



Public Agenda Item: **Yes**

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

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee** On: **8 March 2012**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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## **1. What we are trying to achieve and the impact on our customers**

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. Recommendation(s) for decision**

**2.1 That the Tor Bay Harbour Operational Moorings and Facilities Policy – Version ~ 6 set out in appendix 1 to the report be approved.**

## **3. Key points and reasons for recommendations**

3.1 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.

3.2 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 5 which was approved in March 2011.

- 3.3 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.
- 3.4 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.
- 3.5 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.

**For more detailed information on this proposal please refer to the Supporting Information.**

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

## **Supporting information**

### **A1. Introduction and history**

A1.1 The Tor Bay Harbour Operational Moorings and Facilities Policy was adopted by the Harbour Committee in June 2007 and amended in December 2007, March 2009, March 2010 and March 2011.

A1.2 All of the amendments in the proposed Tor Bay Harbour Operational Moorings and Facilities Policy – Version 6 (Appendix 1) are shown using the ‘track changes’ tool.

A1.3 The main changes in the proposed Version 6 are as follows :-

- An element of discretion has been added to the Introduction – page 1.
- Reference to his has been changed to his/her – various pages.
- Further clarification has been provided over matters relating to loaned facilities and the maximum period of any loan has been reduced from 24 months to 12 months – page 10.
- The period when a facility is not being used and is subsequently forfeit and reassigned has been reduced from 24 months to 12 months – page 11.
- The issue of boat owners undertaking maintenance work on their vessel and the potential to damage the property of a third party has been addressed. Owners and their contractors are expected to exercise a duty of care – pages 11/12.

### **A2. Risk assessment of preferred option**

#### **A2.1 Outline of significant key risks**

A2.2 There are no key risks associated with taking this decision.

A2.3 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.

#### **A2.4 Remaining risks**

A2.5 There are no remaining risks.

### **A3 Other Options**

A3.1 To take no action and continue with the existing Tor Bay Harbour Operational Moorings and Facilities Policy (Version 5), which was adopted in March 2011.

### **A4 Summary of resource implications**

A4.1 There are no resource implications.

**A5 What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 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.

**A6 Consultation and Customer Focus**

A6.1 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.

**A7 Are there any implications for other Business Units?**

A7.1 There should be no impact for other Business Units.

**Appendices**

**Appendix 1 Tor Bay Harbour – Operational Moorings and Facilities Policy - Version ~ 6**

**Documents available in members' rooms**

None

**Background Papers:**

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