water used on the main site, it is estimated that 75% of this water is used by the harbour users, meaning that potentially £67,500 could be recouped annually.</p>
3.	<p>What options have been considered?</p> <p>The following options have been considered:</p> <ul style="list-style-type: none">- Do nothing. Tor Bay Harbour Authority continues to be responsible for high water charges and harbour users are not encouraged to be responsible for wasting water.- Extend the MeterMACS system to encompass the metered supply of water. Harbour users would be accurately charged on a 'pay as you use' basis for their water. This would significantly reduce the Harbour Authority's outgoings and encourage water efficiency measures among customers.

4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>This project directly contributes to the following Corporate Plan principle of ‘using reducing resources to best effect’. Better cost recovery of utility supplies will not only assist Tor Bay Council finances but will also incentivise reduced resource use.</p>
5.	<p>How does this proposal contribute towards the Council’s responsibilities as corporate parents?</p> <p>Not applicable.</p>
6.	<p>How does this proposal tackle deprivation?</p> <p>Not applicable.</p>
7.	<p>How does this proposal tackle inequalities?</p> <p>This project will ensure that costs for water use are properly assigned to the consumer rather than shared across all harbour users</p>
8.	<p>How does the proposal impact on people with learning disabilities?</p> <p>Not applicable.</p>
9.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>This proposal affects all users of water in Brixham harbour. This proposal has been discussed at Harbour Liaison Forum meetings and with commercial fishing representatives. Commercial fishermen were also informed about this proposal by writing.</p>
10.	<p>How will you propose to consult?</p> <p>Consultation has already taken place as described above.</p>

Section 2: Implications and Impact Assessment

11.	<p>What are the financial and legal implications?</p> <p>Legal The Council, as the nominated Statutory Harbour Authority in the Tor Bay Harbour Act 1970, has <i>inter alia</i> a duty to ensure the following:</p> <ul style="list-style-type: none"> To provide, conserve, maintain and improve the harbour and services and facilities afforded therein [s6 Tor Bay Harbour Act 1970];
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	<ul style="list-style-type: none"> • A general duty to exercise its functions with regard to nature conservation and other environmental considerations [s48A Harbours Act 1964]. <p>The key provisions in local legislation regarding to the Authority's works powers are:</p> <ul style="list-style-type: none"> • Tor Bay Harbour Act 1970: <ul style="list-style-type: none"> ○ S13: works in the harbour; <p>Financial</p> <p>The costs associated with this report will be recouped within 2 years of system installation through more accurate recharging of water consumption.</p>
12.	<p>What are the risks?</p> <p>If this proposal is not taken forward there is a risk that Harbour Authority costs will continue to rise unchecked.</p>
13.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable</p>
14.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <ul style="list-style-type: none"> • Analysis of historic spending norms on utilities • TDA consultation and investigative work feedback; • Inspection reports; • Stakeholder consultation feedback.
15.	<p>What are key findings from the consultation you have carried out?</p> <ul style="list-style-type: none"> • The expansion of the MeterMACS system is the most cost-efficient and effective means of achieving these ambitions
16.	<p>Amendments to Proposal / Mitigating Actions</p> <p>None.</p>



Meeting: Harbour Committee

Date: 18th March 2019

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**

 **Telephone: 01803 853321/851854**

 **E.mail: adam.parnell@torbay.gov.uk**

Pete Truman

Principal Accountant

 **Telephone: 01803 207302**

 **E.mail: pete.truman@torbay.gov.uk**

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 February 2019 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. the Harbour Master's use of delegated powers to waive certain harbour charges which to date amounts to £6,250

2. Summary

- 2.1 The Tor Bay Harbour Authority budget for 2018/19 was approved 5th December 2017.
- 2.2 Fish toll levels have fallen back over the winter months but will still produce the second highest annual yield on record. Marina rental income is exceeding the forecasts. Surplus income is funding substantial maintenance works to the mooring infrastructure at Brixham Harbour and additional fish market waste costs. Full 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 2018 and detailed in the separate Harbour Charges and Budget 2019/20 report presented to Harbour Committee in December 2018.
- 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:

	£000
Original Budget (deficit) 2018/19	(22)
Revised Budget (surplus) 2018/19*	57
Projected Deficit 2018/19*	44
<i>* to be transferred to the General Fund</i>	

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

	Total Budget	Actual to Date (including prior years)	Projected Outturn	Notes
	£000	£000	£000	
Torquay Outer Harbour Pontoons	263	280	280	(i)
Oxen Cove Jetty	1,967	585	1,967	(ii)
North Quay Brixham Fendering	300	90	300	(iii)
Victoria Breakwater	3,853	1,455	3,893	(iv)
Harbour Light Restaurant Redevelopment	600	75	600	(v)

- (i) Additional costs relating to the ferry pontoon will be covered by an insurance claim.
- (ii) MMO licence approval has now been obtained.
- (iii) Fenders are on order and awaiting delivery.
- (iv) Works commenced in the last week of November 2018
- (v) The property is fully vacated and planning submissions are expected in April 2019.

3.6 The Harbour's liability for prudential borrowing is detailed below.

Capital Scheme	Amount Borrowed	Start of Repayments	Principal outstanding
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
	TOTAL		£6,312,841

3.5 The debt position of the Harbour at the end of February 2019 is set out below:

	Corporate Debtor System		Harbour Charges	
	Unpaid by up to 60 days	Unpaid over 60 days	Unpaid by up to 60 days	Unpaid over 60 days
Debt outstanding	£26k	£48k	£28k	£14k
Bad Debt Provision	£37k			

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. For 2018/19 waivers approved to date total £6,250.

Appendices

Appendix 1 Harbour Revenue Accounts for 2018/19

Additional Information

None

Appendix 1

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	632	619	1
Operations and Maintenance :-				
Repairs and Maintenance	216	343	345	2
Rent/User charges Concessions	17	10	10	
Other Operating Costs	580	606	597	3
Management and Administration :-				
Internal Support Services	162	177	177	4
External Support Services	51	46	45	
Other Administration Costs	73	73	79	
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	57	44	5
	<u>3,064</u>	<u>3,269</u>	<u>3,241</u>	
Income				
Rents and Rights :-				
Property and Other Rents/Rights	594	559	583	6
Marina Rental	403	451	451	7
Operating Income :-				
Harbour Dues	152	148	161	8
Visitor and Slipway	55	63	63	
Mooring fees	216	199	203	8
Town Dock	313	313	313	
Torquay Inner Harbour Pontoons	263	263	263	
Fish Toll Income	775	1,000	900	9
Boat and Trailer parking	43	45	45	
Recharged Services	81	96	113	10
Other Income	147	132	146	11
	<u>3,042</u>	<u>3,269</u>	<u>3,241</u>	
Operating Surplus /(Deficit)	<u>(22)</u>	<u>0</u>	<u>0</u>	
RESERVE FUND				
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 Existing career break cover arrangements ended earlier than originally intended and savings have resulted from contracts ending. The Head of Torbay Harbour Authority is seeking to increase the current establishment going forward.
- 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 It is recommended that any surplus on the Harbour Account 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 but rent reviews of various properties had limited the shortfall to the original budget.
- 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.
The position has been recovered by increased charging for Princess Pier berthings at Torquay.
- 9 The target level for fish tolls was increased by the Head of Tor Bay Harbour Authority based on recent operating levels and discussions with the fishing industry. Income levels fell compared to 2017/18 over November, December and January and will likely fall a little short of the revised target this year.
- 10 Increased income is expected from recharging for trade waste (see note 3), electricity and insurance and this has now exceeded the revised target.
- 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) and has been reversed by further licensing related income.



Meeting: Harbour Committee

Date: 18 March 2019

Wards Affected: All

Report Title: Enforcement and Prosecution Policy

Is the decision a key decision? No

When does the decision need to be implemented? N/A

Executive Lead Contact Details: Non-Executive function

Supporting Officer Contact Details: Adam Parnell, Harbour Master, 01803 853321, adam.parnell@torbay.gov.uk

1. Proposal and Introduction

1.1 Tor Bay Harbour Authority has for a number of years published an enforcement and prosecution policy, which is regularly reviewed by the Harbour Committee. This report updates the Committee on the policy and seeks their re-endorsement thereof.

2. Reason for Proposal and associated financial commitment

2.1 The Tor Bay Harbour Authority has statutory powers to regulate the conduct and movement of vessels within Tor Bay Harbour, and to assist in managing the risks of marine operations. It also has the power to make and enforce byelaws and harbour directions, and to initiate prosecutions if these are transgressed in order to protect the safety of harbour users.

2.2 The original enforcement and prosecution policy was published in 2004 and periodically reviewed by the Harbour Committee thereafter; the latest occasion being 2014. It is thus timely that the policy is again reviewed and endorsed.

2.3 The adoption of a clearly stated Enforcement and Prosecution Policy will enhance the Council's reputation for transparency and accountability in respect of its delivery of its harbour authority function

2.4 There are no new financial commitments associated with the adoption of this plan.

3. Recommendation(s) / Proposed Decision

3.1 **That the Harbour Committee note and approve the enforcement and prosecution policy.**

Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>1.1 The Harbour Authority has statutory powers 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 appropriate.</p> <p>1.2 Adoption of a clearly stated Enforcement and Prosecution Policy will assist harbour stakeholders understand our approach to crime and disorder within the limits of the harbour. Furthermore it should reduce or eliminate any unlawful discrimination, direct or indirect, regarding enforcement and prosecution action undertaken by the harbour authority.</p> <p>1.3 The existing policy was last reviewed since 2014 and it is thus deemed timely that it again be scrutinised by the Harbour Committee.</p>
2.	<p>What is the current situation?</p> <p>2.1 The purpose of any enforcement action is to protect the safety of residents, harbour users and visitors to Tor Bay Harbour. The Harbour Authority has the options of negotiation, education and persuasion and, where a criminal offence has occurred, of cautioning or prosecuting the offender.</p> <p>2.2 The Enforcement and Prosecution Policy covers the following areas ;-</p> <ul style="list-style-type: none">• Aims of the Policy• Guiding Principles• Clear Standards Consistency• Targeting & Proportionality• Monitoring
3.	<p>What options have been considered?</p> <ul style="list-style-type: none">- To continue with the existing policy. Although there are no proposed changes, the reliance on an increasingly aged policy could diminish our credibility in any future court action.- To no longer publish an enforcement and prosecution policy. This is not recommended as it would not be considered best practice.
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>Not applicable.</p>

5.	<p>How does this proposal contribute towards the Council's responsibilities as corporate parents?</p> <p>The publication of a clear and concise policy contributes towards our responsibilities as corporate parents by articulating the expected standards.</p>
6.	<p>How does this proposal tackle deprivation?</p> <p>Not applicable.</p>
7.	<p>How does this proposal tackle inequalities?</p> <p>The use of a published enforcement and prosecution policy, which is uniformly, equitably and transparently applied will mitigate against any inequalities arising from enforcement or prosecution.</p>
8.	<p>How does the proposal impact on people with learning disabilities?</p> <p>Not applicable</p>
9.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>The Enforcement and Prosecution Policy is a well-established policy that has been available to the public, via the website, for many years. As there are no meaningful nature, no external consultation has been undertaken.</p>
10.	<p>How will you propose to consult?</p> <p>Using existing consultation channels such as the Harbour Fora.</p>

Section 2: Implications and Impact Assessment

11.	<p>What are the financial and legal implications?</p> <p>Legal The Council, as the nominated Statutory Harbour Authority, has <i>inter alia</i> powers arising from:</p> <ul style="list-style-type: none"> • Tor Bay Harbour Act 1970; • Harbour Docks & Piers Clauses Act 1847; • Harbours Act 1964; • Tor Bay Harbour Byelaws 1994. <p>Financial</p> <p>There are no new financial commitments arising as a result of this report</p>
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12.	<p>What are the risks?</p> <p>Without an enforcement and prosecution policy it will be more difficult to defend decisions as to whether to pursue prosecutions as well as rebutting accusations of bias or inequality when dealing with transgressors.</p>
13.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable</p>
14.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <ul style="list-style-type: none"> • Documentary review of extant legislation and regulations; • Stakeholder consultation feedback.
15.	<p>What are key findings from the consultation you have carried out?</p> <ul style="list-style-type: none"> • The current enforcement and prosecution policy is appropriate for Tor Bay Harbour.
16.	<p>Amendments to Proposal / Mitigating Actions</p> <p>None.</p>

Appendix 1: The Tor Bay Harbour Authority Enforcement and Prosecution Policy.

Background Documents

None



TOR BAY HARBOUR AUTHORITY

ENFORCEMENT POLICY

Introduction

The purpose of enforcement is to regulate the use of the harbour and harbour estate to enable business to be conducted efficiently and safely, thereby protecting harbour users, local residents and visitors to Tor Bay Harbour and safeguarding the environment. Enforcement is a very broad term which covers a large spectrum of work and includes offering advice and information through to bringing prosecutions for more serious offences.

This policy details the standards and guidance that will apply when officers undertake their regulatory duties.

Aims

The Harbour Authority:

- Seeks to achieve compliance in a fair, consistent, proportional, transparent and targeted manner;
- Has a clear, open and helpful approach to enforcement;
- Targets enforcement resources at areas of highest risk, including non-compliant businesses and individuals;
- Conducts itself in a way that supports those they regulate to comply and improve;
- Acts in accordance with national guidance and standards, and other supplementary local policies.

Guiding Principles

The Harbour Authority adheres to these principles when undertaking its regulatory and enforcement role:

- Enforcement action will be impartial and objective, and will not be influenced by race, gender, politics, sexual orientation, disability or religious beliefs of any alleged offender, victim or witness;
- Decisions will not be affected by improper or undue pressure from any source;
- The Harbour Authority believes that the majority of individuals and businesses wish to comply with legal requirements, and should be assisted to do so;

- We will give positive feedback wherever possible, to encourage and reinforce good practices;
- The Authority's actions will be proportionate to the scale, seriousness and intention of any non-compliance;
- There will be consistency of enforcement, whilst recognising that there are different, satisfactory solutions to each issue. We will refrain from being over-prescriptive whenever possible;
- We will provide a variety of opportunities for those we regulate to engage with us;
- This policy is built around a process of escalation. Except in the most serious cases such as a serious breach or where advice/warnings have not been heeded, adequate opportunity will be given to rectify non-compliance before formal legal action commences;
- Prosecution will normally only be considered where it is in the public interest to do so and where there have been serious breaches or where other enforcement measures have failed;
- Regard shall be had to the relevant legislation and codes of practice which protect the rights of the individual and guide enforcement action (e.g. Human Rights Act, Code for Crown Prosecutors, Regulators Code);
- Regard shall be had to the Council/Harbour Authority's own policies in respect of Customer Care, Equal Opportunities, etc.

Clear Standards

- Matters relating to enforcement and regulation will be dealt with promptly;
- Officers will announce themselves on arrival and show identification (unless they are already well known to the person). Officers will always explain the purpose of their visit/enquiry;
- Officers will provide their name and contact details to those persons or businesses with whom they are in contact concerning a regulatory or enforcement matter;
- Complaints relating to enforcement or regulatory matters will normally only be dealt with if the name and address of the complainant is given. Any such identification will be treated in confidence, but may need to be disclosed (with prior consent) should formal legal proceedings be taken against the person or business to which the complaint relates. Anonymous complaints may however be investigated if the matter relates to a serious health & safety or navigational issue. etc;
- Officers cannot act as consultants or legal advisors to individuals or businesses, but are permitted to discuss general issues or matters of specific enforcement with the aim of assisting or guiding compliance;
- Officers will be professional, courteous and helpful in their conduct of regulatory or enforcement matters, and wherever possible will seek to work with individuals and businesses towards compliance;

- Officers will provide advice in a clear and simple manner and where any corrective or remedial action is necessary, an explanation will be given as to why it is necessary, and over what timescale it is required. Where non-compliance may result in further enforcement action or prosecution the matter will normally be confirmed in writing by way of a “Formal Warning”;
- Where necessary, we will provide leaflets and other information in languages other than English to assist individuals in complying with our requirements and recommendations;
- Officers will generally seek an informal resolution to cases of non-compliance except where immediate formal enforcement action is required. (e.g. serious issues relating to the safety of the harbour or harbour estate, including the control of pollution, etc);
- Where there is known to be an involvement of any other enforcement agency, or any case involves joint enforcement arrangements, the Harbour Authority will consult and share intelligence with that other agency prior to taking any formal enforcement action;
- Where any charges or fees are to be levied for a service, individuals and businesses will be informed of the cost or rate of charge prior to the service being provided. All fees and charges are published on the Tor Bay Harbour website;
- Any dissatisfaction with the quality and/or advice given or any complaint concerning the harbour authority’s failure to comply with procedures, rules, statutory obligation or published service standards will be dealt with under the Council’s Corporate Complaint procedure. Copies of this procedure are available from offices of the Council, or by accessing the Council’s Website (www.torbay.gov.uk).

Consistency

Consistent enforcement action is desirable, but uniformity in approach would not always recognise individual circumstances. We will encourage consistency of approach by:

- Providing appropriate training and supervision of officers;
- Ensuring compliance with the standards set out in this policy;
- Recognising that we should not normally take formal enforcement action or prosecution in the case of minor infringements;
- Recognising that in some situations, we have no legal discretion but to pursue enforcement action;
- Taking into consideration the guidance issued by Government Departments and other national agencies, e.g. Department for Transport, Maritime & Coastguard Agency, Health and Safety Executive, etc.

Targeting and Proportionality

We will not initiate formal enforcement procedures without a clear need to do so. We believe that through a positive, proactive approach, we can achieve higher compliance rates and better overall outcome than by using reactive enforcement action.

Formal enforcement procedures will:

- Aim to change the behaviour of the offender;
- Aim to eliminate any financial gain or benefit to the individual or business from non-compliance;
- Be responsive and consider what is the most appropriate sanction for the particular offender and regulatory issue;
- Be proportionate to the nature of the offence and the harm caused;
- Aim to deter future non-compliance.

Our greatest enforcement effort will be where an assessment shows that both:

- (i) A compliance breach or breaches would pose a serious risk; and
- (ii) There is a high likelihood of non-compliance.

Monitoring

To ensure that this policy is effective, a number of monitoring and feedback mechanisms will be utilised:

- Opportunities for businesses and members of the public to comment on the policy;
- Feedback welcomed through the Tor Bay Harbour website;
- Periodic consultation with harbour stakeholders, e.g. the Harbour Liaison Forums;
- Though open discussion with the public and elected members as part of the Harbour Committee's cycle of business.

Working with Others

The Harbour Authority works closely with other Council services to provide a streamlined service.

We are part of a much wider regulatory system in Torbay and have good working relationships with other regulators such as the Maritime & Coastguard Agency, Environment Agency, Police, etc and this enables us to have a much more joined up and consistent service. This includes sharing information and data on compliance and risk, where the law allows, to help target regulatory resources.



TOR BAY HARBOUR AUTHORITY

PROSECUTION POLICY

Any decision to prosecute is a serious one, having implications for the defendant, for witnesses, sometimes for the Harbour Authority and wider still, for the consistent and effective maintenance of standards. Prosecution will be considered only when:

- There is sufficient admissible and reliable evidence to provide a realistic prospect of conviction; and
- It is in the public interest to do so.

Prosecution will normally be in the public interest when one or more of the following criteria are satisfied:

- a) Unlawful acts or omissions have seriously or repeatedly compromised the safe and efficient use of the harbour/harbour estate or the environment;
- b) The offending created/posed a risk to public safety or to the environment;
- c) Through blatant action or inaction risks causing pollution have been exacerbated;
- d) Where there is disregard for safe practice;
- e) The offence involves a failure to comply in full or in part with a statutory notice, including a Harbour Master's direction;
- f) The offender has relevant previous convictions or has been cautioned for a relevant matter;
- g) The offender has flagrantly breached harbour bye-laws or other harbour legislation and has ignored advice or requests to remedy breaches of such legal requirements;
- h) The offender obstructs an Officer of the Harbour Authority carrying out statutory duties or where the offence involves the failure to supply information or the supply of false or misleading information upon lawful request;
- i) The offence, whether or not serious in itself, is widespread in Tor Bay Harbour;
- j) The Harbour Authority is under a statutory duty to enforce legislation.

The above list is not exhaustive and the decision whether to prosecute will be taken having regard to the legal proceedings sheet and the individual circumstances of each case.

Regard will be had to the Code for Crown Prosecutors at all stages of proceedings.

Legal Proceedings Decision Sheet

	For Prosecution (= -1)	Against Prosecution (= +1)	Score
1.	Serious Incident	Minor Incident	
2.	Deliberate act or potential to cause injury or damage through reckless disregard.	Unforeseeable/Accidental / Minor error of judgement	
3.	Inadequate control systems in place.	Adequate control systems in place.	
4.	Previous advice already given to the company / individual.	No precise information given by the harbour authority previously.	
5.	Company/individual aware of the risk involved in their action.	Company/individual could not have been aware of the risk involved in their action.	
6.	Management/supervisor responsible for the incident.	Employee or supplier responsible for the incident.	
7.	Poor confidence in management / individual.	Good confidence in management / individual.	
8.	Previous prosecution for a similar offence.	First offence.	
9.	No remedial action taken / proposed.	Remedial action already taken.	
10.	Management / individual obstructive in the investigation.	Management / individual co-operative with the investigation.	
11.	Attempt to cover up the true facts.	Attitude open and honest.	
12.	Harbour Authority/Council reputation tarnished if prosecution is not pursued.	Prosecution may be seen as over-zealous enforcement.	
13.	Prosecution will secure definite results, e.g. raise harbour safety standards	No obvious improvements in standards will result from prosecution.	
14.	Prosecution will resolve an important legal issue.	Prosecution will not clarify a legal issue.	
15.	Harbour Authority identified problems on a previous occasion.	Harbour Authority did not identify problems on a previous occasion.	
Total			

If statements in column 1 are true, score -1. If statements in column 2 are true, score +1.

If neither statements are true, or not applicable, score nil. A total **minus** score will favour a prosecution.

However, a prosecution must be justifiable by a logical argument, including such reasons as:

- (i) the protection of employees or members of the public;
- (ii) to remedy deficiencies due to incompetent or irresponsible activities.



**Tor Bay Harbour Authority Risks 2018/19
Annual report for 2018/19 and 2019**

Filtered by Folder: Tor Bay Harbour Authority - Tor Bay Harbour Authority (Risks)

Key to Performance Status:

Risks: No Data (0+) High (16+) Medium to High (10+) Medium (4+) Low (1+)

Tor Bay Harbour Authority Risks 2018/19

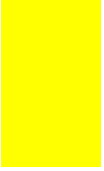
Risks

Score	Code	Title	Description	Last Review Date	Probability Score	Impact Score	Risk Status	Reviewed By	Risk Owner
Medium (6)	BURHMS-02	Accountability and Transparency	If we fail to consult and engage appropriately with all relevant harbour users, groups and stakeholders; Then we will be unable to provide accountable and transparent management of Tor Bay Harbour; So we may be accused of failing to accurately meet the needs of our customers and stakeholders resulting in a loss of revenue streams and damage to our reputation.	05/12/2018	2 - Unlikely	3 - Moderate		Adam Parnell	Dave Bartlett
Medium (9)	BURHMS-10	BREXIT	IF Brexit causes disruption to the fishing and recreational marine industries THEN our fish toll and other harbour incomes may adversely affect budgeted incomes SO placing financial pressures on our legal and regulatory obligations to operate a safe and	05/12/2018	3 - Possible	3 - Moderate		Adam Parnell	Adam Parnell

			efficient harbour, leading to increased risk of damage or injury to personnel, infrastructure, operations and reputation					
High (16)	SARHMS-01	Climate Change	IF we do not adapt our infrastructure and operations to take account of the reasonably foreseeable effects of climate change; THEN the ability to operate a safe and efficient harbour will increasingly become compromised; SO leading to loss of operational capacity, potential loss, damage or injury to the natural and built environments, and to personnel or equipment, adverse financial position (loss of income but increased expenditure on repairs and maintenance) and loss of reputation	05/12/2018	4 - Likely	4 - Major	Adam Parnell	Kevin Mowat
Medium to High (10)	BURHMS-05	Effective Management of Risk and Health & Safety	IF we do not have a robust Risk Management and Health & Safety Culture in place and exercised by all stakeholders; THEN there is a risk of incidents and accidents resulting in harm, injury or death of personnel, and damage to infrastructure and/or the environment; SO we could lose legal and/or moral standing and reputation and face individual or collective censure or prosecution as well as the temporary or permanent loss, damage or death of personnel	04/12/2018	2 - Unlikely	5 - Critical	Reduced Adam Parnell	Simon Pinder
Medium to High (12)	BURHMS-09	Effective Workforce Planning	IF we lack effective workforce planning; THEN we may fail to offer appropriate learning and development opportunities to all staff; SO this may lead to insufficient staff to fulfil obligations, incompetent staff, deterioration of safety standards which has the potential to lead to personal injury, financial loss and/or reputational damage.	02/02/2018	3 - Possible	4 - Major	Karen Annis	Karen Annis

Medium (8)	BURHMS-01 Encourage Local Prosperity	<p>IF we fail to invest in supporting a robust and sustainable maritime industry in Torbay</p> <p>Then we will not have the revenue to maintain or develop our infrastructure & facilities to meet future requirements, or remain a safe and attractive Bay for visitors;</p> <p>So we will have difficulty in meeting our legal and regulatory obligations to maintain a safe and efficient harbour, remain financially viable as Harbour Authority, witness loss of tourist income to the Bay, reduced employment opportunities and social deprivation</p>	05/12/2018 2 - Unlikely	4 - Major	Adam Parnell	Adam Parnell
Medium (4)	BURHMS-06 Ensuring Equality and Diversity in Service Delivery Together with Equality of Opportunity	<p>If we fail to provide a fair, equitable and diverse service;</p> <p>Then we may unknowingly discriminate against staff and/or other stakeholders;</p> <p>So this may result in legal action, insufficient staff levels, drop in service delivery and damage to our reputation.</p>	05/12/2018 2 - Unlikely	2 - Minor	Adam Parnell	Simon Pinder
Medium to High (12)	BURHMS-04 Financial Sustainability	<p>IF: forecast incomes are not achieved, expected expenditure exceeded or contributions to General Fund become too onerous;</p> <p>THEN: Harbour reserves will be depleted/drained, we will not be able to maintain existing infrastructure or services, investment opportunities will be lost; some services may be discontinued;</p> <p>SO: the Harbour could cease to be self-financing and become a net burden on the Council; Harbour infrastructure or services could fail; the reputation of the Harbour could fail and lose custom.</p>	04/12/2018 3 - Possible	4 - Major Reduced	Adam Parnell	Karen Annis

Medium (4)	BURHMS-07 Improve and Maintain the Customer Experience	IF we do not provide a high quality harbour service that accurately meets the needs of our customers; THEN we will not be providing a professional and equitable service; SO this may result in a loss of demand for harbour services, loss of revenue streams and damage to our reputation.	05/12/2018 2 - Unlikely	2 - Minor	Adam Parnell	Karen Annis
Medium (9)	BURHMS-11 Loss of IT	IF there is loss of IT THEN this will result in disruption to our management of safe and efficient harbour operations SO marine safety and security, personnel welfare, administrative functions and financial management could be adversely affected	05/12/2018 3 - Possible	3 - Moderate	Adam Parnell	Adam Parnell
Medium to High (10)	BURHMS-08 Maintain Operational Safety	If we fail to fulfil our obligations as a statutory and competent Harbour Authority, by not enforcing all applicable statutes, bye-laws and legislation; Then we will not be providing a safe haven for vessels or a safe Harbour estate for users and visitors; So we may fail to accurately respond to legislative changes resulting in a financial penalty and we may face deterioration of our built infrastructure, a major emergency and severe damage to our reputation.	05/12/2018 2 - Unlikely	5 - Critical	Adam Parnell	Nick Burns
Medium (6)	BURHMS-03 Stewardship of the Harbour's Built and Natural Environment	IF we fail to implement a sustainable approach to harbour management in respect to present and future climatic, environmental and economic changes; THEN we will also be unable to increase public awareness of the maritime environment as a	05/12/2018 2 - Unlikely	3 - Moderate	Adam Parnell	Adam Parnell



valuable social and economic asset;
SO harbour activities or development could have a
negative impact on the natural environment
resulting in possible prosecution, loss of revenues
and damage to our reputation.



Tor Bay Accident / Incident List

	Date	ID Code	Accident Category	Name		
	03/03/2019	TOR0831REP	Flooding/Foundering	Blue Tinny sinking in Inner Harbour		
	01/02/2019	TOR0829REP	Flooding/Foundering	Yacht Windfolla sinking on its mooring		
	27/01/2019	TOR0830REP	Breaking Free of Mooring	Aquarian Quest break off and entanglement		
	27/01/2019	TOR0824REP	Breaking Free of Mooring	Yacht Trianna break of and sinking		
	27/01/2019	TOR0825REP	Flooding/Foundering	Bask Sinking on its mooring		
	27/01/2019	TOR0826REP	Breaking Free of Mooring	Yacht Time Out break off		
	27/01/2019	TOR0827REP	Breaking Free of Mooring	Wooden yach Sea Fish break off		
	27/01/2019	TOR0828REP	Flooding/Foundering	Service Barge sinking on its mooring		
	20/01/2019	TOR0823CLO	Fire/Explosion	IUD Caught In MFV Stella Maris Trawl Nets		
	19/01/2019	TOR0822CLO	Fire / Explosion	Potential IOD East Quay Brixham Harbour		
	28/12/2018	TOR0820CLO	Slip, trip, fall same level	Princess Promenade		
	01/12/2018	TOR0819CLO	Fire / Explosion	Motor Cruiser Fire		

Number of Accidents listed = 12

Incident report status as follows;

Reported = 8; Investigating = 0; Investigation Complete = 0; Actioned-Closed = 4

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

Harbour Committee Work Programme – 2019/2020 v1

Meeting	Standing items to be considered	Type of Report
25 th June 2019	1. To elect a Chairman for the Municipal Year	Decision
	2. To appoint of Vice Chairman for the Municipal Year	Decision
	3. To review the Harbour Committee's Terms of Reference as per the Council's Constitution	Decision
	4. To appoint: <ul style="list-style-type: none"> a. a Harbour Appointments Sub-Committee b. a Harbour Asset Review Working Party c. a Harbour Budget Review Working Party d. a Pilotage Review Working Party 	Decision
	5. To consider the Budget outturn for previous financial year	To note
	6. To update the Committee on Port Marine Safety Code issues	To note

Meeting	Standing items to be considered	Type of Report
tbc Sept 2019	1. To agree a maintenance dredging campaign in Tor Bay Harbour	Decision
	2. Annual Performance Report of the Tor Bay Harbour Authority Business Unit (SPAR.Net)	To note
	3. To consider the Tor Bay Harbour Authority quarterly Budget Monitoring Report	To note
	4. To update the Committee on Port Marine Safety Code issues	To Note

Meeting	Standing items to be considered	Type of Report
16 th December 2019	1. To consider the Tor Bay Harbour Authority Budget and Setting of Harbour Charges	Decision
	2. To consider the Annual Compliance Audit of the Port Marine Safety Code	Decision
	3. To consider the Tor Bay Harbour Authority quarterly Budget Monitoring Report	To note

Meeting	Standing items to be considered	Type of Report
23 rd March 2020	1. To review the delegated powers of the Head of Tor Bay Harbour and Harbour Master	Decision
	2. To agree the Tor Bay Harbour Authority Business Plan 2019/20	Decision
	3. To review the Operational Moorings Policy	Decision
	4. To consider the Tor Bay Harbour Authority quarterly Budget Monitoring Report	To note
	5. To agree the Harbour Committee Work Programme for 2020/21	Decision
	6. To review and approve the Tor Bay Harbour Asset Management Plan 2020/21	Decision
	7. To update the Committee on Port Marine Safety Code issues	To note

Meeting Title	Torquay & Paignton Harbour Liaison Forum
Venue	Torquay Harbour Office
Date	21 st November 2018 at 10:00 am

Present	Capt. A Parnell (AP)	Mr C Baker (CB)	Mr J Bond (JB)
	Mayor Gordon Oliver (GO)	Mr M Ellis (ME)	Mr T Ekers (TE)
	Cllr Nick Bye (NBy)	Mr D Buckpitt (DB)	Mr C Easterbrook (CE)
	Cllr D Thomas (DT)	Mr M Ritchie (MR)	Mr A Rayner (AR)
	Mr D Makeham (DM)	Mr M Smith (MS)	Miss Amy Blackburn (AB)
	Mr N Burns (NBurns)		

1. Apologies
2. Welcome
3. Minutes and matters arising from the last meeting – 21st November 2018
 - Update on Harbour Light Restaurant development
 - Cill opening times
4. Budget update
5. Capital Works
6. Maritime Events 2019
7. Quarterly Accident & Incident Data
8. Tor Bay Harbour Business plan 2019/20
9. Review of Operational moorings policy 2019/20
10. Tor Bay Harbour asset management plan 2019/20
11. Harbour Committee - Upcoming Agenda
12. Any other business

1.	Apologies for Absence Apologies were received from Cllr N Amil, Clare Rugg	Action
2.	Welcome AP welcomed everyone to the meeting	Action
3.	Minutes and matters arising from the last meeting – 21st November 2018 Update on South Quay – AP advised that progress has stalled but aspiration to redevelop the quay endures.	Action

	Harbour Light update - AP reported that an anchor tenant has won the tender bid and will be submitting planning permission this week. Expect internal works to start first (to minimise disruption during the peak season) with external works starting later in the year. TE advised that he was disappointed no decision had been made regarding the repair works required for Molly Malone's, AP replied that talks are currently in hand between the Authority and the tenant.	
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4.	Budget update	Action
	<p>AP was pleased to report that he budget was healthier than expected and that we are forecasting an annual trading surplus of £20,000 - £30,000.</p> <p>He reported that fish toll income is slightly down on this time last year; however this is still our second best ever year and there are 2 months still to go.</p> <p>DB voiced concerns over the money contributed to the Central Fund by the Harbour: we need to ensure we have sufficient funds to be able to carry out necessary works.</p> <p>NBye advised that he is confident that our reserves are healthy and we are not leaving ourselves short.</p>	

5.	Capital works	Action
	<p>Torquay Fuel station – AP announced ongoing consultations with the preferred bidders. Expect fuel sales to commence from May-June, with a second and more ambitious development phase to follow within 1-2 years.</p> <p>Haldon Pier – NBurns advised of the 20-tonne weight restriction due to the surface sinking because of voids within the pier. This is proving challenging for fuel tankers and landing fishing vessels. The environmental agency have identified this as a risk and have included it in the next 6-year plan, which will commence in 2021.</p> <p>NBurns reported that works to the Beacon Quay slipway are complete.</p>	

6.	Maritime Events 2019	Action
	<p>AP advised that there is a full schedule of events lined up already for the year, including five cruise ships.</p> <p>August is a busy month with both the J70 UK Nationals and world championships, as well as the COWES powerboat racing and the Torbay Royal Regatta plus many others. The full list is available on our website under Events section and attendees were given a copy each.</p>	All to note

7.	Quarterly Accident & Incident data 2019	Action
	<p>AP gave an overview of the 9 reported Accidents and incidents over the last quarter; these included 2 unexploded world war 2 bombs that were made safe by the EODU, and the X pontoon finger failure, which has since been repaired. All incidents should be reported using an online form, which is available on our website.</p>	All to note

8.	Tor Bay Harbour Business plan 2019/20	Action
	<p>AP explained that the Business Plan sets out the next year's plans and objectives, including the Harbour Authority's strengths and weaknesses. This year's plans are to improve the customer experience and sets about how we are going to accomplish our 5-year plan.</p> <p>The document will be presented to the March Committee meeting for endorsement.</p>	AP

9.	Review of Operational moorings policy 2019/20	Action
	AP presented 2 proposed changes to the mooring policy: a change the number of people added to the Inner harbour waitlist from 20 persons to 30 to strengthen the case for adding new pontoon berths at Brixham Harbour; and better definition of a commercial vessel. The new change will mean that for vessels to be classed as a commercial vessel they must be working for a minimum of 10 days a year.	AP
10.	Tor Bay Harbour Asset Management plan 2019/20	Action
	AP informed the forum that the Harbour Authority manages a large number of assets and that everything that can be leased out is with the exception of the Paignton Harbour Light restaurant which is undergoing renovations and the 'Nautique' unit, also at Paignton.	
11.	Harbour Committee – Upcoming Agenda	Action
	AP ran through the proposed agenda for the meeting.	
12.	Any Other Business	Action
	MS informed the forum that the Marina is looking into having Christmas stalls for this year but is waiting on firm proposals. CE advised that the information for Torbay is out of date on the Armagnac; NB replied that he has given relevant information to them but they have not added it to the book. NB will chase up.	NB

Future meetings

Torquay Harbour Office

Thursday 21st February 2019 at 10.00 am

Dates of Harbour Committee Meetings

17 th December 2018	5.30 pm (Torquay)
18 th March 2019	5.30 pm (Torquay)