



**Meeting: Harbour Committee**

**Date: 27th June 2016**

**Wards Affected: All**

**Report Title: Brixham Express Ferry Service**

**Is the decision a key decision? No**

**When does the decision need to be implemented? NA**

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

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## **1. Purpose and Introduction**

- 1.1 This report is for information only, providing the Harbour Committee with an update on the latest position on delivery of the Brixham Express ferry service.

## **2. Proposed Decision**

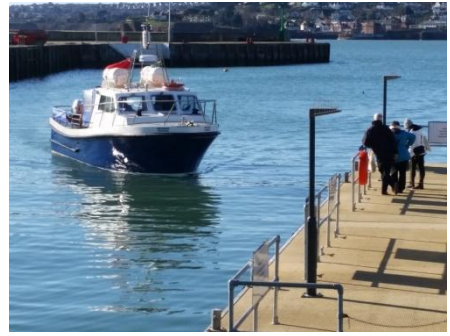
- 2.1 No decision is required

## **3. Position**

### **Background**

- 3.1 Torbay Council was awarded £2.75 million during spring 2012, from the Department for Transport's Local Sustainable Transport Fund (LSTF), to improve sustainable transport and cut congestion in the area, centred on a new commuter passenger ferry and improved harbour facilities for all. This is a project that has been in development since 2007.
- 3.2 Following an extended procurement exercise, Torbay Council awarded a five year contract to Brixham Express Ltd (BEL) to provide the passenger ferry service element of the scheme.
- ### **Ferry operation and subsidy**
- 3.3 Brixham Express Ltd have been operating the Commuter Ferry Service since November 2014, to its planned timetable and starting operations one month earlier than they were contractually obliged to.

3.4 Until the end of March 2015, Brixham Express was providing a contractually compliant vessel and was able to claim subsidy as part of the contract. No subsidy has been paid to the company, since the end of March 2015, as it has not been able to comply with the vessel specification contained within the contract. This is due to their reserve vessel, Brixham Vitesse, which was brought to Torbay as part of their service continuity plan and carries 35 passengers, suffering terminal engine failure and requiring some significant maintenance to re-enter service during the latter part of 2015 and the beginning of 2016.



3.5 Nonetheless, Brixham Express continued to provide a service, chartering a 12 seater passenger vessel during this period.

### **Vessel specification**

3.6 Brixham Express Ltd is not contractually obliged to provide a catamaran for the service, and may operate any vessel which meets our specification, whether this is owned by the company, or chartered by the company. Since April 2015, the only element of the specification which they have been unable to fulfil is the seating capacity requirements and the requirement for an onboard toilet for passengers. All other contractual obligations, including timetable and journey times have been fulfilled, and they have continued to operate all other levels of service that we require under the contract.

3.7 Providing a specific catamaran has been the choice of Brixham Express in order to fulfil the contract with the Council.

### **Obtaining certification for the vessel**

3.8 The vessel is seeking a EURO B passenger certificate for operating within 20 miles of the coast, all year round. As a result the Maritime & Coastguard Agency (MCA) have been an integral part of this project to ensure the vessel can obtain a licence at the end of the refit, which has been underway since the autumn of 2014.

3.9 BEL originally anticipated the certification of the catamaran with the MCA would be complete by April 2015. However, the process with the MCA has taken significantly longer than expected. This has been due to a requirement to redesign part of the vessel in the spring of 2015, which has caused lengthy delays in the approval process to get licensed. It was disappointing that the MCA was not able to provide either an indicative or a clear timescale on how long it would take to certify the vessel.

### **Implications for Torbay Council**

3.10 The Council has met with and written to the MCA, to try to understand the reasons for the significant delay and to broker a mutually acceptable outcome, not least because the lack of a contract compliant licensed vessel has put the continuation of the project

and BEL under severe financial pressure and has resulted in significant media and politically scrutiny. In addition, the funding available to deliver the service ceased at the end of March 2015 and therefore we have missed a key milestone in having the vessel operational in Torbay by end the of March 2015. Fundamentally, however, this is a matter that BEL and the MCA need to resolve between them.

### **Latest situation**

3.11 It is very unfortunate that the vessel which BEL proposed would operate this service (a fairly modern twin screw Aluminium Catamaran, approx 15m long and 6 metres wide – see image right) has still not arrived. We understand, as of 31 May 2016, that the final sign-off from the Maritime and Coastguard Agency has been issued. The ferry is due leave Donegal (N. Ireland) on 3 June and arrive in Brixham by mid June. We also understand that the ferry is due to be placed “on the grid” in Brixham for a final inspection. The crew will also need to be trained.



3.12 The Council will resume subsidy payments once a vessel is used which meets the contract specification.

3.13 A further verbal update will be provided at the Harbour Committee meeting.