

Friday, 20 March 2026

HARBOUR COMMITTEE

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

Monday, 30 March 2026

commencing at **5.30 pm**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor Strang

Councillor Fox

Councillor Carter

Councillor Penny

Councillor Fellows

Councillor Twelves

External Advisors

Mr Day

A Healthy, Happy and Prosperous Torbay

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

HARBOUR COMMITTEE AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 3 - 8)
To confirm as a correct record the Minutes of the meeting of the Committee held on 16 June 2025 and 5 January 2026.
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 Delegated Powers of the Torbay Harbour Master** (Pages 9 - 12)
6. **Tor Bay Harbour Masters Safety and Management Report** (Pages 13 - 22)
7. **Tor Bay Harbour Budget Q3** (Pages 23 - 32)
8. **Required PMSC Policies Report** (Pages 33 - 56)
9. **Update on PMSC Compliance Audit (full report to follow at next meeting)** (Verbal Report)

Minutes of the Harbour Committee

16 June 2025

-: Present :-

Councillor Strang (Chairman)

Councillors Carter (Vice-Chair), Fox, Penny, Twelves and Hutchings

20. Apologies

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor Hutchings instead of Councillor Fellows.

An apology for absence was received from External Advisor, Mr Mark Day.

21. Minutes

The Minutes of the meeting of the Harbour Committee held on 24 March 2025 were confirmed as a correct record and signed by the Chairman.

22. Declarations of interest

There were no interests declared.

23. Tor Bay Harbour Budget Out turn report 2024-2025

Members noted a report that provided an update on the outturn position for Tor Bay Harbour Authority as at the end of March 2025 compared against the annual budget for 2024/25.

The Deputy Director of Finance informed Members that the Harbour Revenue Account had made a surplus at year end of £89,000, a significant improvement on the budgeted deficit of £109,000. This was also an improvement on the surplus of £39,000 projected at quarter 3 (Q3) and was mainly due to the additional fish toll income received during the year, which had offset overspends on repairs and maintenance and less income received across areas such as mooring fees and pontoon berths.

Furthermore, the overspend of £100,000 across various premises budgets ended up being lower than forecast at Q3. The fish toll income for the year exceeded the levels budgeted by almost £300,000 (27%) due to volumes being significantly higher than estimated. Income from marina rentals also exceeded budget due to higher than anticipated levels from previous years.

Members sought an explanation for the additional £5,000 contribution to both the General Fund and Environmental Health Officer. The Deputy Director for Finance informed Members that he believed the increases were inflationary increases. He further advised that Officers would be looking at the rationale for the contributions to the General Fund prior to the 2026/2027 budget setting process.

The Interim Director of Tor Bay Harbour Authority informed Members that the moorings fees were lower than expected due to concerns about the inner and outer mooring chains at Brixham. Officers were about to go out to tender for a contract for inspection and replacement, in the meantime Officers were being cautious about which vessels could moor on the mooring chains. The contract for inspection and replacement had been delayed slightly due to the significant value of the contract that had resulted in the need to undergo a full procurement a process.

24. Tor Bay Harbour Masters Safety and Management Report

Members noted a report that provided an update on the current safety and management considerations of the Harbour. The Interim Director of Tor Bay Harbour Authority informed Members that there had been no reported injurious accidents in any of the harbours since the last meeting of the Harbour Committee in March. With safety inspections and general safety precautions being undertaken in accordance with policy.

Members were advised that a tenant had an accident which involved the rollover of a forklift truck on the harbour estate and exacerbated the situation by trying to recover with another forklift. The tenant has provided the Harbour Authority and Health and Safety Executive with full details and follow up actions to prevent a reoccurrence.

In addition, an abandoned fishing vessel that was moored on Western Lady quay sank in the early hours of the morning and impacted two other vessels which were rafted alongside. This resulted in one other vessel sinking and another being damaged and about to sink. The Brixham Operations Team, Harbour Master, Councillor Strang and local fishermen all assisted in recovering the damaged and secondary sunk vessels. The incident highlighted the requirement for improved security and stand by personnel, which have since been addressed. Members were advised that from 1 July 2025 port security would be undertaken by SWISCo, resulting in active patrols and the tagging of any equipment being stored inappropriately. Going forward the ports would benefit from regular and considerate monitoring.

A day boat fisherman whilst alongside the landing berth lost control of the derrick which crashed down on the quay. The owner had been requested to respond with details, to date a response had not been received. The Maritime and Coastguard Agency would be contacted if there remained no response.

25. Review of Harbour Committee Terms of Reference and Appointment of Harbour Appointments Sub-Committee

The Terms of Reference for the Harbour Committee were noted.

26. Port and Marine Safety Code and the role of the Designated Person

The Interim Director of Tor Bay Harbour introduced Mr James Hannon, who had been appointed as Tor Bay Harbour Authority's Designated Person in accordance with the Ports Marine and Facilities Safety Code 2025 (PMSC). Mr Hannon shared with Members details of his professional background which included previously being the port policy lead for Government.

Mr Hannon informed Members that whilst the PMSC was not mandatory it does draw from legislation. A requirement of the PMSC was the appointment of a Designated Person, who would monitor and report to the Duty Holder on the effectiveness of the marine safety management system (MSMS) and provide independent advice on matters of marine safety. Mr Hannon informed Members that he had started to review the Maritime and Coastguard Agencies health check and the corresponding action plan rating the majority of actions as complete, those outstanding were predominantly pending the Designated Person audit.

Members sought guidance from Mr Hannon as to whether in his opinion, there was anything that the Harbour Authority should be doing differently as a result of new PMSC. Mr Hannon reassured Members that at present there was nothing as the changes to the PMSC were quite subtle. He highlighted that the Port Marine Association was offering free online seminars for Duty Holders on the new PMSC.

Chairman

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Minutes of the Harbour Committee

5 January 2026

-: Present :-

Councillor Strang (Chair)

Councillors Carter (Vice-Chair), Fellows, Penny and Twelves

27. Minutes

This item was deferred as the minutes were not available to Members at the meeting.

28. Declarations of interest

There were no interests declared.

29. Harbour Masters Safety and Management Report

The Deputy Harbour Masters, George O'Rourke and Oliver Parker, presented the report as published. Members considered the accidents and injuries that had occurred within Harbour Estate, and the Deputy Harbour Masters outlined the actions taken to date to prevent future reoccurrences, as well as ongoing investigations being held, both internally and by outside bodies.

Members questioned SWISCO's responsibilities in relation to public realm areas of Harbour estate and noted that SWISCO had responsibility for inspections and recommendations, however the Harbour Authority retained overall responsibility of the public realm areas within Harbour Estate.

Members queried specific safety incidents and ongoing actions, Lease and License reviews, the environmental treatment of waste materials, staffing and training issues and abandoned vessels.

Members noted the submitted report.

30. Harbour Budget 2026/27 and Schedule of Fees and Charges

The Harbour Committee considered a report which set out the Tor Bay Harbour Authority Budget for 2026/2027 and the Schedule of Fees and Charges.

Members noted the reserve fund projections, explanation of the precise reporting lines and delegation levels for reserve spends, and where authority lay for the

approval of amendments, overspends and alterations to projects projected to be funded via the Harbour Authority reserve.

Resolved (unanimously):

1. subject to public consultation commencing mid-January 2026, that the Tor Bay Harbour Authority schedule of charges dues and fees 2026/27 as set out in appendix 1 of the submitted report be approved, and
2. that the Cabinet be recommended to include the proposed balanced budget for the Harbour Authority 2026/27 and subject to consideration of comments received during the consultation period, the associated Schedule of Charges, Dues and Fees 2026/27, as set out in Appendix 1 and 2 of the submitted report, in its budget proposals to Council.

31. Port and Marine Facilities Safety Code Action Plan

The Committee received the submitted report on the Port and Marine Facilities Safety Code Action Plan. Members queried the feasibility of the action plan and noted that the plan was extremely ambitious. Officers confirmed that the outcomes were achievable, noting that resources were being well directed, and that momentum was strong.

Members noted the Port and Marine Facilities Safety Code Action Plan report as presented by the Director of Tor Bay Harbour Authority.

Chair

Meeting: Harbour Committee

Date: 30th March 2026

Wards affected: All wards

Report Title: Review of Delegated Powers of the Torbay Harbour Master

Cabinet Member Contact Details: Not a Cabinet function

Director/Assistant Director Contact Details

Matt Reeks – Interim Divisional Director Torbay Harbour

matt.reeks@swisco.co.uk

1. Purpose of Report

- 1.1 To review the delegated powers pertaining to the Torbay Harbour Master.

2. Reason for Proposal and its benefits

- 2.1 As required by the Port Marine Safety Code all duties and powers are to be reviewed and this requirement is as detailed within the Harbour Committee Work Programme.
- 2.2 The Terms of Reference for the Harbour Committee which form part of Torbay Council's Constitution require it to review annually the powers delegated to the Tor Bay Harbour Master and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes.

3. Recommendation(s) / Proposed Decision

- 3.1 That having reviewed the powers delegated to the Tor Bay Harbour Master, the Harbour Committee finds **no reason to propose changes to the Council** for determination. **The Committee have been briefed on the proposed changes to the Port Marine Safety Code and any changes required will be brought to this committee next March**

4. Supporting Information

APPENDIX 1 Powers held by the Harbour Master

[Port marine safety code - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Ports Good Governance Guidance - Department for Transport \(March 2018\)](#)

[Good governance guidance for ports - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Torbay Council Constitution Schedule 6 - Officer Scheme of Delegation](#)

APPENDIX 1

Powers held by the Harbour Master

1. Marine Powers as the Statutory Harbour Authority

(A) Harbour Dues

i. Ship, passenger and goods dues

Under sub-sections 26(1) and (2) of the 1964 Act, the Council as the SHA may demand, take and recover such 'ship passenger and goods dues' as it thinks fit at any harbour which it is engaged in improving, maintaining or managing, except insofar as the statutes applying to it prohibit the levying of a due or contain an express freedom from dues (discussed under Exemptions from ship, passenger and goods dues in paragraph 5.1.5 below). All other limits on the Council's discretion relating to such dues within the relevant statutes have ceased to have effect as a result of s26(1).

Under the article 24 of the 1970 Act, the Council also has powers to charge the equivalent of ship, passenger and goods dues on any dracone or floating dock, crane rig, drilling rig or other floating part (not being 'ships' as defined under the 1964 Act).

ii. Deposit for charges

Under section 33 of the 1970 Act, the Council may require a deposit or guarantee for charges.

iii. Enforcement for non-payment of such dues

The power to distrain for non-payment of ship dues in section 44 of the HDPCA 1847 and the power to distrain for non-payment of goods dues in section 45 of the HDPCA 1847 are exercisable by the Council.

Section 30 of the 1970 Act provides that if the owner of any vessel or goods or any other person who eludes or evades (or attempts to) the payment of a charge, they shall be liable to pay, in addition, a sum equal to the amount thereof.

Section 34 of the 1970 Act also confirms that the Council may recover any charges payable to them as a debt in any court of competent jurisdiction.

iv. Challenging a ship, passenger or goods due

The means of challenging a due imposed under s26(2) of the 1964 Act are set out in s31 of that Act. There is a right of written objection to the Secretary of State for Transport.

v. Exemptions from ship, passengers and goods dues

Legislative provisions that prohibit the levying of a due at all, or contain an express freedom from dues, remain effective notwithstanding section 26 of the 1964 Act. An example of such a clause is found in section 29 of the HDPCA 1847 (vessels returning from stress of weather).

vi. Works Powers

The key provisions from local legislation relating to the Council's works' powers include:

A. 1837 Act:

1. Section 18: provides a power for the Council to enlarge, improve, alter, deepen, widen and maintain the harbour of Brixham and perform other works. This applies only within the 'limits of the harbour' at Brixham, as defined by section 22 of that Act.

B. 1970 Act:

1. Section 9: provides a power for the Council to extend or alter any tidal work provided that they will not deviate beyond the limits of deviation specified in the enactment authorising the tidal work in question by more than 5 metres.

vii. Dredging Powers

The Council has express dredging powers under section 14 of the 1970 Act. Under this section, the Council may:

'deepen, widen, dredge, scour, cut and improve the bed and foreshore of the harbour, or in or near any seaward approaches thereto, and for this purpose may blast any rock therein'.

(B) Prohibit Dangerous Goods

As the statutory Harbour Authority, the Harbour Master has the power, under the Dangerous Goods in Harbour Areas Regulations 2016, to prohibit the entry of dangerous goods or vessels carrying them if safety is at risk.

2. Special Directions

The Harbour Authority has the power to make special directions as follows:

HDPCA 1847: section 52: Powers of dock, harbour, pier master (or their assistants) to give directions for all or any of the following purposes:

- (A) For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock, or pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein;
- (B) For regulating the position in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take in or deliver ballast within or on the harbour, dock, or pier;
- (C) For regulating the manner in which any vessel entering the harbour or dock or coming to the pier shall be dismantled, as well for the safety of such vessel as for preventing injury to other vessels, and to the harbour, dock, or pier, and the moorings thereof;
- (D) For removing unserviceable vessels and other obstructions from the harbour, dock, or pier, and keeping the same clear;
- (E) For regulating the quantity of ballast or dead weight in the hold which each vessel in or at the harbour, dock, or pier shall have during the delivery of her cargo, or after having discharged the same.

'shall not be construed to require the harbour master in emergency to give particular directions in the case of every vessel in respect of which it is desired to exercise any of the powers of that section, but in pursuance of that section, for all or an of the purposes thereof, the harbour master shall be entitled in emergency to give general directions applicable to all vessels or to particular classes of vessels'.

Additional powers are also given under section 3(2)(c)(ii) of the 1970 Act which empowers the harbour master to give directions as to the areas, routes or channels in the harbour which vessels, or particular classes of vessels are to use or refrain from using for movement or moorings.

The issuing of a special direction can be given in any reasonable manner that is considered appropriate (Section 3(2)(d) – 1970 act).

It should be borne in mind that the power under s52 should not be exercised to give 'general directions'.

A person who fails to comply is liable for a fine of up to level 2 on the standard scale with respect to special directions given under the HDPCA 1847.

All Special Directions are:

- Recorded
- Proportionate
- Risk-based

Records are retained for audit purposes.

Meeting: Harbour Committee

Date: 30th March 2026

Wards affected: All wards

Report Title: Harbour Masters Safety and Management Report – Q1 2026

When does the decision need to be implemented?

Director Contact Details: Matt Reeks, Interim Director of Tor Bay Harbour Authority
matt.reeks@swisco.co.uk

1. Purpose of Report

- 1.1. To provide Members of the Harbour Committee with an update on the current safety and management considerations of the Harbour

2. Reason for Proposal and its benefits

- 2.1. As required by the Port and Marine Facilities Safety Code, Members of the Harbour Committee as duty holders are required to be aware of safety and management issues.

3. Recommendation(s) / Proposed Decision

- 3.1. That Members of the Harbour committee note the contents of the Harbour Masters report.

4. Appendices

- 4.1. None.

5. Background Documents

- 5.1. None.

Supporting Information

6. Safety

6.1. All safety inspections and general safety precautions have been conducted as per policy.

6.2. Marine incident data for 2026 to date:

- Pollution incident within the trawler basin at Brixham Harbour involving diesel discharge. Tier 1 response, no external support required.
- Near-miss involving PWCs operating near Breakwater Beach.
- Loss of Control incident involving a sailing vessel. Vessel was towed to Brixham Harbour
- Equipment failure, lost anchor during storm conditions. Anchor has been retrieved.
- Fishing vessel contact with Berry Head.

All incidents have been recorded within MarNIS and investigated in accordance with the Marine Safety Management System.

6.3. A Dynamic Risk Assessment Framework has been successfully implemented across all three harbours and is embedded into daily operations.

6.4. Toolbox talks have been delivered covering:

- Provision and Use of Work Equipment Regulations (PUWER)
- Cold weather working
- Safe use of forklift trucks

6.5. Courses undertaken/planned:

- 3-day Forklift Course for new Harbour Staff at Brixham Harbour – Completed January 2026
- SCaN security training for Operations Staff – Completed March 2026
- MCA 2P Oil Spill Response Training – Scheduled 31st March 2026 at Torquay Harbour for all Operations Staff
- Port Facility Security Officer Course – Scheduled 1st – 3rd April for Deputy Harbour Masters
- Operation Kraken training – Scheduled for April 2026
- MCA 5P Executive Commander Oil Spill response training – Scheduled May 2026 for Deputy Harbour Masters

7. Regulatory

7.1. The Marine Safety Management System (mSMS) has been rewritten to fully align with the updated code.

7.2. The Marine Safety Plan 2026-2029 has been developed and submitted to this committee for approval.

- 7.3. Audit of the Harbour Authority's mSMS is scheduled to be conducted by the Designated Person on the 26th March 2026.
- 7.4. The Harbour Authority is required to submit a Statement of Proportional Compliance to the Maritime and Coastguard Agency (MCA) by 31st March 2026.
- 7.5. Formal risk assessments have been completed for:
- Provision of a Pilotage Service as a Competent Harbour Authority
 - Level of Navigational Traffic Service within Tor Bay
- Both assessments confirm that current service levels remain appropriate.
- 7.6. The following plans have been reviewed and submitted to the MCA:
- Oil Pollution Response Plan
 - Waste Management Plan
- 7.7. Annual review of the Harbour Emergency Plan has been undertaken.
- 7.8. The following policies have been submitted to the Committee for approval:
- Debt Recovery
 - Appointment of Designated Person
 - Commitment to the Port and Marine Facilities Safety Code
 - Revalidation of Maritime Qualifications

8. Engagement and Consultation

- 8.1. Engagement activities undertaken so far this year:
- Completion of bridging documents with all marine facilities
 - Brixham Liaison Forum held in February
 - Brixham Open Forum hosted in February for all harbour users (8am-6pm)
 - Sea Safety Forum held in February at Torquay Office
 - Meetings with MDL, Waterdance and Brixham Shipping Agency
 - Councillor Leaders operational visit to Torquay Harbour
 - Oxen Cove development presentation delivered to Brixham Town Council residents and members of the public
- 8.2. A meeting is scheduled with Carolyn Custerson (ER Bid company) and Councillor Jackie Thomas to discuss the future direction of Cruise Torbay with the aim of increasing the number of Cruise Ship visits to the Bay.

9. Asset and Plant

- 9.1. A periodic hydrographic survey has been completed in Torquay Harbour, with Brixham scheduled for W/C 23rd March 2026.

- 9.2. Barrier installations are underway in Paignton and Brixham to improve control of access to the harbour estate.
- 9.3. The upgrade to the latest version of MarNIS remains ongoing, with required software adjustments being progressed between the provider and Torbay Council IT. The existing system remains operational.
- 9.4. New storage facilities within Brixham Harbour Estate have been installed and now being leased out to commercial fishing operators.
- 9.5. Storm Ingrid brought severe weather conditions across Tor Bay impacting predominantly Torquay Harbour, including Force 10 winds and rough sea states.

Pre-Storm:

- Heavy weather procedures implemented
- Extra rounds ensuring vessels were secured
- Operational readiness of Patrol boat Oscar 4 maintained

During the Storm:

- Two commercial fishing vessels parted their mooring lines. Both successfully made fast with the assistance of Harbour Staff
- Harbour staff assisted with a commercial tenant's unit on harbour estate following a window blowing through due to heavy seas
- Two commercial vessels in the designated anchorages lost their anchors. Both now recovered
- Wooden and steel piles, along with some trailers washed into the harbour basin. Majority recovered by dive team.
- A berth finger on V pontoon in Torquay Harbour sustained structural damage. Repairs to be conducted by pontoon manufacturer.

10. Forthcoming Actions

- 10.1. All three harbours are operating satisfactorily. General maintenance is being undertaken and where possible there is a continuous drive for clearing away rubbish especially in Brixham. Brixham Harbour is now achieving a 100% waste disposal stream. Working with local authorities and national charities to contribute towards achieving a carbon neutral status.
- 10.2. The clearing of abandoned vessels in the Harbours continues. Six arrested vessels have been removed from Brixham Harbour, with dismantling of Accumulate scheduled for May 2026.
- 10.3. Work has started on improving the accessibility of the Authority to Harbour users. The Harbour Authority is exploring options to digitise forms to improve the ease of use for

customers and the administrative burden. The Harbour Authority is also working with the IT Department to improve the delivery of commonly asked questions on our website.

- 10.4. The Harbour Authority in conjunction with Beaches are working on an annual water safety campaign, focusing on Offshore winds. The campaign is planned to run over the summer season.
- 10.5. The bridge and cill for Torquay Harbour is still awaiting repair works to be undertaken by external contractors. Both gates are still functioning as normal but there is a higher risk of failure due to this linkage issue.

11. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	There is no differential impact.		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact.		
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by	There is no differential impact.		

	a physical or mental health condition or illness.			
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact.		
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact.		
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact.		

Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There is no differential impact.		
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact.		
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact.		
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact.		
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,	There is no differential impact.		

	5.9 per cent of the population have previously served in the UK armed forces.			
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		There is no differential impact.		
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact.		
Human Rights impacts		There is no differential impact.		
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact.		

12. Cumulative Council Impact

- a. None.

13. Cumulative Community Impacts

- a. None.

HARBOUR REVENUE ACCOUNTS 2025/26 - PROJECTED OUTTURN AT Q3

TOR BAY HARBOUR AUTHORITY

Expenditure	2025/26 Original Budget £ ,000	2025/26 Q1 Projected Outturn £ ,000	2025/26 Q3 Projected Outturn £ ,000	NOTE		2025/26 Original Budget £ ,000	2025/26 Q1 Projected Outturn £ ,000	2025/26 Q3 Projected Outturn £ ,000	NOTE			
Harbour Employee Costs	875	950	885	NOTE 1	Expenditure brought forward	4,157	4,598	4,860				
Premises Costs:-												
Repairs and Maintenance	385	385	516	NOTE 2					Income			
Energy & Water	401	388	401		Rents and Rights :-							
Cleaning & Waste	64	64	89	NOTE 3	Property and Other Rents/Rights	692	764	764	NOTE 7			
Other Premises & Insurance costs	229	229	229		Marina Rental	642	642	642				
Operational Costs:-					Operating Income :-							
Security Services including CCTV	182	210	233	NOTE 4	Harbour Dues	63	64	64				
Professional Services	79	79	79		Visitor and Slipway	106	82	82				
Equipment and V&P	62	74	74		Mooring fees	264	318	295	NOTE 8			
SWISCo	103	103	103		Pontoon Berths	792	804	802	NOTE 9			
General & administration expenses	85	92	91		Fish Toll Income	1,300	1,300	1,500	NOTE 10			
Internal Support Services	269	269	269		Recharged Services	132	113	106				
User Charges Concessions	20	20	26		Harbour Facilities charges	66	75	66				
Conservancy (Dredging)	100	100	100		Licences & Contractor passes	43	48	48				
Capital Charges	584	584	584	NOTE 5	Reserved Car Parking	26	26	26				
Projects Earmarked From Reserves	0	332	462	NOTE 6	Miscellaneous & Administration charges	31	52	31				
IFCA Precept	29	29	29		Contribution from Reserve	0	332	462	NOTE 6			
Contribution to General Fund - EHO	38	38	38			4,157	4,620	4,887				
Contribution to General Fund (Asset Rental)	652	652	652		Operating Surplus /(Deficit)	0	21	27				
	4,157	4,598	4,860									

Q1 Q3

RESERVE FUND	Q1	Q3
Opening Balance as at 1st April	1,459	1,459
Interest Receivable (estimated)	66	66
Est Net Surplus / (Deficit) from Revenue Account	21	27
Contribution to Revenue	(332)	(462)
Expected Closing Balance as at 31st March	1,214	1,090

Note: In line with Harbour Committee minute 398 (5) December 2011 the minimum Reserve level at year end 2024/25 is £786k 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.

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NOTES

1 Employee costs are expected to exceed the budget by £10k based on actuals being projected for the rest of the year. The

2 Overspend due to essential repairs and maintenance required in 25/26. Further planned spend over £50k includes:

	£k
TJs Restaurant roof and ballast repairs	51
Brixham Fish Market floor repairs	50
East Cardinal Marker (Paignton Harbour)	50

3 £11k additional waste charges at Brixham contribute to the overspend

4 An overpend on the Security and CCTV budget is forecast due to increased 3rd party costs and additional security requirements.

5 Financing costs of various Harbour schemes:

	£k
Torquay Town Dock	20
Torquay Town Dock - replacement	95
Torquay Inner Harbour pontoons	54
Torquay Haldon Pier	81
Brixham Harbour Regeneration	282
Brixham Harbour Jetty	38
Harbour Light	14
	<u>584</u>

6 A programme of works will be implemented by the Head of Tor Bay Harbour Authority funded by the specific amount set aside within the Reserve Projects earmarked from reserves:

Brixham Harbour Concrete Pads	30
Brixham Harbour Moorings Replacement	100
Brixham Harbour Chillers	160
Paignton Leased Property Upgrades	12
Torquay Rib repairs	30
Millennium Bridge repairs	130
TOTAL	<u>462</u>

7 Rents from property and other assets are projected to exceed budget, particularly at Brixham Harbour.

8 Income from mooring fees are forecast to exceed budget based on amounts received to date and amounts invoiced.

9 Income from pontoon booths are forecast to exceed budget based on amounts received to date and amounts invoiced. We are not expecting any further income on these codes.

10 Current indications are that the fish toll income will exceed the budget.

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Meeting: Harbour Committee **Date:** 30 March 2026

Wards affected: All Wards

Report Title: Tor Bay Harbour Budget Monitoring – Q3 2025/26

Report Contact Details:

Matt Reeks, Divisional Director for Place Operations: matt.reeks@torbay.gov.uk

Ian Rowswell, Deputy Director of Finance: ian.rowswell@torbay.gov.uk

1. Purpose of Report

- 1.1 This report updates the Committee on the forecast 2025/26 outturn position for Tor Bay Harbour Authority as at the end December 2025 (quarter 3 (Q3)), compared against the annual budget for 2025/26 – as approved on 2nd December 2024.

2. Reason for Proposal and its benefits

- 2.1 As a standing agenda item, this quarterly report is presented to each Committee meeting to enable appropriate oversight of spend against the budget. It will help to understand any spending pressures and the mitigating actions necessary in order to manage spend and maintain reserves at appropriate levels.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Harbour Committee note the projected revenue outturn position and estimated adjustments to the reserve for Tor Bay Harbour Authority for 2025/2026 as set out in Appendix 1 to the submitted report.

Appendices

Appendix 1: Harbour Revenue Account 2025-26 – Q3 2025/26

Supporting Information

1. Introduction

- 1.1 The 2025/26 Tor Bay Harbour Authority annual budget was approved by the Committee on 2nd December 2024. This monitoring report is for the 2025/26 financial year and covers the period up to the end of December 2026.

2. Options under consideration

- 2.1 Appendix 1 to this report provides a summary of the Harbour revenue account, showing the projected outturn position for 2025/26 as at the end of December 2025 (Q3), with associated notes and summary of the adjustments to the reserves.

3. Financial Opportunities and Implications

- 3.1 As at the end of Q3 we are projecting an underspend on the Harbour revenue account of £27k, against the balanced budget set in December. This is a favourable movement of £6k from the Q1 projection, mainly due to a more detailed approach to monitoring employee costs and additional fish toll income offsetting other overspends.
- 3.2 An overspend of £131k is projected on the repairs and maintenance budget due to critical works that includes planned repairs to Brixham Fish market floor, East Cardinal Marker and TJ's restaurant roof and ballast. Expenditure on utilities and cleaning/waste have also increased since Q1 and are now also forecast to exceed budget, albeit by a much smaller amount.
- 3.3 The projected overspend against the staffing budget has significantly reduced since Q1 and continues to be tightly managed to try and mitigate the risk of overspend, whilst meeting operational requirements.
- 3.4 Fish toll income is the most significant income for Harbours and although the budget was increased by £200k for 2025/26, current projections show income expected to exceed budget by £200k and this additional income is helping to offset the overspends highlighted above. Income from rent, moorings and pontoon booths are also currently expected to exceed budget.
- 3.5 The Harbours contribution to Torbay Council's general fund is expected to be in line with budget at £652k, around the same level as the previous year. There is a general understanding (supported by previous reports and minutes) that this figure represents both a cash dividend and asset rental fee, but further detail on this has been requested. Further work is taking place to review this contribution and provide more detail to the Committee.

3.6 £462k of one-off spend is planned in 2025/26, to be funded from the Harbours reserve. An amount of £362k was identified as part of setting the 2025/26 budget and includes replacement of Harbour chillers (£160k) and replacement of Brixham Harbour moorings, (£100k). A full list can be found in Appendix 1 (notes) and shows how the addition of repairs to Millenium Bridge has increased this spend by further £130k. The reserves balance at the start of the year was £1,459k and based on a year-end surplus of £27k, is forecast to reduce to £1,090k, which exceeds the minimum recommended level. The table below summarises the estimated movement.

Drawdown from Reserves	Initial forecast	Projection
	2025/26	Q3
	£k	£k
Balance at 1/4/25	(1,069)	(1,459)
Projected Outturn deficit/(surplus)	0	(27)
Interest received	(10)	(66)
Budgeted contribution from reserves for one-off spend	332	462
Est balance at year end 31/3/26	(747)	(1,090)

3.7 The Harbour's outstanding borrowing liability is as follows:

Capital Scheme	Amount Borrowed	Start of Repayments	Principal Outstanding 01/04/25	Principal Outstanding 31/03/26
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£273,007	£253,506
Town Docks (Torquay Harbour) - replacement	£1,201,000	2024/25	£1,132,797	£1,063,059
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£638,767	£586,674
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£3,171,404	£3,031,588
Torquay Inner Harbour pontoons (Inner Dock)	£800,000	2014/15	£553,226	£524,167
Brixham Harbour Jetty	£840,000	2020/21	£783,850	£771,502
TOTAL			£6,553,051	£6,230,497

3.8 The Harbour's aged debt position is set out below. The reported figures for 0-60 days will vary between quarters depending on timing of invoices raised. The outstanding Harbour Charges debt largely reflects payment of user charges by instalments and the overall figure should continue to reduce throughout the year.

	Corporate Debtor System & Harbour Charges			
	<60 days	61-120 days	121-365 days	>365 days
Debt outstanding	£210k	£5k	£191k	£252k
Bad debt provision	£80k			

4. Legal Implications

4.1 Not applicable

5. Engagement and Consultation

5.1 The service continues to listen to feedback from:

- Harbour users and liaison forums
- Committee members
- Fishing industry leaders

6. Procurement Implications

6.1 Not applicable

7. Protecting our naturally inspiring Bay and tackling Climate Change

7.1 Not applicable

8. Associated Risks

8.1 There is a risk of further predicted expenditure relating to repairs and maintenance, which could impact further on the drawdown from reserves.

8.2 If quayside facilities and services do not remain aligned with user need/requirements then there is a risk that income will decline.

8.3 If income is not sufficient to cover all costs within the year there would need to be a drawdown from Harbour reserves, which would not be sustainable over a number of years. Work will continue throughout 2025/26 to review expenditure and income budgets to provide confidence on financial sustainability.

9. Identify the potential positive and negative impacts on specific groups

9.1 Not applicable

10. Cumulative Council Impact

10.1 Not applicable

11. Cumulative Community Impacts

11.1 Not applicable

Meeting: Harbour Committee

Date: 30th March 2026

Wards affected: All wards

Report Title: Port and Marine Facilities Safety Code – Required Policies and Procedures

When does the decision need to be implemented?

Director Contact Details: Matt Reeks, Interim Director of Tor Bay Harbour Authority
matt.reeks@swisco.co.uk

1. Purpose of Report

- 1.1. To present to Members the suite of policies and procedures developed to ensure compliance with the Port and Marine Facilities Safety Code and to seek endorsement of these documents.

2. Reason for Proposal and its benefits

- 2.1. As required by the Port and Marine Facilities Safety Code, the Harbour Authority must maintain a comprehensive and effective Marine Safety Management System (mSMS) supported by formal policies and procedures.

The development and implementation of these policies ensures:

- Compliance with national regulatory standards
- A structured and auditable safety framework
- Clear governance and accountability
- Continuous improvement in marine safety

3. Recommendation(s) / Proposed Decision

- 3.1. That Members of the Harbour Committee endorse the policies and procedures required by the Port and Marine Facilities Safety Code following their presentation during the Operational Visit held at Torquay Harbour on 5th March 2026.

4. Appendices

- A. Commitment to the Port and Marine Facilities Safety Code
- B. Appointment of Designated Person Policy
- C. Marine Safety Plan 2026-2029
- D. Revalidation of Marine Qualifications Policy
- E. Debt Recovery Policy

5. Background Documents

- 5.1. None.

Supporting Information

6. Background

- 6.1. The Harbour Authority has undertaken a comprehensive review and redevelopment of its Marine Safety Management System (mSMS) to align with the latest edition of the Port and Marine Facilities Safety Code.
- 6.2. This work includes the creation and revision of key supporting policies and procedures, forming the foundation of the Authority's safety and compliance framework.
- 6.3. Members of the Harbour Committee were presented with these policies during the Operational Visit to Torquay Harbour on 5th March 2026, where the structure, intent and application of each document were explained in detail.
- 6.4. The Port and Marine Facilities Safety Code represents the national standard for marine safety governance within UK harbours, establishing clear expectations for accountability, risk management and safe operation.
- 6.5. The endorsement of these policies is therefore essential to demonstrate that the Harbour Authority is operating in accordance with recognised best practice, protecting life, property and the marine environment, and providing assurance to Members, stakeholders and regulators that an effective and compliant safety management framework is in place.

Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age Page 35	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	There is no differential impact.		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact.		
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by	There is no differential impact.		

	a physical or mental health condition or illness.			
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact.		
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact.		
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact.		
Race	In the 2021 Census, 96.1% of Torbay residents described	There is no differential impact.		

	<p>their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.</p>			
Religion and belief	<p>64.8% of Torbay residents who stated that they have a religion in the 2021 census.</p>	<p>There is no differential impact.</p>		
Sex	<p>51.3% of Torbay's population are female and 48.7% are male</p>	<p>There is no differential impact.</p>		
Sexual orientation	<p>In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.</p>	<p>There is no differential impact.</p>		
Armed Forces Community	<p>In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.</p>	<p>There is no differential impact.</p>		

Additional considerations			
Socio-economic impacts (Including impacts on child poverty and deprivation)		There is no differential impact.	
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact.	
Human Rights impacts		There is no differential impact.	
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact.	

8. Cumulative Council Impact

- a. None.

9. Cumulative Community Impacts

- a. None.

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Appendix A

Commitment to the Port and Marine Facilities Safety Code

As the Duty Holder of Tor Bay Harbour Authority, we are fully committed to the Port and Marine Facilities Safety Code.

We pledge to maintain the highest standards of marine safety, ensuring all operations safeguard the well-being of harbour users, staff, members of the public and the environment.

We will ensure:

- A robust Marine Safety Management System is in place
- Formal risk assessments are conducted
- Provide adequate resources to the Harbour Authority
- Continuously review and improve our safety performance
- Engage openly and transparently with stakeholders
- Meet statutory obligations
- Confirm proportional compliance with the Port and Marine Facilities Safety Code when required
- Promote a positive safety culture throughout all our operations.

Document ID TBHA-SMS-POL-004	Version Number v.1.0	Issue Date Jan 2026	Review Date Jan 2029	Sensitivity Public	Page Page 1 of 1
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Appendix B

Appointment of Designated Person Policy

As the Duty Holder of Tor Bay Harbour Authority, we establish this Designated Person Policy to ensure independent assurance of our marine safety management.

The Designated Person, appointed by the Harbour Committee, will provide independent oversight of the Marine Safety Management System (mSMS).

The Designated Person must have recognized competence, knowledge of the Port and Marine Facilities Safety Code.

We will ensure that the appointed Designated Person has direct access to all members of the Harbour Committee as the collective Duty Holder.

The Designated Person will monitor and audit the effectiveness of the mSMS, ensuring compliance with the Code.

The Designated Person will regularly report findings to the Duty Holder, highlighting any deficiencies and recommending improvements when required.

Document ID TBHA-SMS-POL-003	Version Number v.1.0	Issue Date Jan 2016	Review Date Jan 2029	Sensitivity Public	Page Page 1 of 1
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Appendix C

Tor Bay Harbour Authority Marine Safety Plan

2026 - 2029

Document ID TBHA-SMS-POL-002	Version Number v.1.0	Issue Date Jan 2026	Review Date Jan 2029	Sensitivity Public	Page Page 1 of 6
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Introduction

This Marine Safety Plan (MSP) sets out Torbay Council’s strategic commitment to the safe, efficient and responsible management of marine operations across its statutory harbour area, including Torquay, Paignton and Brixham Harbours.

The plan has been developed in accordance with the Port & Marine Facilities Safety Code (PMSC), which establishes the national framework for marine safety management within ports and harbours, and is informed by the principles set out in the Guide to Good Practice on Port Marine Operations.

The MSP provides the overarching governance framework for marine safety and is supported by a comprehensive Marine Safety Management System (mSMS). The mSMS sets out the detailed local arrangements in place within Tor Bay, including operational procedures, formal risk assessments, emergency response arrangements, training and competence requirements and compliance measures.

Together, the MSP and mSMS ensure that marine risks are identified, managed and reviewed in a structured, proportionate and risk-based manner, supporting the Harbour Authority in meeting its statutory duties and maintaining a safe environment for harbour users, employees, contractors and the wider public.

Governance and Accountability

Torbay Council’s Harbour Committee fulfils the role of Duty Holder for Tor Bay Harbour Authority in accordance with the PMSC. The Duty Holder is collectively and individually responsible for ensuring that marine safety is properly managed that the Harbour Authority meets its legal and regulatory obligations.

In fulfilling this role, the Duty Holder is responsible for:

- Ensuring an effective and proportionate Marine Safety Management System (MSMS) is in place and maintained
- Appointing a suitably qualified and independent Designated Person
- Providing adequate resources to support safe marine operations
- Receiving assurance on marine safety performance and compliance
- Confirming compliance with the PMSC to the Maritime & Coastguard Agency (MCA) on a three-yearly cycle

This accountability cannot be delegated.

Document ID TBHA-SMS-POL-002	Version Number v.1.0	Issue Date Jan 2016	Review Date Jan 2029	Sensitivity Public	Page Page 2 of 6
---------------------------------	-------------------------	------------------------	-------------------------	-----------------------	---------------------

The Designated Person, appointed in accordance with the PMSC, provides independent assurance to the Duty Holder that the mSMS is operating effectively. The Designated Person has direct access to the Duty Holder and is responsible for offering objective advice, reviewing safety performance, and raising concerns where necessary. The Designated Person is required to have appropriate knowledge and experience of the PMSC and the Guide to Good Practice on Port Marine Operations.

Day-to-day responsibility for marine safety is delegated to the Harbour Master, who is accountable for the operational implementation of the MSMS. This includes managing navigational safety, regulating harbour activities, responding to incidents, enforcing harbour legislation, and ensuring that marine risks are appropriately assessed and controlled.

Marine safety governance is further supported through appropriate council governance arrangements and stakeholder engagement mechanisms, including harbour user and consultative forums. These provide transparency, local insight and feedback to support continuous improvement and informed decision-making.

This Marine Safety Plan is owned by the Duty Holder and supported by the Designated Person and Harbour Master. The Plan is reviewed annually and formally updated every three years in line with the PMSC compliance cycle, or sooner where significant change requires.

Policy

Tor Bay Harbour Authority is committed to the safe, efficient and environmentally responsible operation of its harbours.

In accordance with the Health and Safety at Work etc. Act 1974, the Port and Marine Facilities Safety code and principles of good governance, Tor Bay Harbour Authority will ensure that:

- All harbour and marine operations are conducted in a manner that safeguards the health and safety of harbour users, employees, contractors and the public
- Marine safety risks are identified, assessed and managed through a robust, risk-based Marine Safety Management System
- The mSMS is regularly reviewed, audited and updated in line with best practice
- Stakeholders are consulted and engaged on matters affecting marine safety
- Harbour operations support environmental protection and sustainable use of the marine environment
- Adequate resources are provided to discharge statutory harbour functions safely and effectively

Document ID TBHA-SMS-POL-002	Version Number v.1.0	Issue Date Jan 2026	Review Date Jan 2029	Sensitivity Public	Page Page 3 of 6
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Standing Objectives for Marine Operations

To achieve continuous improvement in marine safety, Tor Bay Harbour Authority has established the following standing objectives for the period 2026-2029.

Progress against these objectives will be reviewed annually and reported to the duty holder.

	Objective	Action	Outcome	Responsible
1	Plan and Respond to Emergencies	Maintain, review and update emergency plans as part of the annual review and audit schedule.	Emergency response plans remain effective and beneficial.	Harbour Master
		Conduct annual pollution incident exercises on a rotational basis within each enclosed harbour.	Ensure harbour staff can effectively respond to pollution incidents.	Harbour Master
		Establish agreements with MDL Marinas (Brixham and Torquay) to benefit emergency responses.	Improve initial emergency response within Torquay and Brixham Harbours and ensure cross-working ability with Harbour & Marina teams.	Harbour Master
2	Conservancy: Provide a Safe and Navigable Harbour	Maintain Aids to Navigation to IALA standards.	Ensure safety of navigation within harbour limits.	Harbour Master
		Issue Notice to Mariners in a timely manner and maintain local port information.	Enhance the safety of navigation with statutory harbour limits.	Harbour Master
		Conduct hydrographic surveys within enclosed harbours at required intervals and publish results.	Ensure safety of navigation for vessels and allows Harbour Master to determine dredging requirements.	Harbour Master

3	Training and Capability	Host regular operational visits for Duty Holders to each harbour.	Ensure Duty Holder have awareness of harbour operations.	Harbour Master
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		Ensure all harbour staff and duty holders hold suitable qualifications and training for their role.	Competent and qualified staff across all harbours.	Director of Harbours
		Conduct annual reviews of training matrix and staff training requirements	Ensure training matrix is kept up to date with industry changes and best practices. Identify training gaps for harbour staff.	Harbour Master / Deputy Harbour Masters
4	Resilience	Ensure adequate staffing levels all year round, including the use of seasonal staff during peak season.	Ensure Harbours are staffed sufficiently to run a safe operation.	Harbour Master
		Maintain survey and inspection regime for critical harbour infrastructure and Aids to Navigation.	Ensure up-time and resilience plans are in place for critical harbour infrastructure.	Harbour Master
		Create an asset management plan and planned maintenance system	Ensure service history and inspections of equipment and infrastructure is formally recorded.	Harbour Master
5	Incident & Accident Reporting and Investigation	Ensure all marine incidents are investigated promptly and all major incidents reported to the Duty Holder within 24 hours.	Control measures to be actioned in a timely manner.	Harbour Master
		Share learning points from incident investigations with harbour staff and stakeholders.	Learning points to be actioned in a timely manner.	Harbour Master
		Encourage the reporting of incidents, near-misses and accidents by Harbour Users.	Track incident trends, resulting in proactive risk management.	Harbour Master / Deputy Harbour Masters
6	Port & Marine Facilities Safety Code – Review and Audit	Review standard operating procedures and navigational risk assessments annually.	Ensure all risks are documented and control measures in place.	Harbour Master
		Conduct annual external audit of mSMS.	Ensure compliance with PMSC requirements.	Harbour Master
		Review and updated Marine Safety Plan every three years.	Ensure compliance with PMSC requirements.	Harbour Master

7	Engage with Stakeholders	Hold regular liaison forum meetings with harbour users.	Regular structured dialogue with harbour.	Harbour Master
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		Conduct annual Hazard ID workshops with harbour users.	Active engagement with harbour users to ensure active risk management.	Harbour Master
		Undertake annual water safety campaign	Active engagement with residents and visitors of Torbay to promote safety on the water.	Harbour Master / Deputy Harbour Masters
8	Review Legislation and Power	Review statutory powers on an annual basis.	Ensure powers are proportionate for the statutory harbour authority.	Harbour Master
		Start the process for obtaining general directions.	Modernised statutory powers.	Director of Harbours
9	Enforcement of Regulations	Increase awareness of Harbour Byelaws.	Ensure users are aware of statutory requirements.	Harbour Master
		Review enforcement policies annually.	Ensure policies are applied in a consistent and fair manner.	Harbour Master / Deputy Harbour Masters



Appendix D

Revalidation of Maritime Qualifications Policy

1. Purpose

The purpose of this policy is to ensure that marine qualifications held by staff involved in harbour operations remain valid, current and appropriate for the duties undertaken.

This policy establishes a formal process for monitoring, maintaining and revalidating marine qualifications already held by staff, ensuring that operational competence is maintained and that Tor Bay Harbour Authority continues to operate safely in accordance with the Port and Marine Facilities Safety Code.

2. Scope

This policy applies to all Tor Bay Harbour Authority personnel who hold marine qualifications relevant to their operational duties, including but not limited to:

- Harbour Master
- Deputy Harbour Masters
- Assistant Harbour Masters
- Harbour Foremans
- Harbour Assistants

The policy applies only to qualifications already held by staff which require periodic renewal, revalidation or continued professional competence.

3. Our Commitment

Tor Bay Harbour Authority will ensure that all marine qualifications held by staff that are required for their operational role always remain valid and current.

Where a qualification has an expiry date or revalidation requirement, arrangements will be made to ensure renewal occurs before the qualification lapses, unless the qualification is no longer required for the role.

4. Revalidation Arrangements

- All invoices are payable within the timescale stated on the invoice or associated terms.
- It is the responsibility of the harbour user to ensure payment is made by the due date.
- Failure to pay will trigger the Harbour Authority's debt recovery process.

5. Responsibilities

Harbour Master

The Harbour Master is responsible for:

Document ID TBHA-TRN-POL-001	Version Number v.1.0	Issue Date Mar 2026	Review Date Mar 2027	Sensitivity Public	Page Page 1 of 2
---------------------------------	-------------------------	------------------------	-------------------------	-----------------------	---------------------

- Ensuring that marine qualifications required for operational roles remain valid.
- Monitoring revalidation dates and arranging renewal where necessary.
- Maintaining records of qualification validity.

Staff

Personnel holding marine qualifications are responsible for:

- Informing management of upcoming qualification expiry dates where known.
- Participating in any revalidation or refresher training required.

6. Review

This policy will be reviewed as part of the periodic review of the Marine Safety Management System, or sooner if changes to operational requirements or training standards occur.

Document ID TBHA-TRN-POL-001	Version Number v.1.0	Issue Date Mar 2026	Review Date Mar 2027	Sensitivity Public	Page Page 2 of 2
---------------------------------	-------------------------	------------------------	-------------------------	-----------------------	---------------------

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Appendix E

Debt Recovery & Withdrawal of Facilities – Policy

1. Purpose

Tor Bay Harbour Authority relies on harbour dues, charges, and fees to operate, maintain, and manage the harbour safely and effectively. This policy sets out the Authority’s commitment to the prompt recovery of debts and the withdrawal of facilities or use of enforcement action where payments remain outstanding.

2. Scope

This policy applies to all sums due to the Harbour Authority, including:

- Harbour dues and visitor charges
- Annual and visitor moorings
- Pontoon, quay, and berth facilities
- Boat parks and ancillary harbour services
- Any other discretionary harbour facility or licence

3. Our Commitment

The Harbour Authority will:

- Invoice accurately and in a timely manner
- Apply a clear, staged debt recovery process
- Treat harbour users fairly, consistently, and proportionately
- Act early to prevent debts escalating
- Escalate recovery action where payment is not promptly made
- Protect public funds and ensure fairness to paying users

The Harbour Authority will not allow debts to persist and will take appropriate action where charges remain unpaid.

4. Payment Expectations

- All invoices are payable within the timescale stated on the invoice or associated terms.
- It is the responsibility of the harbour user to ensure payment is made by the due date.
- Failure to pay will trigger the Harbour Authority’s debt recovery process.

5. Consequences of Non-Payment

Failure to pay may result in the withdrawal of harbour facilities and the use of enforcement action, including statutory powers, where appropriate.

Document ID TBHA-ADM-POL-001	Version Number v.1.0	Issue Date Jan 2026	Review Date Jan 2027	Sensitivity Public	Page Page 1 of 3
---------------------------------	-------------------------	------------------------	-------------------------	-----------------------	---------------------

6. Staged Debt Recovery Process

Where payment is not received, the Harbour Authority will normally proceed through the following stages:

- **Reminder and dunning notices**
 - One or more written reminders issued at defined intervals
 - Opportunity provided to resolve queries and make payment
- **Operational escalation**
 - Unpaid debts escalated to the Operational Manager
 - A facility withdrawal threshold assessment undertaken
- **Withdrawal of facilities**
 - Issue of a formal Removal of Facility Notice where thresholds are met
 - Recalculation of outstanding charges, including usage to date, notice periods, and administration costs
 - Withdrawal of the relevant facility
- **Vessel removal and enforcement**
 - Requirement for the vessel to be removed within the stated notice period
 - Exercise of statutory powers, including arresting of vessel(s), where necessary
 - Sale or disposal of vessels may be undertaken to recover outstanding sums and costs
- **External recovery and future restrictions**
 - Referral to external debt recovery agents where appropriate
 - Adjustment of debt following recovery or sale/disposal
 - Refusal of future facilities and removal of payment options for persistent or serious non-payment

7. Discretionary Nature of Facilities

- Most harbour facilities are discretionary and not a statutory entitlement.
- The Harbour Authority may:
 - Withdraw or refuse to renew facilities where debts remain unpaid
 - Decline applications from customers with a history of non-payment
 - Restrict access to discretionary payment methods

8. Transparency and Review

- Customers will be informed in writing at key stages of the recovery process.
- This policy operates alongside published Harbour Charges, operational policies, statutory acts and facility terms and conditions.
- The policy will be reviewed periodically to ensure it remains effective, proportionate, and lawful.

Document ID TBHA-ADM-POL-001	Version Number v.1.0	Issue Date Jan 2026	Review Date Jan 2027	Sensitivity Public	Page Page 2 of 3
---------------------------------	-------------------------	------------------------	-------------------------	-----------------------	---------------------

9. Approval

This policy is approved for publication and applies to all harbour users.

Document ID TBHA-ADM-POL-001	Version Number v.1.0	Issue Date Jan 2016	Review Date Jan 2027	Sensitivity Public	Page Page 3 of 3
---------------------------------	-------------------------	------------------------	-------------------------	-----------------------	---------------------

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