



**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**

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## **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<sup>th</sup> 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>
<p>3.</p>	<p><b>What options have been considered?</b></p> <p>The following options have been considered:</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> </ul>
<p>4.</p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>This project directly contributes to the following Corporate Plan targets:</p> <ul style="list-style-type: none"> <li>• <b>Working towards a more prosperous Torbay.</b> <ul style="list-style-type: none"> <li>○ 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.</li> </ul> </li> <li>• <b>Ensuring Torbay remains an attractive and safe place to visit.</b> <ul style="list-style-type: none"> <li>○ 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.</li> </ul> </li> </ul>
<p>5.</p>	<p><b>How does this proposal contribute towards the Council’s responsibilities as corporate parents?</b></p> <p>Not applicable.</p>
<p>6.</p>	<p><b>How does this proposal tackle deprivation?</b></p> <p>Not applicable.</p>
<p>7.</p>	<p><b>How does this proposal tackle inequalities?</b></p> <p>Not applicable.</p>

8.	<p><b>How does the proposal impact on people with learning disabilities?</b></p> <p>Not applicable.</p>
9.	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></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><b>How will you propose to consult?</b></p> <p>Using existing consultation channels such as the Harbour For a.</p>

## Section 2: Implications and Impact Assessment

11.	<p><b>What are the financial and legal implications?</b></p> <p><b>Legal</b></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"> <li>• To provide, conserve, maintain and improve the harbour and services and facilities afforded therein [s6 Tor Bay Harbour Act 1970];</li> <li>• To see that the harbour is in a fit condition for a vessel to utilise it safely [Harbour Docks &amp; Piers Clauses Act 1847];</li> <li>• A general duty to exercise its functions with regard to nature conservation and other environmental considerations [s48A Harbours Act 1964].</li> </ul> <p>The key provisions in local legislation regarding to the Authority's works powers are:</p> <ul style="list-style-type: none"> <li>• Tor Bay Harbour Act 1970: <ul style="list-style-type: none"> <li>○ S13: works in the harbour;</li> </ul> </li> </ul> <p><b>Financial</b></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><b>12.</b></p>	<p><b>What are the risks?</b></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><b>13.</b></p>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>Not applicable</p>
<p><b>14.</b></p>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <ul style="list-style-type: none"> <li>• Analysis of historic spending norms on routine and reactive maintenance requirements;</li> <li>• Asset rental returns;</li> <li>• Inspection reports;</li> <li>• Stakeholder consultation feedback;</li> <li>• Asset registers.</li> </ul>
<p><b>15.</b></p>	<p><b>What are key findings from the consultation you have carried out?</b></p> <ul style="list-style-type: none"> <li>• The current strategy of managing assets through a proactive Asset Management Plan is the most cost effective approach and should be continued.</li> </ul>
<p><b>16.</b></p>	<p><b>Amendments to Proposal / Mitigating Actions</b></p> <p>None.</p>