



Meeting: Harbour Committee

Date: 23rd June 2014

Wards Affected: All wards in Torbay

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

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat

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

 **Telephone: 01803 292429**

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

1. Purpose

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

2. Proposed Decision

- 2.1 **That the Tor Bay Harbour Operational Moorings and Facilities Policy – Version ~ 9 set out in Appendix 1 to the report be approved.**

3. Action Needed

- 3.1 That the Tor Bay Harbour Operational Moorings and Facilities Policy (Version ~ 9) should be implemented by harbour authority staff and the policy should be published on the harbour website.

4. Summary

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

Harbour Committee has agreed to a number of revisions with the latest being Version 8 which was approved in March 2014.

- 4.3 Waiting lists for facilities have existed for many years and local boat owners have been given preference when vacancies have arisen. The Tor Bay Harbour Operational Moorings and Facilities Policy makes it clear how this system works and it sets out the order of priority for facility allocation.
- 4.4 Currently a £25 non-refundable deposit is required to join the various waiting lists and the deposit is then issued as a credit against harbour charges when a facility is first allocated. No deposit is currently required to join the commercial waiting list.
- 4.5 Version 9 of the Tor Bay Harbour Operational Moorings and Facilities Policy (attached as Appendix 1) proposes the introduction of a £25 non-refundable **registration fee** to join a waiting list and this new fee would **not** be counted as a credit when a facility is first allocated. The revised Policy also suggests the introduction of a **£50 non-refundable registration fee** to join or remain on the commercial moorings waiting list.
- 4.6 An operational moorings and facilities policy is required to ensure that a consistent, fair and equitable approach is applied to new, existing and potential facility holders that use Tor Bay Harbour and the harbour estate. It also aims to ensure that the policy and associated conditions are fully understood and recognised as being reasonable. The existing operational policy statement serves as a management tool and it was accepted that it would need to be amended from time to time by the Harbour Committee. It therefore does not form part of the strategic policy framework set by Torbay Council.

Supporting Information

5. Position

- 5.1 The Tor Bay Harbour Operational Moorings and Facilities Policy was adopted by the Harbour Committee in June 2007 and amended in December 2007. It has since been updated every March since 2009.
- 5.2 All of the amendments in the proposed Tor Bay Harbour Operational Moorings and Facilities Policy – Version 9 (Appendix 1) are shown using the ‘track changes’ tool.

6. Possibilities and Options

- 6.1 To take no action and continue with the existing Tor Bay Harbour Operational Moorings and Facilities Policy (Version 8), which was adopted in March 2014.

7. Preferred Solution/Option

- 7.1 To approve and adopt the Tor Bay Harbour Operational Moorings and Facilities Policy (Version ~ 9) as set out in Appendix 1. These changes would take effect immediately and anyone on an existing waiting list would have the opportunity to receive a full refund of their deposit or to accept the change in policy. If approved the waiting list process would no longer result in foregone income and the administrative burden of issuing credit notes in lieu of deposits would be saved.

8. Consultation

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

9. Risks

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

9.2 The adoption of a clearly stated moorings and facilities policy will enhance the Council's reputation for transparency and accountability in respect of its delivery of its Harbour Authority function.

9.3 Adoption of a clearly stated moorings and facilities policy should promote equality of opportunity for people to access services provided by the Harbour Authority. Furthermore it should reduce or eliminate any unlawful discrimination, direct or indirect, regarding the allocation and use of moorings and facilities.

9.4 There are no remaining risks.

Appendices

Appendix 1 Tor Bay Harbour – Operational Moorings and Facilities Policy - Version ~ 9

Additional Information

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

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