



Friday, 12 September 2014

HARBOUR COMMITTEE

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

Monday, 22 September 2014

commencing at **5.30 pm**

The meeting will be held in the Berry Head Hotel, Berry Head Road, Brixham,
TQ5 9AJ

Members of the Committee

Councillor Amil (Chairwoman)

Capt. Paul Lloyd

Mr Stewart

Capt. Curtis

Mr Ellis

Mr Buckpitt

Councillor Ellery (Vice-Chair)

Councillor Faulkner (J)

Councillor Hytche

Councillor McPhail

Councillor James

Mayor Oliver

Councillor Richards

Councillor Stringer

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

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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 1 - 7)
To confirm as a correct record the Minutes of the meeting of the Committee held on 23 June 2014.
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. **Exclusion of the Press and Public for Item 6 only**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item number 6 only on the agenda on the grounds that exempt information (as defined by the Local Government (Access to Information) Act, 1985) is likely to be disclosed.
6. **Torbay BSAC Grant Update** (To Follow)
To consider an update on an Application for a grant.
7. **Torquay/Paignton and Brixham Harbour Liaison Forums** (To Follow)
To note the minutes of the Torquay/Paignton and Brixham Harbour Liaison Forums.

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|-----|---|-----------------|
| 8. | Harbour Authority Risk Register To review the Harbour Authority Risk Register. | (Pages 8 - 14) |
| 9. | Harbour Asset Review Working Party To receive recommendations from the Harbour Asset Review Working Party. | (Pages 15 - 17) |
| 10. | Audit of Harbour Asset Management To consider the Audit of Harbour Asset Management Report. | (Pages 18 - 28) |
| 11. | Harbour Estate - Haldon and Princess Pier Structural Repairs To approve the Haldon and Princess Pier Structural Repairs. | (Pages 29 - 40) |
| 12. | Tor Bay Harbour Authority Quarterly Budget Monitoring Report To consider the Tor Bay Harbour Authority Quarterly Budget Monitoring Report. | (Pages 41 - 49) |
| 13. | Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net) To monitor the Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net). | (To Follow) |
| 14. | Tor Bay Harbour Marine Environmental Policy (biennial - 2014) To approve the Tor Bay Harbour Marine Environmental Policy (biennial - 2014). | (Pages 50 - 54) |
| 15. | Tor Bay Harbour Pilotage Directions (biennial - 2014) To approve a Review of the Tor Bay Harbour Pilotage Directions (biennial - 2014). | (Pages 55 - 78) |
| 16. | Quarterly Accident and Incident Data for Tor Bay Harbour To review the Quarterly Accident and Incident for Tor Bay Harbour. | (To Follow) |



Minutes of the Harbour Committee

23 June 2014

-: Present :-

Councillor Amil (Chairman)

Councillors Ellery (Vice-Chair), Faulkner (J), Hytche, McPhail, James and Stringer and Mayor Oliver.

External Advisors: Mr Ellis, Capt. Lloyd, Mr Stewart and Mr Buckpitt

(Also in attendance: Mr Jennings until Item 7)

1. Election of Chairman/woman

Councillor Amil was elected Chairman for the 2014/15 Municipal Year.

2. Apologies

An apology for absence was received from External Harbour Advisor Capt. Bob Curtis.

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 Addis instead of Councillor Richards.

3. Election of Vice-Chairman/woman

Councillor Ellery was elected Vice-Chairman for the 2014/15 Municipal Year.

4. Minutes

The Minutes of the meeting of the Harbour Committee held on 17 March 2014 were confirmed as a correct record and signed by the Chairman.

5. Urgent items

The Committee considered the items in Minutes 6, and not included on the agenda, the Chairman being of the opinion that they were urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

6. Presentation to Mr Gordon Jennings

The Chairman acknowledged the years of service given to Tor Bay Harbour and the Harbour Committee by Mr Gordon Jennings whose term as an External Harbour Advisor had come to an end in September 2013.

Members thanked him for his valued hard work and expertise over the years and presented him with a token of appreciation.

7. Harbour Committee Terms of Reference

The Committee noted the current terms of Reference for the Harbour Committee.

8. Appointment of Harbour Appointments Sub Committee

The Committee considered appointments to the Harbour Appointments Sub-Committee who consider applications for External Advisors to the Harbour Committee and to make recommendations to the Harbour Committee on suitable appointments to those positions. Members were advised that the previous Sub-Committee consisted of three Councillors, including the Chair and vice-Chair.

Resolved:

That a Harbour Appointments Sub-Committee be re-appointed to comprise six members of the Harbour Committee (The Chair, Vice-Chair and Councillors Hytche, Richards, McPhail and Faulkner (J)).

9. Harbour Asset Review Working Party

The Committee considered appointments to the Harbour Asset Review Working Party who provide strategic direction in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by the Tor Bay Harbour Authority.

Resolved:

That a Harbour Asset Review Working Party, comprising four members of the Harbour Committee (Chair, Councillors Faulkner (J), Richards and McPhail) and two of the External Advisors to the Committee (Mr Stewart and Capt. Lloyd), be appointed with the following terms of reference:

- a) To review all assets within Tor Bay Harbour and the Harbour Estate;
- b) To establish how each asset is performing; and
- c) To identify any assets that are surplus.

10. Harbour Budget Review Working Party

The Committee considered appointments to the Harbour Budget Review Working Party who assist the Harbour Committee in the management of all of the Harbour's financial matters in accordance with approved financial procedures and the Council's aspirations for the harbour to be self financing as outlined in the Tor Bay Harbour and Maritime Strategy.

Resolved:

That a Harbour Budget Review Working Party, comprising three members of the Harbour Committee (Councillors Stringer and Hytche), plus the Chairman and two External Advisors to the Committee (Mr Stewart and Mr Ellis), be appointed to scrutinise the draft Tor Bay Harbour Authority budget prior to presentation to the Harbour Committee and to review the full range of harbour charges. Also, to assist Officers to monitor and review the budget ahead of each quarterly Harbour Committee meeting.

11. Pilotage Review Working Party

The Committee considered appointments to the Pilotage Review Working Party who review the Pilotage arrangements for Tor Bay Harbour and recommend amendments to the Pilotage direction as and when appropriate.

Resolved:

That a Pilotage Review Working Party, comprising of two of the External Advisors (Captain Curtis (up until September 2014), Capt. Lloyd and Mr Buckpitt) be appointed to work alongside Officers to review the Pilotage arrangements for Tor Bay Harbour and to recommend to the Harbour Committee any amendments to the Pilotage Directions as and when appropriate.

12. Exemption of the Press and Public

Prior to consideration of the item in Minutes 13 and 14 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).)

13. Paignton Harbour Development Opportunity

Members considered an Exempt Report on the Harbour Authority's potential to realise the development value within the Harbour Light Restaurant building at Paignton Harbour as a project identified as achievable in the 'short term' within the Port Masterplan.

Resolved:

- 1) that, a Working Party be set up to look at all the options for the development of the Harbour Light Restaurant building, including the submitted exempt report; and
- 2) that the tenants of the Harbour Light Restaurant building continue to be consulted and kept informed as to the proposals that might affect the future use of the building; and
- 3) that an update report based on the findings of the Working Party be brought back to the Harbour Committee in March 2015.

14. Torbay BSAC Application

Members considered an application by the Torbay British Sub Aqua Club for a grant to set-off rent that would otherwise be due.

Members noted that on the 18th March 2013 they considered an application from the Torbay British Sub Aqua Club and having considered the application the Harbour Committee approved the following:-

Minute 5.3

“That a grant of £810, which is 50% of the current market rent, be allowed for a period of one year, subject to the Torbay British Sub Aqua Club striving to attain higher membership levels and exploring Charitable Status and Membership of the Sports Council. Also, for an Action Plan to be brought back in 12 months time to the Committee if the Club wanted to make a further grant application next year.”

Members were advised by the Executive Head of Tor Bay Harbour Authority, that Torbay British Sub Aqua Club had not provided any evidence of their exploring Charitable Status or Membership of the Sports Council and had not provided an Action Plan as part of their new application and had not requested to attend the committee meeting to answer Members questions.

Resolved;

- 1) that the Executive Head of Tor Bay Harbour Authority be requested to remind the Torbay British Sub Aqua Club of the approved Minute (5.3) and request that the information be provided as part of the application to be considered at the September Harbour Committee.

15. Tor Bay Harbour Authority Revenue Outturn 2013/14

Members received and noted a report setting out details of Tor Bay Harbour Authority's final expenditure and income figures against the budget targets for 2014/15.

Members noted that Brixham Harbour deficit had increased to £53,000 and that the Harbour Budget Review Party may wish to consider presenting a single set of accounts for Tor Bay Harbour rather than one account for Torquay and Paignton Harbours and another account for Brixham Harbour.

Members also noted the Harbour Master's use of delegated powers to waive certain harbour charges, which at the end of the financial year amounted to £1,938.39 (excl VAT) and which were spread across both harbour accounts.

16. Torquay/Paignton and Brixham Harbour Liaison Forums

The Committee received the minutes of the latest Torquay and Paignton Harbour Liaison Forum and the Brixham Harbour Liaison Forum and noted the contents.

17. Tor Bay Harbour Authority Quarterly Budget Monitoring Report

The Committee received and noted a report which provided Members with projections of income and expenditure for the year 2014/15 compared with the approved budgets.

The report identified the overall budgetary position of Tor Bay Harbour Authority as at the end of May 2014 and noted that the Brixham Harbour Deficit was projected to worsen.

Members were also asked to note that the Harbour Committee had agreed to an additional contribution to the Council's General Fund of the equivalent value of £150,000 for the years 2014/15 and 2015/16 but since December 2013 further pressure had been placed on the Council's overall budget position and the Executive Head of Tor Bay Harbour Authority and the Chair of the Harbour Committee had been asked to consider a further contribution to the Council's General Fund of £160,000 for 2015/216. The Committee received an explanation of how the additional £160,000 contribution could be delivered.

18. Performance Report - Tor Bay Harbour Authority

The Committee noted the report which detailed the year end 2013/14 performance position of Tor Bay Harbour Authority and the performance position to date in 2014/15.

Members requested that their thanks be passed onto all Harbour staff for their work during these difficult times.

19. Tor Bay Harbour Authority Audit Plan

The Committee received a report setting out a dedicated Audit Plan for the Harbour Authority for the next four years.

Resolved:

The Committee approved the amended Tor Bay Harbour Audit Plan for 2013 - 2018 as set out at Appendix 1 of the submitted report.

20. Tor Bay Harbour Enforcement and Prosecution Policy - June 2014

The Committee received a report setting out an Enforcement and Prosecution Policy which the Committee were requested to review and endorse.

Resolved:

That the Tor Bay Harbour Authority Enforcement and Prosecution Policy shown in Appendix 1 of the submitted report, be approved.

21. Quarterly Accident and Incident Data for Tor Bay Harbour

Members received a briefing note which provided a quarterly update of the current accident statistics for the Harbour Authority up until June 2014.

Members noted there had been 3 hospitalisations which had been categorised as ASU (attempted suicide), SWIM (swimming) and STF (slips, trips and falls).

22. Amendments to the Moorings Policy

The Committee considered a report to amend the Harbour Authority's Operational Moorings and Facilities Policy. The Committee were advised that the policy sought to ensure a consistent, fair and equitable approach was applied to new, existing and potential facility customers that use Tor Bay Harbour and the harbour estate.

Members noted that Version 9 of the Tor Bay Harbour Operational Moorings and Facilities Policy proposed 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 the facility was first allocated. The revised Policy also proposed the introduction of a £50 non-refundable registration fee to join or remain on the commercial moorings waiting list.

Resolved:

That the Tor Bay Harbour Operational Moorings and Facilities Policy – Version 9 as set out in Appendix 1 of the submitted report, be approved.

Chairman



Meeting: Harbour Committee

Date: 22nd September 2014

Wards Affected: All wards in Torbay

Report Title: Review of Tor Bay Harbour Business Risks 2014/15

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**

 **E.mail: Kevin.Mowat@torbay.gov.uk**

1. Purpose

- 1.1 This report provides Members with the opportunity to consider and review the Tor Bay Harbour Business Risk Register for 2014/15.

2. Summary

- 2.1 It is accepted that in order for risk management to be truly successful it must be integrated into the culture of an organisation, supported and led by its senior management and communicated effectively at all levels. Consequently it is appropriate that as Tor Bay Harbour's governing body, the Harbour Committee formally reviews its business risks on a regular basis.
- 2.2 Concerns over reduced income levels and an increase in the cash dividend/asset rental levy have led to a higher probability score for Risk No.4. Also, some potential for problems with succession planning has led to a higher probability score for Risk No.9. Currently there are no high scoring risks.
- 2.3 The Committee is asked to note the Tor Bay Harbour Business Risk Register attached as Appendix 1.

Supporting Information

3. Position

- 3.1 Risk management is a fundamental part of any harbour's strategic management; the focus of which is the identification, analysis and treatment of risk in order to add maximum sustainable value to all of the harbour's activities. Risk Management increases the probability of success, and reduces both the probability of failure and the uncertainty of achieving the harbour's overall objectives.

- 3.2 As part of the requirements for corporate governance and internal control an organisation must 'embed' risk management into its culture. This is not simply having an internal audit function reviewing risk management procedures; it means, for the harbour authority, that the Harbour Committee needs to look forward, be dynamic, respond effectively to change and maximise opportunities.
- 3.3 The benefits gained in managing risk are improved strategic, operational and financial management, continuity of knowledge and information management processes, improved compliance and, most importantly, improved customer service delivery. Sound management of business risks will also promote a positive external image of Tor Bay Harbour for all stakeholders.
- 3.4 A harbour authority, in common with any commercial undertaking, requires effective strategic leadership based on a complete understanding of the direction being taken and its associated opportunities and risks.
- 3.5 Making informed and transparent decisions which are subject to effective scrutiny and managing risk is a core principle of good governance.
- 3.6 Risk management is a key contributor to business planning and therefore integral to continuous improvement and sustainability. The Risk Register is used as a management tool to support the Tor Bay Harbour Business Plan.
- 3.7 The harbour authority understands the importance of risk taking and acknowledges that some amount of risk taking is inevitable if the harbour is to achieve its objectives. As a harbour authority we should aim to take risks which enable improvement and seek to avoid risks which could affect core business.
- 3.8 Risk registers are living documents and therefore must be regularly reviewed and amended. The reason for monitoring key risks is to create an early warning system for any movement in risk. The Council's risk management strategy requires that registers are monitored every six months. It is anticipated that the Harbour Committee will include a formal review of the Tor Bay Harbour Risk Register within its annual work programme. However, high scoring risks will be monitored more frequently by the Executive Head of Tor Bay Harbour Authority and referred to the Harbour Committee for further review as required. Currently there are no high scoring risks.
- 3.9 The Tor Bay Harbour Business Risk Register 2014/15 is attached at Appendix 1. In 2011, with the help of the Council's Corporate Risk Management team, the Risk Register was consolidated from 39 individual risks to 9 entries linked to the performance objectives of the harbour authority. This revised layout has recently been reviewed with feedback from staff and members/advisors on the Harbour Committee. A number of risks have consequently been updated and the risk register can also be found within the Council's performance management software (SPAR.net).

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

Appendices

Appendix 1 Tor Bay Harbour Business Risk Register 2014/15

Additional Information

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

Torbay Council - Risk Management Strategy

Appendix 1 - Tor Bay Harbour Authority Risk Register 2014/15

| Risk No | Spar Code | Scorecard Objective | Risk Title | Risk Description, Threat: What could happen to affect this. Cause: How could it happen | Probability and Proximity Description (How likely is it to happen? When is it likely to happen?) | Impact description, what could the impact be? | Control measures (SPAR Projects & PIs) | Current Risk Score | | | | Risk Rating: 1-4=L 6-9=M 10-12=H | Risk Owner | Accountable Body |
|---------|-----------|--|---|--|--|---|---|--------------------|--------------|------------|--------------|---|-------------------|------------------|
| | | | | | | | | Probability Score | Impact Score | Risk Score | Impact Score | | | |
| 1 | HMS RR 01 | 1. Encourage local prosperity | Encourage Local Prosperity | If we fail to capitalise on Torbay's maritime setting or implement a robust sustainable maritime industry - Then we will not have the revenue to support the local maritime economy or regenerate our built infrastructure - So this may have a negative impact on tourism revenues, loss of maritime services and damage to our reputation. | Unlikely | Reduced number of maritime events. Significant medium term impact on tourism. Loss of reputation - bad PR. Reduced economic benefit. Poorer built environment. No new infrastructure. Missed investment opportunities. Lower fish toll income. Inability for the harbour account to service prudential borrowing. Premises unsafe/unusable for extended period. Loss of reputation. | <ol style="list-style-type: none"> 1. Produce a schedule of Maritime Events (Jan 2015) 2. Maintain an Oil Spill Response and Contingency Plan (OPRC) and undertake an oil pollution response exercise - ensure we have suitable trained staff to respond. 3. Provide visitor moorings and maintain a competitive charging regime (Annually) 4. Maximise the benefits from the new Brixham Fish Market - Monitor the fish tolls income and the impact of the Common Fisheries Policy (Monthly) 5. Maintain a Harbour Authority Business Plan and Business Continuity Plan (March 2015) 6. To keep existing businesses and attract new activities (Ongoing) 7. Explore marketing opportunities (Ongoing) 8. Maintain a Tor Bay Harbour - Port Masterplan (Ongoing) | 2 | 3 | 6 | M | Executive Head of Tor Bay Harbour Authority | Harbour Committee | |
| 2 | HMS RR 02 | 2. To engage with the community and harbour users | To engage with the community and harbour stakeholders | If we fail to consult and engage appropriately with all relevant harbour users, groups and stakeholders - Then we will be unable to provide accountable and transparent management of the Tor Bay Harbour Authority - So we may be accused of failing to accurately meet the needs of our customers and stakeholders resulting in a loss of revenue streams and damage to our reputation. | Unlikely | The services provided do not reflect the needs of customers. Wrong activity is delivered, weak outcomes if not wanted by partners. Loss of reputation. | <ol style="list-style-type: none"> 1. To hold meetings with harbour users and other stakeholders (Quarterly) 2. Use established user groups and Community Partnerships to consult on specific issues (Ongoing) 3. To continue to work with relevant voluntary and community organisations (Ongoing) 4. To support and engage with the local Coastal Partnership - Sea Torbay (Quarterly) 5. Undertake an Annual Users Survey (Feb to May 2015) 6. Monitor the Visitor Feedback forms (Quarterly) | 2 | 3 | 6 | M | Executive Head of Tor Bay Harbour Authority | Harbour Committee | |
| 3 | HMS RR 03 | 3. To maintain a stewardship of the harbours built and natural environment | To maintain a stewardship of the harbours built and natural environment | If we fail to implement a sustainable approach to harbour management in respect to present and future climatic, environmental and economic changes - Then we will be unable to increase public awareness of the maritime environment as a valuable social and economic asset - So the impact of harbour activities may degrade the natural environment resulting in possible prosecution, loss of revenues and damage to our reputation. | Unlikely | Possible environmental, economic and social damage. Unprepared for sea level rise. Potential for serious damage to our infrastructure which would impede our ability to meet budget and may also have capital implications. Insufficient staff to fulfil obligations. Public misunderstanding of the significance of the Bay and Tor Bay Harbour. Loss of reputation. Requirement to reduce or cease commercial fishing in designated areas. Loss of jobs and reduced fish toll income. Increased waste costs if not properly managed. Risk of corporate prosecution. Ineffective strategic direction based on an incomplete understanding of the direction being taken by the Harbour Authority. Inability for the Harbour Committee and Council to respond effectively to change and maximise opportunities. Poor coherence between the Port Master Plan, marine planning and terrestrial planning. Loss of reputation. | <ol style="list-style-type: none"> 1. Work closely with the Environment Agency and make reference to the Shoreline Management Plan when taking key decisions. 2. Support and engage with the local Coastal Partnership - Sea Torbay (Quarterly) 3. Assist in the collection of spatial mapping data. 4. To replace chain moorings with portoon berths in Torquay's inner harbour (April 2015) 5. Maintain competitive charging regime. (Annually) 6. Review harbour charges and maintain strong rental streams. (Annually) 7. Maintain a specific. Environmental Policy (Biennial) 8. Contribute to the delivery of the Coastal Zone Management Plan. (Sept 2015) 9. Improve corporate management of environmental risks & the harbour's environmental performance. 10. Influence decision making over the management measures of the new SAC in Torbay. 11. Maintain a Tor Bay Harbour - Port Masterplan (Ongoing) 12. Influence decision making over the management measures within the Marine Conservation Zones. (Nov 2015) 13. Improve passenger landing facilities at Torquay & Brixham (Ongoing) 14. Investigate renewable energy projects for use on the harbour estate (Sept 2015) | 2 | 3 | 6 | M | Executive Head of Tor Bay Harbour Authority | Harbour Committee | |

| Risk No | Spar Code | Scorecard Objective | Risk Title | Risk Description, Threat: What could happen to affect this. Cause: How could it happen | Probability and Proximity Description (How likely is it to happen? When is it likely to happen?) | Impact description, what could the impact be? | Control measures (SPAR Projects & PIs) | Current Risk Score | | | | Risk Owner | Accountable Body |
|---------|-----------|--|---|---|--|--|---|--------------------|--------------|------------|----------------------------------|--|-------------------|
| | | | | | | | | Probability Score | Impact Score | Risk Score | Risk Rating: 1-4=L 6-9=M 10-12=H | | |
| 5 | HMS RR 05 | 5. Effective risk management and health and safety in place | Effective risk management and health and safety | If we do not have a robust culture for managing our risks, our projects, as well as our information governance and operational Health and Safety. Then we may suffer failings in the overall management of the Harbour Authority. So this may result in injury to stakeholders, loss of revenue, lost information, legal action and damage to our reputation. | Unlikely | Insufficient staff to fulfil obligations. Staff health & safety compromised. Legal action against the Council. Weak project governance leading to poor delivery & inadequate control measures. Projects run late and/or over budget. Outcomes not achieved. Information or financial loss. Time wasted looking for information. Risk of not meeting FOI/customer requests correctly. Loss of reputation. | 1. Help provide appropriate sea and flood defences. 2. Reduce the number of reportable accidents (RIDDOOR). 3. Test and review a Business Continuity Plan. 4. Review harbour charges and maintain strong rental streams (Annually). 5. Ensure staff are properly trained (Ongoing). 6. Employ properly trained Project Managers. 7. Monitor project performance using SPAR.net (Quarterly). 8. Data Protection Act - staff given necessary training. 9. Customer database kept updated and backed-up to Council's server. 10. Document and file retention schedule drawn up and observed (Ongoing). 11. Commercial shredding contractor used for document disposal (Ongoing). 12. Implement the safety management improvement plan (Nov 2013). | 2 | 4 | 8 | M | Nick Burns Kevin Mowat Dave Bartlett Simon Pinder | Harbour Committee |
| 6 | HMS RR 06 | 6. Ensuring equality and diversity in service delivery together with equality of opportunity | Ensure equality and diversity of service delivery and provision | If we fail to provide a service that ensures equality and diversity - Then we may unknowingly discriminate against staff and/or stakeholders - So this may result in legal action, insufficient staff levels, drop in service delivery and damage to our reputation. | Very Unlikely | Discrimination, legal effects. Insufficient staff to fulfil obligations. Legal action against the Council. Loss of reputation. | 1. Complete equality impact assessments and produce an improvement action plan (Annually). | 1 | 2 | 2 | L | Simon Pinder | Harbour Committee |
| 7 | HMS RR 07 | 7. Improve and maintain the customer experience | Maintain or improve the customer experience | If we do not provide a high quality harbour service that accurately meets the needs of our customers - Then we will not be providing a professional and equitable service - So this may result in loss of demand for harbour services, loss of revenue streams and damage to our reputation. | Unlikely | Insufficient staff to fulfil obligations, facilities provided at a loss, income stream lost, unfair allocation of harbour facilities, legal action against the authority, high level of complaints and damage to our reputation. | 1. Review visitor feedback forms and Annual Harbour Users Survey. 2. Review harbour charges and maintain strong rental streams (Annually). 3. Complete equality impact assessments and produce an improvement action plan (Annually). 4. Maintain competitive charging regime (Annually). 5. Withdraw or do not supply certain discretionary facilities. 6. Retain membership of appropriate Trade and Professional Associations (British Ports Association, UK Harbour Masters Association) (Annually). 7. Maintain a Tor Bay Harbour - Port Masterplan (Ongoing). 8. Keep and review the Harbour Operational Moorings Policy (March 2015). 9. Maintain an up to date Harbour Authority website (Ongoing). | 2 | 2 | 4 | L | Nick Burns Kevin Mowat Dave Bartlett Simon Pinder | Harbour Committee |
| 8 | HMS RR 08 | 8. Maintain safety | Maintain safety | If we fail to fulfil our obligation to provide a competent Harbour Authority, by not enforcing all applicable statutes, byelaws and legislation - Then we will not be providing a safe haven for vessels or a safe Harbour estate for users and visitors - So we may fail to accurately respond to legislative changes resulting in a financial penalty and we may face deterioration of our built infrastructure, a major emergency and severe damage to our reputation. | Unlikely | Statutory duty may not be met. Safety may be prejudiced. Government intervention. Stakeholder dissatisfaction. Insufficient staff to fulfil obligations. Legal action against the Council. Harbour cannot achieve objectives in context of government policy. Premises unsafe/unusable for extended period. Cessation of business activities. Loss of reputation. | 1. Renew the bilateral agreement with the UKHO (Annually). 2. Audit & inspection from Trinity House (Annually). 3. PANAR - Navigation Lights availability (Quarterly). 4. Implement the safety management improvement plan (Nov 2013). 5. Maintain a Harbour Emergency Response Plan and Business Continuity Plan. 6. External contract for the provision of pilotage services. 7. Membership of appropriate Trade and Professional Associations (British Ports Association, British Marine Federation, UK Harbour Masters Association & Port Skills and Safety) (Annually). 8. Review harbour charges and maintain strong rental streams (Annually). 9. Periodic review of Harbour legislation (2015). 10. Review and improve the Safety Management System software (Nov 2013). 11. Issue local Notices to Mariners and enforce Harbour Byelaws (Ongoing). | 2 | 4 | 8 | M | Nick Burns Kevin Mowat Dave Bartlett Simon Pinder | Harbour Committee |

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|---------|-----------|---------------------------------|------------------------------|---|--|---|--|---|---|----------------------|---|---|---------------|------------|------------------|--|
| | | | | | | | | Probability Score | Impact Score | Risk Score | | | | | | |
| 9 | HMS RR 09 | 9. Effective workforce planning | Effective workforce planning | If we lack effective workforce planning - Then we may fail to offer appropriate learning and development to all staff - So this may lead to insufficient staff to fulfil obligations, incompetent staff, deterioration of safety standards which has the potential to lead to personal injury and damage to our reputation. | Likely | Insufficient staff to fulfil obligations. Legal action against the Council. Incompetent staff, deterioration of safety standards. Failure to update skills could lead to a poor service. Unsettled staff. Loss of productivity. Personnel leaving. Insufficient budget to meet the cost of an appropriate grading structure. Staff redundancies or reduced working hours. Loss of reputation. | 1. To encourage Harbour Masters to fully complete CPD records (Ongoing). 2. To monitor and support staff through induction and appraisal reviews (Annually). 3. To reduce staff absence (Monthly). 4. Review harbour charges and maintain strong rental streams (Annually). 5. Take professional advice from Human Resources (Ongoing). 6. Liaise with staff on a regular basis and ensure that information is promulgated (Daily). 7. Membership of appropriate Trade and Professional Associations (British Ports Association, British Marine Federation, UK Harbour Masters Association & Port Skills and Safety) (Annually). | Nick Burns Kevin Mowat Dave Bartlett Simon Pindler | Executive Head of Tor Bay Harbour Authority | Harbour Committee | 3 | 2 | 4 | | | |

Agenda Item 9



Meeting: Harbour Committee

Date: 22nd September 2014

Wards Affected: All wards in Torbay

Report Title: Harbour Assets Review

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 provides Members with the outcome of the work of the Harbour Asset Review Working Party.
- 1.2 The Harbour Committee's Terms of Reference include the following statement :-

“to provide strategic direction to the Executive Head of Tor Bay Harbour Authority and the Mayor in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority.”
- 1.3 On the 23rd June 2014 the Harbour Committee resolved that a Harbour Asset Review Working Party, comprising four members of the Harbour Committee (Chair, Councillors Faulkner (J), Richards and McPhail) and two of the External Advisors to the Committee (Mr. Mike Stewart and Capt. Paul Lloyd), be appointed with the following terms of reference:
 - a) To review all assets within Tor Bay Harbour and the Harbour Estate;
 - b) To establish how each asset is performing; and
 - c) To identify any assets that are surplus.
- 1.4 The Committee is asked to note the outcome of the work of the Harbour Asset Review Working Party set out in section 2 below.

2. Summary

- 2.1 All assets within Tor Bay Harbour and the harbour estate were successfully reviewed.

- 2.2 The Working Party was satisfied that they could broadly establish how each asset is currently performing.
- 2.3 An upcoming disposal of an old workboat was noted and the Working Party acknowledged that the procurement of a replacement vessel may have to be delayed given the current pressure on the harbour account and reserve fund.
- 2.4 Other than the vessel outlined in 2.3 above, no assets were identified as being surplus to the requirements of the Harbour Authority. The Working Party provided strategic direction to the Executive Head of Tor Bay Harbour Authority in relation to some of the short-term proposals contained within the Port Masterplan. Having regard to the draft minutes of the previous Harbour Committee meeting it was determined that the Asset Review Working Party was best placed to look at all the options for the development of the Harbour Light Restaurant building at Paignton harbour, including those options within the submitted exempt report. Furthermore, and in line with the draft minutes the Working Party agreed that the tenants of the Harbour Light Restaurant building continue to be consulted and kept informed as to the proposals that might affect the future use of the building. Dates were agreed for two additional meetings of the Working Party to enable this work to be completed. An update Report based on the findings of the Working Party would then be brought back to the Harbour Committee in March 2015, in line with the draft minutes.
- 2.6 To help the Council with improved control and management options of corporate assets and public open space the Working Party agreed to support the recommendation by the Executive Head of Tor Bay Harbour Authority that the harbour estate boundary should be extended to include all of Princess Pier and the Boat Booking Kiosks located at the base of the Pier. **The Harbour Committee is asked to approve this minor amendment to allow the Tor Bay Harbour Byelaws to be formally applied to this extended area.** Appendix 1 shows the amended Torquay Harbour Estate Boundary and Appendix 2 shows the existing Torquay Harbour Estate Boundary
- 2.7 In particular this would allow better regulation of angling activity into the harbour, inappropriate vehicle parking and undesirable behaviour by some boat booking ticket touts. This change has been discussed and agreed with the relevant Council officers and the Torquay/Paignton Harbour Liaison Forum. Income from the kiosks will **still** be received by Resort Services (not the Harbour Account) and the repair liability for the kiosks, the promenade and steel/timber elements of Princess Pier will **not** shift to the Harbour Committee's ring fenced account as a result of this change.
-

Supporting Information

3. Position

- 3.1 The Harbour Asset Review Working Party met on the 4th August 2014 to review all assets within Tor Bay Harbour and the Harbour Estate. Officer support to the Working Party was provided by the Executive Head of Tor Bay Harbour Authority with support from the Torbay Development Agency.

2.2 Harbour estate asset lists were circulated for Brixham, Torquay and Paignton. Where possible each asset was considered against the following performance criteria :-

- corporate asset number (Torbay Online Asset Database System (TOADS))
- operational status
- leased or vacant
- tenure of lease & rental income
- size of premises
- expected repair & maintenance costs for the next 5 years
- condition category (A to D)
- date of last condition survey
- repairing priority (urgent to long term)
- asset valuation
- alternative use

3.2 The Executive Head of Tor Bay Harbour Authority was asked to verify a number of instances where an asset's Condition Category was indicated as 'D – Bad' and/or the Repairing Priority was indicating '1 – Urgent'. It was the opinion of the Working Party that some of this specific data required updating.

3.3 A meeting has been arranged with the Torbay Development Agency's Asset Registrar to ensure that the data on the harbour estate asset lists is fully updated.

Kevin Mowat
Executive Head of Tor Bay Harbour Authority
Torbay Harbour Master
Appendices

Appendix 1 Amended Torquay Harbour Estate Boundary

Appendix 2 Existing Torquay Harbour Estate Boundary

Additional Information

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

Harbour Asset Review Lists

Torbay Online Asset Database System (TOADS)



Meeting: Harbour Committee

Date: 22nd September 2014

Wards Affected: All wards in Torbay

Report Title: Internal Audit Report – Asset Management

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 provides Members with an overview of the results of the Internal Audit Report undertaken for Tor Bay Harbour Authority on Asset Management, which was concluded in March 2014.
- 1.2 It is entirely appropriate that the Harbour Committee also receives and notes the main findings of the Internal Audit of the Harbour Authority's Asset Management function as shown in the Executive Summary - Appendix 1.

2. Summary

- 2.1 A 5 year rolling audit plan was taken to the Harbour Committee and approved in June 2011 separating the various operation and strategic elements of the harbour operation into distinct audit areas; this audit is the third audit from the rolling plan and focuses on asset management.
- 2.2 The audit scope had previously been agreed for 2013/14, as taken to Harbour Committee in June 2013; hence this audit focussed on asset management and its associated controls. The audit was undertaken based on the following key risk areas bulleted below using previous audit work, input from Harbour staff and Internal Audit's view on risk within the function:
 - Regulatory and procedural requirements not met;
 - Assets not managed and related asset financial data is not reliable.
- 2.3 The opinions and recommendations contained within the Internal Audit report are based on an examination of restricted samples of transactions / records and discussions with officers responsible for the processes reviewed.

- 2.4 It is the Audit Report's opinion that improvements are required. The opinion states that there are a number of instances where controls and procedures do not adequately mitigate the risks identified. Existing procedures need to be improved in order to ensure that they are fully reliable. Recommendations have been made within the Report to ensure that organisational objectives are not put at risk.
- 2.5 The findings and recommendations in relation to each of the areas are discussed in the "Detailed Audit Observations and Action Plan" which forms an Appendix to the full report. This Appendix records the action plan agreed by the Executive Head of Tor Bay Harbour Authority to enhance the internal control framework and mitigate identified risks where agreed. The Tor Bay Harbour Authority business unit have already agreed the action plan with the Devon Audit Partnership.
- 2.6 The "Detailed Audit Observations and Action Plan" referred to in 2.5 above has been marked RESTRICTED and therefore does not form part of this report because it contains information or data or documents that should only be shared between a specific group of work staff who have to demonstrate a need to know, because of the sensitive content.

Supporting Information

3. Position

- 3.1 The following table summarises the assurance opinions given on each of the risks covered during the audit.

| Risks Covered | | Level of Assurance |
|---------------|--|-----------------------|
| 1 | Regulatory and procedural requirements not met | High Standard |
| 2 | Assets not managed, and related asset financial data is not reliable | Improvements Required |

- 3.2 Assurance opinion levels are defined as follows :-

| Assurance | Definition |
|----------------|---|
| High Standard. | The system and controls in place adequately mitigate exposure to the risks identified. The system is being adhered to and substantial reliance can be placed upon the procedures in place. We have made only minor recommendations aimed at further enhancing already sound procedures. |

| Assurance | Definition |
|------------------------------------|---|
| Good Standard. | The systems and controls generally mitigate the risk identified but a few weaknesses have been identified and / or mitigating controls may not be fully applied. There are no significant matters arising from the audit and the recommendations made serve to strengthen what are mainly reliable procedures. |
| Improvements required. | In our opinion there are a number of instances where controls and procedures do not adequately mitigate the risks identified. Existing procedures need to be improved in order to ensure that they are fully reliable. Recommendations have been made to ensure that organisational objectives are not put at risk. |
| Fundamental Weaknesses Identified. | The risks identified are not being controlled and there is an increased likelihood that risks could occur. The matters arising from the audit are sufficiently significant to place doubt on the reliability of the procedures reviewed, to an extent that the objectives and / or resources of the Council may be at risk, and the ability to deliver the service may be adversely affected. Implementation of the recommendations made is a priority. |

3.3 The recommendations are categorised as follows :-

| | |
|--------|--|
| High | A significant finding. A key control is absent or is being compromised; if not acted upon this could result in high exposure to risk. Failure to address could result in internal or external responsibilities and obligations not being met. |
| Medium | Control arrangements not operating as required resulting in a moderate exposure to risk. This could result in minor disruption of service, undetected errors or inefficiencies in service provision. Important recommendations made to improve internal control arrangements and manage identified risks. |
| Low | Low risk issues, minor system compliance concerns or process inefficiencies where benefit would be gained from improving arrangements. Management should review, make changes if considered necessary or formally agree to accept the risks. These issues may be dealt with outside of the formal report during the course of the audit. |

- 3.4 The full report contains 14 recommendations of which 2 are 'High', 10 are 'Medium' and 2 are 'Low'. Some of the agreed actions identified within the Report's Action Plan have already been implemented or are in the process of being implemented. All of the 'High' priority actions will have been taken by the end of September 2014. The Executive Head of Tor Bay Harbour Authority has already commenced regular monthly update meetings with officers from the Torbay Development Agency who provide assistance and advice in the management of Harbour Authority controlled assets. A meeting has also been scheduled to explore possible software amendments to the Torbay Online Asset Database System (TOADS).

Appendices

Appendix 1 Devon Audit Partnership Internal Audit Report – Tor Bay Harbour Authority ~ Asset Management (March 2014) – Executive Summary

Additional Information

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

Devon Audit Partnership Internal Audit Report – Tor Bay Harbour Authority ~ Asset Management (March 2014) RESTRICTED



Draft Internal Audit Report

Tor Bay Harbour Authority -
Asset Management

Torbay Council

March 2014

Devon Audit Partnership

The Devon Audit Partnership has been formed under a joint committee arrangement comprising of Plymouth, Torbay and Devon councils. We aim to be recognised as a high quality internal audit service in the public sector. We work with our partners by providing a professional internal audit service that will assist them in meeting their challenges, managing their risks and achieving their goals. In carrying out our work we are required to comply with the Public Sector Internal Audit Standards along with other best practice and professional standards.

The partnership is committed to providing high quality, professional customer services to all; if you have any comments or suggestions on our service, processes or standards, the Head of Partnership would be pleased to receive them at robert.hutchins@devonaudit.gov.uk.

Confidentiality and Disclosure Clause

This report is protectively marked in accordance with the National Protective Marking Scheme. Its contents are confidential and, whilst it is accepted that issues raised may well need to be discussed with other officers within Torbay Council, the report itself should only be copied/circulated/disclosed to anyone outside of the organisation in line with the organisation's disclosure policies.

This report is prepared for the organisation's use. We can take no responsibility to any third party for any reliance they might place upon it.

1 Introduction

Torbay Council as a Harbour Authority operates and manages three enclosed harbours within the statutory harbour of Tor Bay. The statutory responsibilities of a Harbour Authority are considerable and include the provision of moorings and storage for various types of vessels.

A five year rolling audit plan was taken to the Harbour Committee and approved in June 2011 separating the various operation and strategic elements of the harbour operation into distinct audit areas; this audit is the third audit from the rolling plan and focuses on asset management.

2 Audit Opinion

Improvements Required - In our opinion there are a number of instances where controls and procedures do not adequately mitigate the risks identified. Existing procedures need to be improved in order to ensure they are fully reliable. Recommendations have been made to ensure the organisational objectives are not put at risk.

3 Executive Summary

Governance in relation to Tor Bay Harbour Authority asset management was found to be exceptional, with the Tor Bay Harbour Authority benefiting from the established arrangements of Torbay Council and enhancing these with specific additional requirements addressed through the Harbour Committee.

Although processes and arrangements are in place to operationally manage the assets, a number of weaknesses were identified that could lead to loss of income and unidentified deterioration in assets. The number of issues identified has resulted in our overall assurance opinion being 'Improvements Required'.

Torbay Development Agency (TDA) provide certain services to the Tor Bay Harbour Authority in relation to asset management and hence improved monitoring of service delivery and establishing closer and more effective working practices with the TDA would assist in addressing some of the issues found during this audit.

The detailed findings and recommendations regarding these issues and less important matters are described in the Appendices. Recommendations have been categorised to aid prioritisation. Definitions of the priority categories and the assurance opinion ratings are also given in the Appendices to this report.

4 Assurance Opinion on Specific Sections

The following table summarises our assurance opinions on each of the risks covered during the audit. These combine to provide the overall assurance opinion at Section 2. Definitions of the assurance opinion ratings can be found in the Appendices.

| Risks Covered | | Level of Assurance |
|---------------|--|-----------------------|
| 1 | Regulatory and procedural requirements not met | High Standard |
| 2 | Assets not managed, and related asset financial data is not reliable | Improvements Required |

The findings and recommendations in relation to each of these areas are discussed in the "Detailed Audit Observations and Action Plan" appendix. This appendix records the action plan agreed by management to enhance the internal control framework and mitigate identified risks where agreed. Management are required to agree an action plan, ideally within three weeks of receiving the draft internal audit report.

5 Issues for the Annual Governance Statement

The evidence obtained in internal audit reviews can identify issues in respect of risk management, systems and controls that may be relevant to the Annual Governance Statement.

In terms of this review, we are able to report that there are no issues that are arising from the examination of systems and controls that warrant inclusion in the Annual Governance Statement.

6 Scope and Objectives

The audit scope has previously been agreed for 2013/14, as taken to Harbour Committee in June 2013; hence this audit is focussing on asset management and its associated controls.

This audit has been undertaken based on the following key risk areas bulleted below using previous audit work, input from Harbour staff and Internal Audit's view on risk within the function:

- Regulatory and procedural requirements not met;
- Assets not managed and related asset financial data is not reliable.

7 Inherent Limitations

The opinions and recommendations contained within this report are based on our

examination of restricted samples of transactions / records and our discussions with officers responsible for the processes reviewed.

8 Acknowledgements

We would like to express our thanks and appreciation to all those who provided support and assistance during the course of this audit.

Robert Hutchins
Head of Partnership

Definitions of Audit Assurance Opinion Levels

| Assurance | Definition |
|------------------------------------|---|
| High Standard. | The system and controls in place adequately mitigate exposure to the risks identified. The system is being adhered to and substantial reliance can be placed upon the procedures in place. We have made only minor recommendations aimed at further enhancing already sound procedures. |
| Good Standard. | The systems and controls generally mitigate the risk identified but a few weaknesses have been identified and / or mitigating controls may not be fully applied. There are no significant matters arising from the audit and the recommendations made serve to strengthen what are mainly reliable procedures. |
| Improvements required. | In our opinion there are a number of instances where controls and procedures do not adequately mitigate the risks identified. Existing procedures need to be improved in order to ensure that they are fully reliable. Recommendations have been made to ensure that organisational objectives are not put at risk. |
| Fundamental Weaknesses Identified. | The risks identified are not being controlled and there is an increased likelihood that risks could occur. The matters arising from the audit are sufficiently significant to place doubt on the reliability of the procedures reviewed, to an extent that the objectives and / or resources of the Council may be at risk, and the ability to deliver the service may be adversely affected. Implementation of the recommendations made is a priority. |

Definition of Recommendation Priority

| Priority | Definitions |
|----------|--|
| High | A significant finding. A key control is absent or is being compromised; if not acted upon this could result in high exposure to risk. Failure to address could result in internal or external responsibilities and obligations not being met. |
| Medium | Control arrangements not operating as required resulting in a moderate exposure to risk. This could result in minor disruption of service, undetected errors or inefficiencies in service provision. Important recommendations made to improve internal control arrangements and manage identified risks. |
| Low | Low risk issues, minor system compliance concerns or process inefficiencies where benefit would be gained from improving arrangements. Management should review, make changes if considered necessary or formally agree to accept the risks. These issues may be dealt with outside of the formal report during the course of the audit. |

Confidentiality under the National Protective Marking Scheme

| Marking | Definitions |
|---|--|
| Not Protectively Marked or Unclassified | Documents, information, data or artefacts that have been prepared for the general public or are for the public web pages or can be given to any member of the public without any exemptions or exceptions to release applying, have the classification NOT PROTECTIVELY MARKED. Some organisations will also use the word UNCLASSIFIED for publicly available information. |
| Official | The majority of information that is created or processed by the public sector. This includes routine business operations and services, some of which could have damaging consequences if lost, stolen or published in the media, but are not subject to a heightened threat profile. |
| Secret | Very sensitive information that justifies heightened protective measures to defend against determined and highly capable threat actors. For example, where compromise could seriously damage military capabilities, international relations or the investigation of serious organised crime. |
| Top Secret | The most sensitive information requiring the highest levels of protection from the most serious threats. For example, where compromise could cause widespread loss of life or else threaten the security or economic wellbeing of the country or friendly nations. |

Agenda Item 11



Meeting: Harbour Committee

Date: 22nd September 2014

Wards Affected: All wards in Torbay

Report Title: Haldon and Princess Piers Structural Repairs

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 Following detailed structural surveys of both Princess and Haldon Piers major structural defects have been identified within each structure. At present these structures have been assessed as having a limited useful life expectancy unless further remedial works are undertaken. The main structural defects identified include: widespread scour below sea level, many voids within the piers below sea level, incomplete rock armour and voids within the central core of the piers.
- 1.2 Both of these piers make up an important part of Torbay's coast protection infrastructure and as part of our built environment they are well used by residents and visitors alike. However, the structural assessment that has recently been undertaken indicates that the structures are in poor condition in many places.
- 1.3 This report seeks to highlight the issues to the Harbour Committee and propose a recommended course of action to a meeting of the full Council.

2. Proposed Decision

- 2.1 **That the Harbour Committee notes the serious structural condition of both Haldon and Princess Piers and the level of investment required to address the issues identified in the Report.**
- 2.2 **That the Council is asked to consider making an allocation of £4.6m within the capital programme, as a matter of urgency, to allow repair work to proceed on both Piers.**

- 2.3 That, given the strategic importance of Haldon and Princess Piers, the Mayor should be formally advised of the need for urgent repairs to both structures.
- 2.4 That, the Harbour Committee makes representations to the Heart of the SW Local Enterprise Partnership and the relevant Minister, regarding the need for urgent repairs to both structures.
- 2.5 That officers are requested to investigate other sources of funding, in addition to the Environment Agency, to help fund the Capital programme.

3. Action Needed

- 3.1 The Council need to consider whether an allocation of £4.6m can be made within the Council's future capital programme for 2016/17 and 2017/18, or earlier if possible.
- 3.2 That should funding be made available that officers submit an application to the Environment Agency for the maximum grant in aid funding of approximately £1.1m.

4. Summary

- 4.1 A report was presented to the Council in December 2007 regarding the first phase of the structural repair works to both Haldon and Princess Piers at Torquay harbour. As a result of that report the Council approved a capital budget of £2,050,000 to enable the most critical repair works to be undertaken. In addition a further report was requested in the future to identify the required budget to undertake the remainder of the repair works.
- 4.2 Following approval of the budget in 2007 the first phase of the repair works to Haldon Pier has been completed.
- 4.3 The overall estimated cost of the structural repair works to Haldon and Princess Piers was in the sum of £8.7m. In February 2011 Torbay Council submitted a project appraisal report to the Environment Agency in support of an application for flood and coastal defence grant in aid funding for the entire repair works to Haldon and Princess Piers. This application was partially successful and secured approximately £1.3m of grant in aid funding however before any further funding can be approved a detailed economic appraisal was required in line with the revised Environment Agency partnership funding/outcome measures calculator.
- 4.4 This report outlines the works that have been undertaken at Haldon Pier and the remaining works that are required to be undertaken which have an estimated cost in the sum of £5.7m. Based on the Environment Agency partnership funding/outcome measures calculator the likely funding available from grant in aid

for the remaining repairs is in the sum of £1.1m which will leave a shortfall of £4.6m.

- 4.5 In line with their Terms of Reference the Harbour Committee is required to provide strategic direction in respect of those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority. Following advice from the Harbour Asset Review Working Party the Executive Head of Tor Bay Harbour Authority considered it necessary to highlight the current condition of Haldon and Princess Piers to the Harbour Committee.
- 4.6 The Harbour Committee last received a formal report on the condition of Haldon and Princess Piers in December 2007. As a result of the 2007 report the Council agreed that the Harbour Authority could borrow £1.2m towards the cost of Phase 1 and this loan remains ongoing and is serviced through the revenue budget.
- 4.7 It should be noted that this report relates only to the flood defence element of the piers. It does not include the repairs required to the boardwalk or steelwork support to the boardwalk at Princess Pier which are already included in the Council's capital program. Although the boardwalk and steelwork repairs are already in the capital program the Council's engineers have advised that repair work to the main structure should be completed first.

Supporting Information

5. Position

- 5.1 Following detailed structural surveys of both Princess and Haldon Piers major structural defects have been identified within each structure. At present these structures have been assessed as having a limited useful life expectancy unless further remedial works are undertaken. The main structural defects identified include: widespread scour below sea level, many voids within the piers below sea level, incomplete rock armour and voids within the central core of the piers.
- 5.2 Both of these piers make up an important part of Torbay's coast protection infrastructure and as part of our built environment they are well used by residents and visitors alike. However, the structural assessment that has recently been undertaken indicates that the structures are in poor condition in many places.
- 5.3 Phase 1 of the repair works addressed the rock armouring and structural damage to the seaward face of Haldon Pier. In addition a number of sections on the inner face of the pier that have suffered excessive scour have been repaired.

- 5.4 A summary of the remaining structural defects located at each pier are identified below:

Princess Pier

1. Underwater defects to the original pier structure including widespread scour at the seabed to approximately 1.5m high on both sides of the pier. In addition many voids above and below the low tide level have been located with a few as large as 2m wide x 2m high x 2m deep.
2. Following recent storm damage the two sections of seaward stone steps are in a very dangerous condition.
3. The top surface of the old pier has numerous cracks and is in need of repair and the existing balustrade is in a poor condition.

Haldon Pier

- 1.
2. An underwater survey of the pier has identified widespread scour of the harbour face of the old section of pier, which has resulted in partial washout of the core material behind the wall.
3. Boreholes have been sunk into the central core of the pier and these have identified general voids within the fill material due to wash out and storm damage. In addition voids have been identified below the concrete slabs forming the pier hard standing. As a result a weight limit has been implemented for large plant on the pier.

- 5.5 The estimated capital cost of the remaining structural repair works to both Haldon and Princess Piers is in the sum of £5.7m.

- 5.6 Torbay Council has undertaken detailed hydraulic modelling of the harbour in order to assess the impacts of flooding should one or both of the piers be breached. The results of this modelling have been used to assess the likely funding that will be available through flood and coastal defence grant in aid from the Environment Agency. Using the Environment Agency's partnership funding/outcome measures calculator the maximum grant in aid funding for this scheme would be in the sum of £1,116,000. The remainder of the funding, some £4.6m would have to be sourced through partnership funding. This would be through the Council's capital programme, and could be funded from the following sources:-

- Existing capital funding – this will require a substantial redesign of the existing capital programme and remove funding from other areas to carry out these repair works.
- Prudential Borrowing – the cost to repay the borrowing which will be funded from the Council’s revenue budget would be £312,941 per annum over the next 25 years.
- S106 – it is unlikely that there would be individual developments around the harbour that are likely to take place within the next 3 to 5 years that would provide sufficient funding to pay for these repairs. The Council could choose to implement a local planning policy where by all developments across the Bay would contribute to the project with this being used to re-pay prudential borrowing. This would require reprioritisation of the use of S106 income.
- Local Business Rates Levy – Other coastal authorities have introduced a local business rates levy on properties that are protected by these works which will again fund the cost of prudential borrowing.
- Other sources – Officers are actively seeking other opportunities for further grants/external funding.

5.7 On the basis of the very high benefit to cost ratio the Council submitted a grant application to the Government via the Local Enterprise Partnership. This was in response to the Government making more funding available for flood defence following the winter floods in 2013/14. Although the Council’s application was extremely strong and substantiated by the sort of cost- benefit ratios that are few and far between, the Council was unsuccessful.

5.8 In August 2014 grant aid of £295,000 was awarded to the Council following a successful application made by Tor Bay Harbour Authority into the Department for Transport’s Small Ports Recovery Fund. The fund was set up to help repair small ports and harbours across England damaged by the winter storms. Approximately £200k will be available for repairs to Princess Pier.

6. Possibilities and Options

6.1 The following options have been considered:-

- Do nothing.
- Do something and make a clear recommendation to the Council that the Capital Plan be reprioritised.

7. Preferred Solution/Option

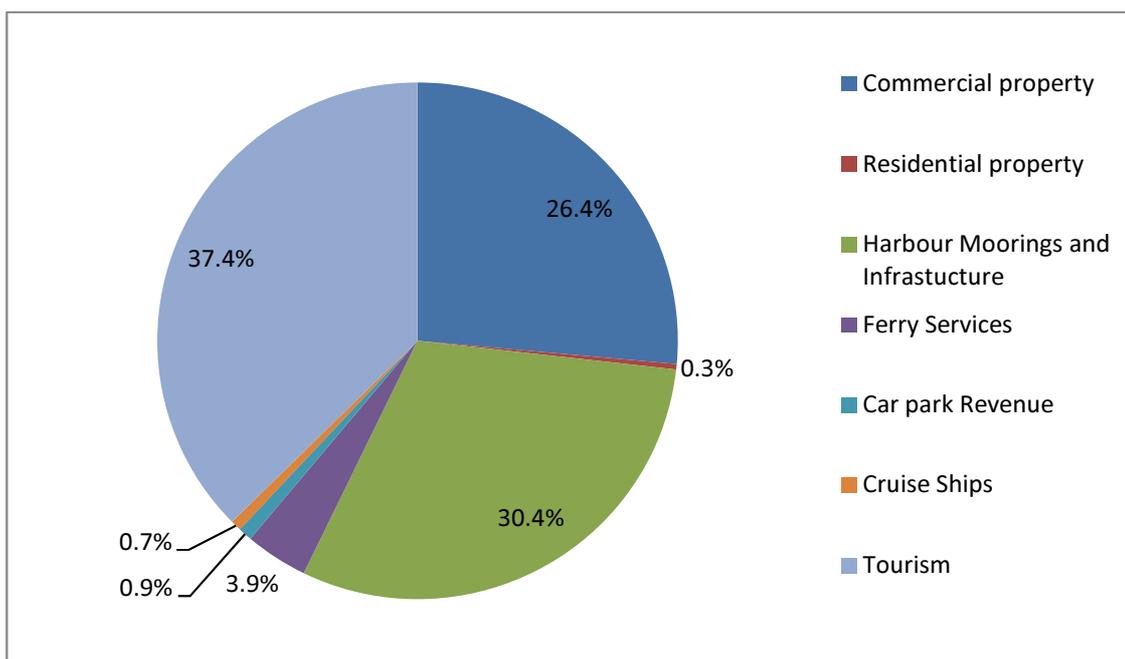
7.1 The economic assessment that is undertaken in support of the Environment Agency grant in aid application is based on national economic impacts (losses to the Nation) associated with the do nothing option. Under this option it is assumed

that either one or both of the piers will be breached within 5 to 10 years if no works are undertaken. This assessment identifies a whole life benefit cost for this scheme of just over £20m and hence the benefit cost ratio of the scheme is 3.5 to 1. The local economic impacts on Torbay cannot be included within this assessment.

7.2 In order to assess the local economic impact of these piers, Torbay Council commissioned Royal Haskoning to undertake a detailed local economic assessment. This assessment investigated impacts on the following seven economic sectors:

- Commercial property
- Residential property
- Harbour moorings and infrastructure
- Ferry services
- Car parks
- Cruise ships
- Tourism

The analysis comprises both a quantitative and qualitative assessment of potential benefits. Using conservative assumptions the total present value benefit cost for all seven sectors of benefits (potential losses avoided) amounts to £159.3m. Some 94% of benefits relate to securing the commercial sector, the harbour and holiday based tourism. The benefit cost ratio for the scheme to the local economy, even with conservative assumptions, can therefore be seen to be over 27 to 1. The local economic benefits derived from maintaining the harbour infrastructure and securing mooring revenues would alone give an 8.4 to 1 benefit cost ratio. A breakdown of the benefit costs associated with each sector is identified below.



- 7.3 The harbour and marina are at the core of Torquay's tourist industry offering and providing major prospects for economic growth and regeneration and for restoring the competitive edge of Torquay and the English Riviera in general so that the English Riviera is repositioned as a leading UK destination. However, these prospects are all dependent – dependent to some extent – some totally dependent and most significantly dependent – upon the continued protection of Torquay harbour from storms creating erosion and flooding since such events may breach one or more of the piers leading to the effective loss of the marina and harbour as a serviceable facility. The direct knock-on consequences of such a loss on the local economies of Torquay on the one hand and Torbay and the English Riviera on the other, when these economies are already recognised as being in a fragile condition are likely to be very serious. They could cause a vicious downward spiral in the economic fortunes of Torquay and Torbay; it is likely that these local economies would take decades to recover and they could be irreversibly damaged.
- 7.4 Based on the local economic assessment, the benefits to Torbay in maintaining both the Haldon and Princess Piers have clearly been demonstrated. As a result it is essential the partnership funding in the sum of £4.6m be secured in order that the structural repair works to both Haldon and Princess Piers can be completed.
- 7.5 Due to the excessive costs of these repairs a phased approach over the next three years has been proposed. By undertaking the repairs using this phased approach a level of pedestrian access can be maintained to both piers during the remedial works. Following completion of the works both piers would have a minimum life expectancy of 50 years.

8. Consultation

- 8.1 As part of the preparation works for the first phase of the repair works to Haldon and Princess Piers various avenues of consultation were undertaken regarding the structural damage to both piers. This consultation was undertaken with both internal and external organisations and included the following :-
- Torbay Council – Full Council
 - Torbay Council – Harbour Committee
 - Torbay Council – Flood Steering Group
 - Torbay Council – Planning Department
 - Environment Agency
 - Torquay & Paignton Harbour Liaison Forum
 - Marine Management Organisation
 - Natural England
 - English Heritage

8.2 Following completion of the first phase of the works further consultation has been undertaken with a number of organisations in the production of the proposals for the second phase of the structural repairs. In addition to the organisations identified above consultation has been undertaken with :-

- Torbay Development Agency
- English Riviera Tourism Company
- Torbay Business Forum
- Harbour Asset Review Working Party

9. Risks

9.1 The consequences of the do nothing option are that the structural condition of both piers will continue to deteriorate and the risk of a breach failure to one or both of the piers will increase. The recent reports on the structural condition of these piers has identified that if no works are undertaken to repair these piers a breach failure is likely to occur within 5 to 10 years. Delays to the repair works would result in the continued deterioration of these structures, along with a disproportionate increase in the cost of repairs to such an extent that any future repair works may well become economically impossible. Providing the repair works are completed within the next five years the risk of severe deterioration in the structure has been assessed at the intermediate level as shown on the table below:

Risk Table – Repairs completed within 5 years

| | | | | | |
|-------------------|----------|----------|-----------|-----------|-----------|
| Likelihood | 6 | 6 | 12 | 18 | 24 |
| | 5 | 5 | 10 | 15 | 20 |
| | 4 | 4 | 8 | 12 | 16 |
| | 3 | 3 | 6 | 9X | 12 |
| | 2 | 2 | 4 | 6 | 8 |
| | 1 | 1 | 2 | 3 | 4 |
| | | 1 | 2 | 3 | 4 |

Low risk
 Intermediate risk
 High risk

The "x" in the above matrix denotes where the author has assessed the level of final risk to fall

9.2 Should a breach failure occur to one or both of these piers flooding to over 200 properties around Torquay harbour would be experienced due to overtopping of the harbour walls as a result of increased wave action within the harbour during high tides and storm conditions. Should repair works not be undertaken, further sections of the piers would be breached resulting in properties being flooded on a more regular basis.

- 9.3 Following a breach failure of the piers there are likely to be impacts as a result of erosion to the inner and outer harbours. Due to the effects of increased wave action, tidal conditions and severe storms it has been estimated that the old harbour walls around Torquay harbour would fail in 20 to 50 years following the breach, allowing erosion to take place. This would result in the loss of harbour walls, promenade, roads and both residential and commercial buildings.
- 9.4 Although detailed surveys have been undertaken on both Princess and Haldon Piers to identify the repair works required there is a risk with works of this nature that whilst repair works are being carried out further deterioration of the structure may be encountered. This may be as a result of further scour to the walls below sea level. Similarly, additional voids may be located within the wall, which would result in additional works having to be undertaken. The estimated cost for the repair works has been prepared following detailed discussions with various contractors and suppliers who have undertaken similar repair works. In addition a 15% contingency has been included within the estimate to cover the risk of additional works being required due to hidden defects. As a result of the detailed estimates and the inclusion of the contingency element the financial risk has been assessed as 6 in the table below.

Financial Risk Table

| | | | | | |
|-------------------|----------|----------|-----------|-----------|-----------|
| Likelihood | 6 | 6 | 12 | 18 | 24 |
| | 5 | 5 | 10 | 15 | 20 |
| | 4 | 4 | 8 | 12 | 16 |
| | 3 | 3 | 6X | 9 | 12 |
| | 2 | 2 | 4 | 6 | 8 |
| | 1 | 1 | 2 | 3 | 4 |
| | | 1 | 2 | 3 | 4 |

Low risk
 Intermediate risk
 High risk

The "x" in the above matrix denotes where the author has assessed the level of final risk to fall

- 9.5 Following completion of the works the piers will have a minimum life expectancy of 50 years. However, there will always be a risk of damage to the piers due to severe storm events together with the risk of accidental damage as a result of impact from coastal vessels. The risk of storm damage following the repair works is initially minimal however these risks will increase over time. The risk of damage due to impact from vessels is again minimal however should this occur emergency repair works would have to be carried out and the cost for these repairs would normally be recoverable from the vessels underwriter.

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

Sue Cheriton
Executive Head Resident & Visitor
Services

Appendices

None

Documents available in members' rooms

None

Background Papers:

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

Haldon and Princess Piers Structural Repairs – Project Appraisal Report – February 2011

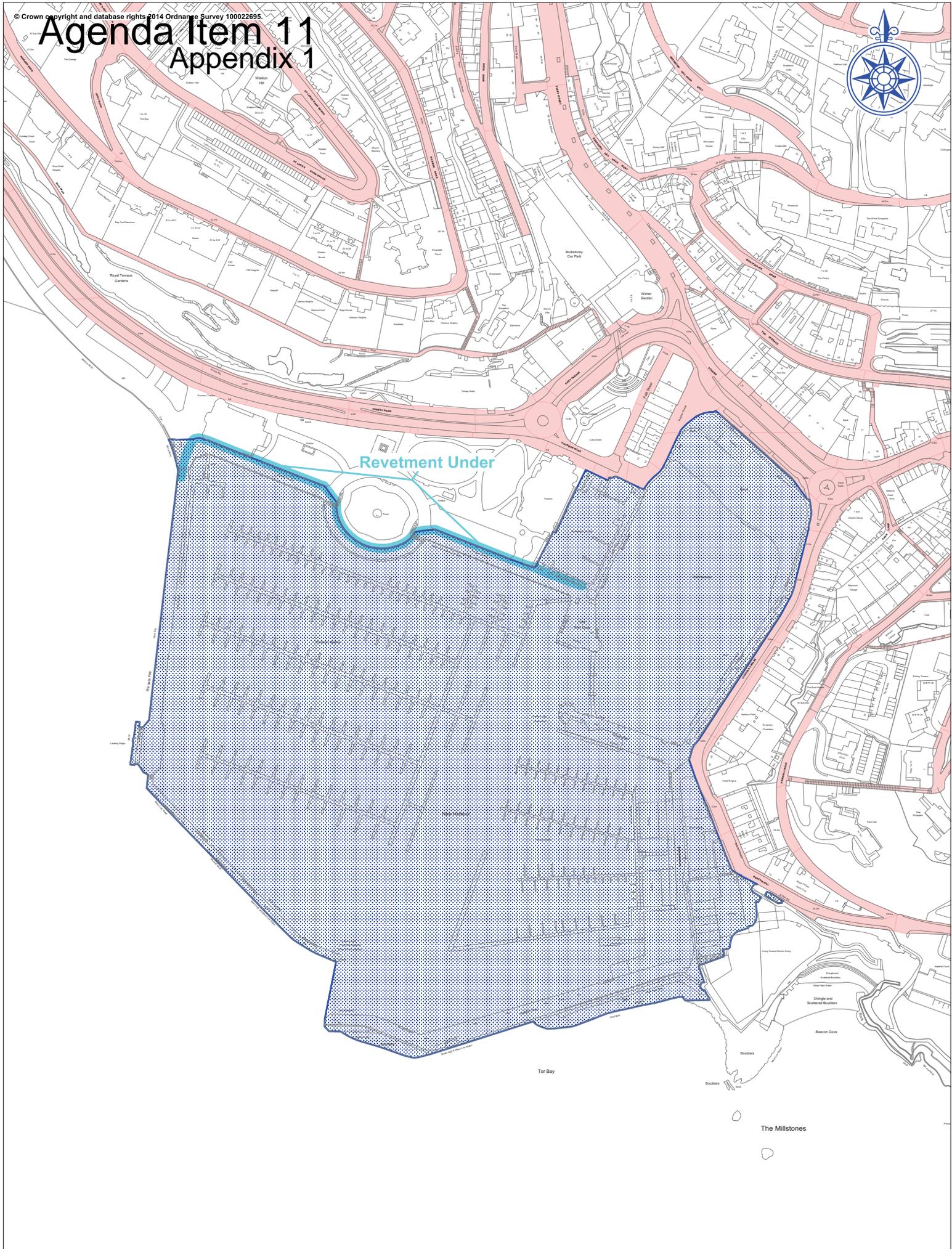
Torquay Harbour Flood Risk Modelling – February 2011

Haldon and Princess Piers Structural Assessment – April 2012

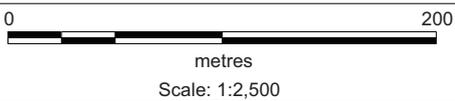
The Local Impact of the Do Nothing Scenario for Torquay Harbour – January 2014

Agenda Item 11

Appendix 1



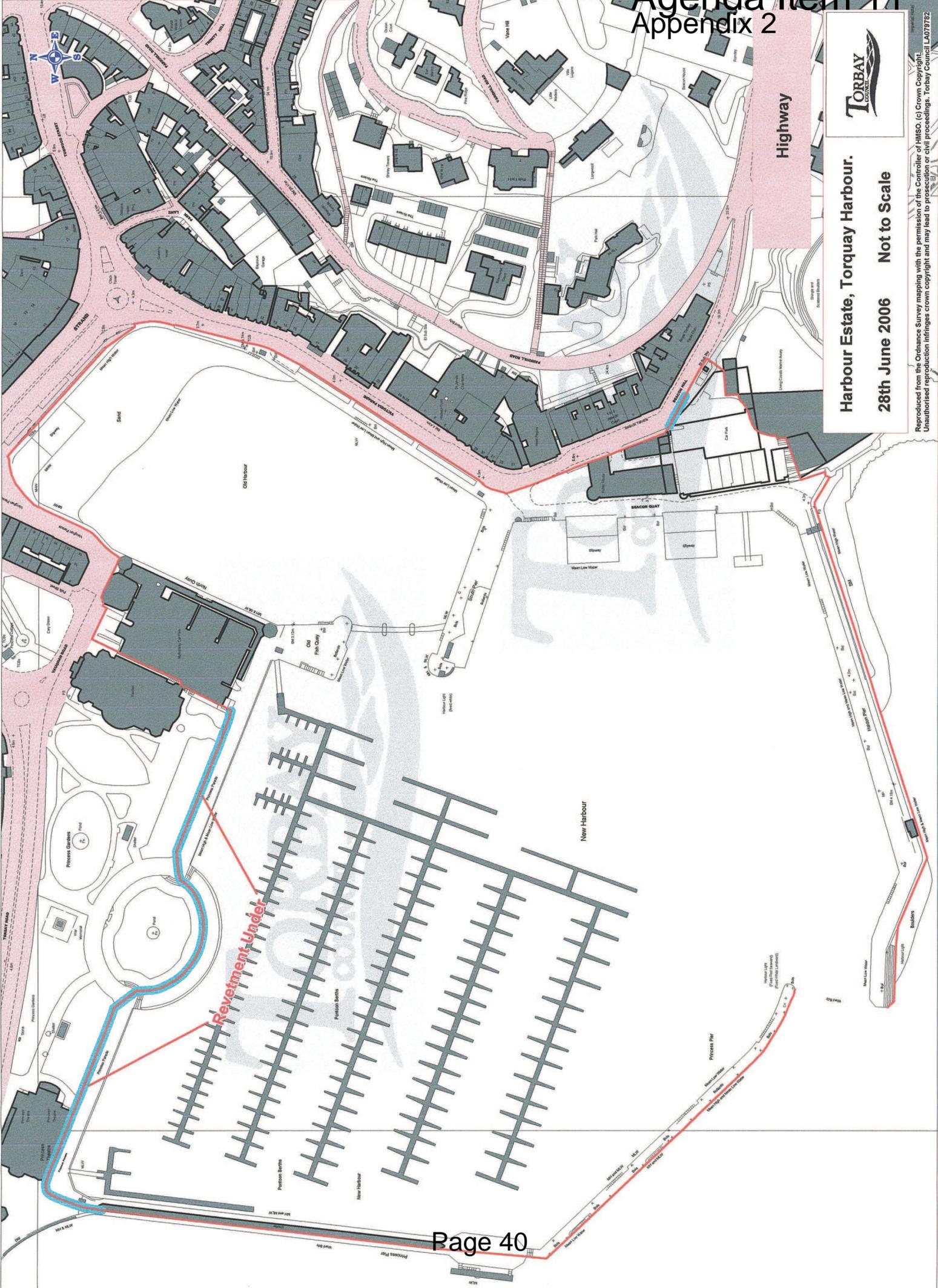
Torquay Harbour Estate





Harbour Estate, Torquay Harbour.

28th June 2006 Not to Scale



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Agenda Item 12



Meeting: Harbour Committee

Date: 22nd September 2014

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Authority Budget Monitoring 2014/15

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat
Executive Head of Tor Bay Harbour Authority
Tor Bay Harbour Master
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Pete Truman
Principal Accountant
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✉ **Email: Pete.Truman@torbay.gov.uk**

1. Purpose

- 1.1 This report provides Members with projections of income and expenditure for the year 2014/15 compared with approved budgets.
- 1.2 This report identifies the overall budgetary position for Tor Bay Harbour Authority as at end of August 2014 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels.
- 1.3 The Committee is asked to note that the amended outturn positions of the combined harbour account and adjustments to the Reserve Funds shown in Appendix 1.
- 1.4 The Committee is asked to note the Executive Head of Harbour Tor Bay Harbour Authority's use of delegated powers to make decisions in relation to the budget allocated to Tor Bay Harbour.
- 1.5 The Committee is asked to note the Harbour Master's use of delegated powers to waive certain harbour charges, which this financial year amounted to £2,267.33 (excl VAT) and which were spread across both Harbour accounts. No additional charges have been levied.

2. Summary

- 2.1 The Tor Bay Harbour Authority budget was approved by the Harbour Committee on 16th December 2013.

- 2.2 This is the second budget monitoring report presented to the Harbour Committee for the financial year 2014/15.
- 2.3 Torquay harbour has benefited from additional income from the successful inner harbour pontoon scheme (Inner Dock). External funding from the Department for Transport's Small Ports Recovery Fund has now been secured for storm damage costs at Brixham, Torquay and Paignton harbours. The Brixham harbour account continues to suffer from a decline in fish toll income and high operating costs.

Supporting Information

3. Position

- 3.1 The projected outturn at Appendix 1 reflects amendments to the budget made within the Executive Head of Tor Bay Harbour Authority's delegated powers. Details of each amendment can be found in the associated note.
- 3.2 In line with the recommendations of the Harbour Committee meeting on the 23rd June 2014 Appendix 1 now shows the consolidated position of the Harbour Authority. i.e. the income, expenditure and reserve fund position relating to all harbour operations across the Bay.
- 3.2 The performance against budget is summarised below:

| | £000 |
|---------------------------|-------------|
| Original Budget 2014/15 | (44) |
| Current Budget 2014/15 | (81) |
| Projected Outturn 2014/15 | (99) |

- 3.3 The current progress of Harbour capital schemes is detailed below:

| | Total Budget | Actual to Date (including prior years) | Projected Outturn | Notes |
|--|-------------------------|---|------------------------------|--------------|
| | £000 | £000 | £000 | |
| Environment Agency grant funding for Torquay Harbour – Haldon & Princess Piers | 1,272 | 337 | 1,272 | (i) |
| Brixham Breakwater Repairs | 100 | 100 | 100 | (ii) |
| Torquay Inner Harbour pontoons | 800 | 912 | 912 | (iii) |

- (i) An initial application for external funding from the Environment Agency was

successful and the grant of approximately £1.3m is currently being used for Phase 2 which commenced in the autumn of 2011 and further work followed in winter 2012. Work towards a further bid of funding from the Environment Agency is now being finalised. In May 2014 a Partnership Funding Bid was submitted to the Local Enterprise Partnership for £4.57m towards essential flood defence work for these Piers but it was unsuccessful.

- (ii) The Environment Agency (EA) has approved £150k within their medium-term financial plan (2014/15) but the Council's Engineers have now secured Local Levy funding from the EA to undertake these works in 2014.
- (iii) This project was approved by Council in February 2013 for delivery in March 2014. Unfortunately, additional costs were incurred due to the need to rock-socket some of the steel piles. The Inner Dock project is now complete and fully occupied.

3.4 The Harbour's liability for prudential borrowing is detailed in the following table

| Capital Scheme | Amount Borrowed | Start of Repayments | Principal outstanding at 1st April 2014 |
|---|------------------------|----------------------------|---|
| Town Dock (Torquay Harbour) | £1,140,000 | 2008/09 | £836,642 |
| Haldon Pier (Torquay Harbour) | £1,200,000 | 2010/11 | £1,084,157 |
| Brixham Harbour New Fish Quay Development | £4,750,000 | 2011/12 | £4,365,151 |
| Torquay Inner Harbour Pontoons (Inner Dock) | £800,000 | 2014/15 | £800,000 |
| TOTAL | | | £7,085,950 |

3.5 The Tor Bay harbour Authority debt position at the end of August 2014 is set out in the table below:-

| | Corporate Debtor System | | HMS | |
|--------------------|--------------------------------|---------------------|-------------------------|---------------------|
| | Unpaid by up to 60 days | Unpaid over 60 days | Unpaid by up to 60 days | Unpaid over 60 days |
| Debt outstanding | £240k ** | £59k | £37k | £81k |
| Bad Debt Provision | £16k | | N/A | |

** Includes £229k invoice recently raised for Marina turnover rent for 2013/14.

The Harbour Management System (HMS) debt does not have a separate bad debt provision because the income is not credited until it is received. However, following the recent internal audit report the Executive Head of Tor Bay Harbour Authority

has determined that the overall debt position should be shown to the Harbour Committee on each budget monitoring report.

3.6 Under the Council's Scheme of Delegation the Harbour Master can vary (by addition or waiver (in full or as to part)) the approved Schedule of Harbour Charges in such manner as shall be considered reasonable. However, the Harbour Master shall maintain a proper written record of all variations approved using the delegated powers and shall, at least twice a year, report to the Harbour Committee the total value of the additional charges levied and the total value of the charges waived (see paragraph 1.5).

3.7 Harbour Committee minute 398 (5) from December 2011 states the following :-

"That, as recommended by the Harbour Committee's Budget Working Party, each harbour reserve fund is split with 20% of budgeted turnover ring-fenced to meet any deficit in the revenue budget or winter storm damage and the balance ring-fenced to fund harbour related capital projects."

Consequently the Executive Head of Tor Bay Harbour Authority, in consultation with the Chairman of the Harbour Committee, has produced a list of Harbour Reserve Funds projects attached as Appendix 2. The Committee is asked to note this list and the obvious ongoing need for a healthy Harbour Reserve Fund.

3.8 In December 2013 the Harbour Committee was reminded that Torbay Council's General Fund budget was facing a significant shortfall of some £22m over the period 2014/15 through 2015/16 and that all council business units had been asked to make further savings and/or look at income opportunities to help reduce the corporate deficit. Consequently the Harbour Committee agreed to make an additional contribution to the Council's General Fund to the equivalent value of £150,000 for the years 2014/15 and 2015/16. Since December 2013 further pressure has been placed on the Council's overall budget position and the Executive Head of Tor Bay Harbour Authority and the Chair of the Harbour Committee have been asked to consider a further contribution to the Council's General Fund of £160,000 for 2015/16.

3.9 The additional request for funding outlined in 3.8 above was considered by the Harbour Committee's Budget Review Working Party to see what could be achieved. As a result of that process the Budget Review Working Party has made a number of recommendations to achieve the requested level of contribution, when the Harbour Committee sets the harbour budget in December 2014. In June 2014 the Harbour Committee noted, in principle, how the additional £160,000 contribution could be delivered. However, the Harbour Committee's Budget Review Working Party were very clear that such a contribution should be viewed as a one-off event and was not in their opinion something that could be sustained.

3.10 It has been brought to the attention of the Harbour Committee that, if the Council continues to request a significant contribution to the General Fund in the form of a cash dividend and asset rental fee, there is a significant risk that the Harbour Authority will be unable to remain self funding. In that situation the Harbour Authority would require a precept from the General Fund and this scenario would be contrary to government best practice for the management of municipal ports.

Appendices

| | |
|------------|-------------------------------------|
| Appendix 1 | Harbour Revenue Account for 2014/15 |
| Appendix 2 | Harbour Reserve Fund Project List |

Additional Information

None

TOR BAY HARBOUR AUTHORITY

| Expenditure | 2014/15 Original Budget £ ,000 | 2014/15 Current Budget £ ,000 | 2014/15 Profiled Budget £ ,000 | 2014/15 Actual to Date £ ,000 | 2014/15 Projected Outturn £ ,000 | Notes |
|--|---|--|---|--|---|-------|
| Operations and Maintenance :- | | | | | | |
| Harbour Attendants Salaries and Wages | 366 | 366 | 151 | 135 | 366 | 1 |
| Repairs and Maintenance | 243 | 243 | 131 | 112 | 195 | 2 |
| Repairs and Maintenance-Storm Damage | 0 | 42 | 42 | 42 | 42 | 3 |
| Rent Concessions | 4 | 4 | 1 | 1 | 4 | |
| Other Operating Costs | 518 | 497 | 230 | 232 | 497 | 4 |
| Management and Administration :- | | | | | | |
| Salaries | 256 | 256 | 107 | 92 | 256 | 1 |
| Internal Support Services | 153 | 153 | 143 | 143 | 153 | |
| External Support Services | 42 | 42 | 32 | 32 | 42 | |
| Other Administration Costs | 138 | 138 | 70 | 94 | 138 | |
| Capital Charges | 524 | 524 | 498 | 498 | 524 | |
| Contribution to Patrol Boat Operation | 6 | 6 | 0 | 0 | 6 | |
| Contbn to General Fund - Cash Dividend | 148 | 148 | 0 | 0 | 148 | |
| Contbn to General Fund - Asset Rental | 125 | 125 | 0 | 0 | 125 | |
| | 2,523 | 2,544 | 1,405 | 1,381 | 2,496 | |
| Income | | | | | | |
| Rents and Rights :- | | | | | | |
| Property and Other Rents/Rights | 484 | 484 | 252 | 271 | 484 | |
| Marina Rental | 397 | 397 | 81 | 81 | 397 | |
| Operating Income :- | | | | | | |
| Harbour Dues | 149 | 149 | 109 | 103 | 149 | |
| Visitor and Slipway | 56 | 56 | 43 | 42 | 56 | |
| Mooring fees | 184 | 184 | 161 | 162 | 184 | |
| Torquay Town Dock | 265 | 265 | 263 | 253 | 265 | |
| Torquay Inner Dock | 126 | 160 | 152 | 152 | 160 | 5 |
| Fish Toll Income | 650 | 600 | 220 | 188 | 550 | 6 |
| Boat and Trailer parking | 38 | 38 | 38 | 43 | 38 | |
| Other Income | 130 | 130 | 57 | 68 | 120 | 7 |
| Grant Income - Storm Damage | 0 | 0 | 0 | 0 | 42 | 8 |
| | 2,479 | 2,463 | 1,376 | 1,363 | 2,445 | |
| Interreg Grants received | 0 | 35 | 35 | 35 | 35 | 9 |
| Contribution to Reserve | 0 | (35) | (35) | (35) | (83) | 10 |
| Operating Surplus /(Deficit) | (44) | (81) | (29) | (18) | (99) | |

| RESERVE FUND | | | |
|--|--|------------|----|
| Opening Balance as at 1st April | | 860 | |
| Interest Receivable | | 5 | |
| Net Surplus / (Deficit) from Revenue Account | | (99) | |
| Withdrawal - Capital Financing | | (112) | 11 |
| Contribution from Revenue Account | | 83 | 10 |
| Expected Closing Balance as at 31st March | | 737 | |

Note: In line with Harbour Committee minute 398 (5) December 2011 the minimum Reserve level at year end 2014/15 is £483k 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.

NOTES

TOR BAY HARBOUR AUTHORITY

- 1 Savings identified within the Original Budget in respect of "Green Book" payments will now not be achieved in the current year due to a corporate decision to defer proposed changes to the existing arrangements. Further pressure on the salary budgets has arisen from an increase in the Pension Fund rate. It is anticipated that these pressures will be met in the current year from vacancies in current posts. The full effects will be reported to Committee once the new staffing structure is in place.
As previously reported it is anticipated that there will be a reduction in employee costs due to the waiving of superannuation contributions by some employees. However, this has not been reflected in the projected outturn at this stage as employees are entitled to join the scheme at any time.
- 2 The program for maintenance at Torquay and Paignton Harbours has been stripped back by a figure of £48k to achieve the identified savings targets. This provision will be transferred to the Reserve (see note 10) to part fund the contribution to the General Fund in 2015/16.
- 3 Repair work to pontoon walkways have now been completed. External funding for these repairs has been identified and is reflected at note 8.
- 4 The effect of the harbour rating review was not fully reflected within the approved budget.
- 5 The budgeted income target for the new Torquay inner harbour berths (Torquay Inner Dock) was prudently based on 75% - 80% capacity. Actual capacity is already close to 100%.
- 6 The anticipated level of Fish Toll income has been further reduced to reflect the income levels to date and industry projections for the current year.
The previous five years have produced incomes of £588k, £675k, £739, £557k and £474k.
- 7 The budgeted Advertising income streams will not be realised in 2014/15.
- 8 Funding of storm damage repairs from the Department for Transport's Small Ports Recovery Fund.
- 9 The first claim for European Interreg funding has now been received in relation to the Port Masterplan and supporting consultancy costs. The grant income has been transferred to the reserve to repay funding of the original costs in previous years (see note 10).
- 10 Contribution to the Reserve in respect of European Interreg funding received (see note 9) and savings in the maintenance program at Torquay and Paignton harbours (see note 2).
- 11 Additional costs of the Torquay Inner Harbour Pontoon capital scheme (Inner Dock) have been met from the reserve instead of increasing the prudential borrowing liability.

Appendix 2 - Tor Bay Harbour Authority - Reserve Fund Project List

Harbour Committee Minute 398 (5) - December 2011

“That, as recommended by the Harbour Committee’s Budget Working Party, each harbour reserve fund is split with 20% of budgeted turnover ring-fenced to meet any deficit in the revenue budget or winter storm damage and the balance ring-fenced to fund harbour related capital projects.”

| | |
|---|--------------------|
| | £ |
| Consolidated Reserve Balance at 31st March 2014 | 859,683 |
| Planned withdrawals in year | (112,000) |
| Planned contributions in year | 34,877 |
| Anticipated interest for year | 5,400 |
| Projected Surplus/(Deficit) for year | (99,000) |
| Planned withdrawal in 2015/16 to fund General Fund contribution targets | (96,000) |
| Projected Consolidated Reserve Balance at 1st April 2015 | 592,960 |
| less: 20% of Budgeted Turnover | (483,000) |
| = Balance for Projects | 109,960 |
| Total costs of proposed Projects (as listed below). | 1,129,800 |
| <i>Shortfall in Reserve funding available</i> | <i>(1,019,840)</i> |

| Projects | Brixham | Torquay & Paignton | Timeframe |
|---|---------|--------------------|-----------|
| Tor Bay Harbour - HMS software upgrade | £25,000 | £25,000 | Short |
| Torquay harbour - Haldon Pier fender replacement | | £60,000 | Short |
| Torquay harbour - Princess Pier underwater urgent repairs | | £50,000 | Short |
| Torquay harbour - Beacon Quay Wi-Fi | | £7,000 | Short |
| Torquay harbour - Old Fish Quay full structural survey | | £10,000 | Short |

| | | | |
|---|-----------------|-----------------|--------|
| Brixham harbour - new work boat | £45,000 | | Medium |
| Torquay harbour - Haldon Pier brow | | £80,000 | Medium |
| Torquay harbour - Old Fish Quay refurbishment | | £200,000 | Medium |
| Brixham harbour – photo-voltaic solar panels on roof * | £48,000 | | Medium |
| Torquay harbour - fishermen's pontoons | | £24,900 | Medium |
| Torquay harbour – office/welfare improvements | | £24,900 | Medium |
| Torquay harbour - Inner Harbour Slipway repairs | | £75,000 | Medium |
| Torquay harbour - South Pier cathodic protection | | £30,000 | Medium |
| Tor Bay Harbour Patrol Boat replacement | £25,000 | £25,000 | Medium |
| Brixham harbour - Maritime E training programme * | £45,000 | | Medium |
| Torquay harbour - new dinghy park & seaward slipway feasibility study | | £30,000 | Medium |
| Torquay harbour - Haldon Pier crane | | £50,000 | Long |
| Brixham Breakwater remedial repairs | £150,000 | | Long |
| Torquay harbour - Fuel Station refurbishment | | £100,000 | Long |
| TOTALS | £338,000 | £791,800 | |

Capital Projects over £25k to be listed on the Council's Capital Plan which is approved by full Council.

* Interreg funding opportunity (FLIP)

KEY
Capital
Revenue



Current financial year
0 to 12 months
12 to 24 months
24 to 60 months

2014-15
Short
Medium
Long



Meeting: Harbour Committee

Date: 22nd September 2014

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour - Environmental Policy Statement

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 Tor Bay Harbour Authority has an existing Environmental Policy Statement and the Harbour Committee is asked to review and endorse a revised Environmental Policy Statement. Our customers and employees will benefit from a clear and concise Environmental Policy Statement that is regularly reviewed by the Harbour Committee.

2. Proposed Decision

- 2.1 **That the Environmental Policy Statement shown in Appendix 1 to this report is approved.**

3. Action Needed

- 3.1 Adoption of a clear Environmental Policy Statement should help our community to understand our approach to environmental management within the limits of the harbour. The environmental and sustainability implications are self evident within the body of the report.

4. Summary

- 4.1 In addition to their operational activities ports and harbours have extensive environmental responsibilities. The designation of more new areas – both land and marine sites – requiring special protection has now resulted in the creation of new management structures for the open coast as well as for estuaries. A harbour's commercial and recreational activity must co-exist with sound environmental practice.
- 4.2 Torbay Council as the Harbour Authority is bound by law to conserve the Harbour of Tor Bay to a reasonable state for use as a port and in a fit condition for a vessel

to resort to. The Council's adopted Port Masterplan contains the overarching strategy for Tor Bay Harbour Authority and it includes the following two objectives :-

- Manage the harbour in a sustainable manner by supporting a variety of maritime activities including fishing, shipping, marine related businesses, heritage, eco-tourism and marine recreational facilities.
- Balance the responsible stewardship of the marine environment with appropriate socio-economic development and use of Tor Bay.

To assist the Harbour Committee to fulfil these objectives it is appropriate to produce and keep under review an Environmental Policy Statement.

- 4.3 Tor Bay Harbour Authority also has a general duty to exercise its functions with regard to nature conservation and other related environmental considerations. There is an obligation, where a Special Protection Area for Birds or a Special Area of Conservation has been designated under the Wild Birds or Habitats Directives, to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. A significant inshore area of Tor Bay Harbour is now a Special Area of Conservation in respect of reefs and submerged or partially submerged sea caves. It is therefore increasingly important that the Harbour Committee demonstrates 'accountability' for environmental matters.
- 4.4 Marine Protected Areas (MPAs) are zones of the seas and coasts where wildlife is protected from damage and disturbance. The Government is committed to establishing a well-managed ecologically coherent network of marine protected areas (MPAs). The Marine and Coastal Access Act (2009) created a new type of Marine Protected Area (MPA), called a Marine Conservation Zone (MCZ). MCZs protect nationally important marine wildlife, habitats, geology and geomorphology. A Marine Conservation Zone has been designated for most of the inshore area within the limits of Tor Bay Harbour.
- 4.5 It is therefore essential that Tor Bay Harbour Authority has a fit for purpose Environmental Policy Statement. Keeping such a policy under regular review reflects national best practice.
- 4.6 An Environmental Policy Statement is the first step towards the development of an Environmental Management System. It is important that the Harbour Authority helps to maintain a healthy and safe environment for harbour users, employees and the local community alike.

Supporting Information

5. Position

- 5.1 The Council first approved a specific Environmental Policy Statement for Tor Bay Harbour in March 2000.

- 5.2 In 2007 the Council approved its first Harbour and Maritime Strategy and in 2013 this Strategy was superseded by a new Port Masterplan for Tor Bay Harbour. As indicated in 4.2 above the Port Masterplan makes it clear that, through the Harbour Committee, the Harbour Authority should manage the harbour in a sustainable manner and balance the responsible stewardship of the marine environment with appropriate socio-economic development and use of Tor Bay.
- 5.3 At present the following environmental designations exist within or adjacent to Tor Bay Harbour limits:-
- Area of Outstanding Natural Beauty (AONB)
 - Sites of Special Scientific Interest (SSSI)
 - Local Nature Reserve (LNR)
 - National Nature Reserve (NNR)
 - Marine Nature Reserve (MNR)
 - Special Protection Area (SPA)
 - Special Area of Conservation (SAC)
 - Marine Conservation Zone (MCZ)
 - County Wildlife Sites
- 5.4 A policy statement is the start of a process which will look at and identify all operations affecting the environment. These will include:-
- Sewage discharges from pleasure craft
 - Anchoring and mooring policy
 - Litter control
 - Dredging and spoil disposal
 - Oil/fuel contamination into the harbour
 - Control of fish waste into the harbour
 - Use of biocides
 - Screening of suppliers
 - Recycling
 - Recreational disturbance of wildlife
 - Management of sub-contractor or lessee activities

- Energy consumption
- Water consumption

5.5 Statutory plans already exist covering waste reception facilities as well as oil spill response and contingency planning for the Tor Bay Harbour area. In addition, as a resort destination the English Riviera places considerable importance on bathing water quality and strict regulations also apply.

6. Possibilities and Options

6.1 To take no action and continue using the existing Environmental Policy Statement, approved in September 2012, without any further review.

7. Preferred Solution/Option

7.1 To approve the Environmental Policy Statement shown in Appendix 1.

8. Consultation

8.1 The Environmental Policy Statement is a well-established policy that has been available to the public for many years. It has also been considered by the Harbour Liaison Forums.

9. Risks

9.1 There are no key risks associated with taking this decision.

9.2 The adoption of a clear Environmental Policy Statement will enhance the Council's reputation for transparency and accountability in respect of its function as Tor Bay Harbour Authority.

Appendices

Appendix 1 Environmental Policy Statement – September 2014

Additional Information

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

Minutes of the Harbour Sub-Committee – 30th March 2000

Environmental Policy Statement – September 2012

Tor Bay Harbour Port Masterplan - 2013

TOR BAY HARBOUR AUTHORITY

TOR BAY HARBOUR – ENVIRONMENTAL POLICY STATEMENT

Torbay Council, as the Harbour Authority for Tor Bay Harbour, is committed to maintaining the balance in the harbour between commercial, recreational and environmental interests, at the same time maintaining a sustainable and commercially viable municipal port.

Tor Bay Harbour Authority will seek to maintain and improve, wherever possible, a high level of environmental quality through the strict adherence of U.K. environmental legislation and internationally agreed conventions, directives and resolutions intended to protect the environment.

In pursuance of these policy objectives the Harbour Authority will :-

- Seek opportunities to apply innovative technology to reduce emissions and energy consumption.
- Consider the efficient use of renewable energy and natural resources.
- Continually assess recycling, re-use and waste minimisation opportunities.
- Ensure that contingency plans and controls are in place and regularly reviewed and tested, to endeavour to prevent spills of oil, chemicals or potentially contaminating materials.

It is the Harbour Authority's policy for the 'polluter' to pay for the cost of clean up and disposal following land and marine based incidents.

The Harbour Authority recognises the need to conserve the natural environment of the Bay through sound environmental management. Environmental policies for the Harbours will ensure, wherever possible, that duties carried out by Tor Bay Harbour Authority staff as well as recreational and commercial activities within harbour limits, will take place without any adverse effects on the quality of the environment.

Most of the inshore area within Tor Bay Harbour limits has been designated as a Marine Conservation Zone. The waters of Tor Bay also include and/or are adjacent to Sites of Special Scientific Interest, an Area of Outstanding Natural Beauty, Special Areas of Conservation and other sites with an environmental designation. Tor Bay Harbour Authority will work closely with environmental agencies to ensure that, where possible, the quality of the environment is improved upon, thereby enhancing the natural resources for future generations.

Tor Bay Harbour Authority will encourage users of the Bay and suppliers of services to the harbours to adopt practices compatible with the aims of an evolving environmental management system.

This aim will be communicated to our customers.

The Council consider that educating and training our employees, as well as the public, on the importance of conserving and enhancing the Bay will contribute to achieving our environmental goals.

Tor Bay Harbour Authority is pledged to work towards a cleaner environment through implementation of effective management strategies, co-operation with relevant authorities, purchasing of energy efficient goods and consultation with users and other interest groups.

This policy will be reviewed from time to time to embrace changes in the Harbour Authority's activities and will be endorsed by the Torbay Council's Harbour Committee.

September 20124

Agenda Item 15



Meeting: Harbour Committee

Date: 22nd September 2014

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Pilotage Directions

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 The Pilotage Directions for Tor Bay Harbour need to be reviewed on a regular basis as part of the Council's ongoing compliance with the Port Marine Safety Code.

2. Proposed Decision

- 2.1 **That the draft Tor Bay Harbour Pilotage Directions shown in Appendix 1 to this report be approved, subject to statutory consultation.**
- 2.2 **That the Executive Head of Tor Bay Harbour Authority be asked to consult with interested parties prior to the implementation of the Tor Bay Harbour Pilotage Directions, if approved in 2.1 above.**
- 2.3 **That the Executive Head of Tor Bay Harbour Authority seek further approval from the Harbour Committee if the consultation exercise results in significant objections or suggested amendments.**
- 2.4 **That on implementation of the Tor Bay Harbour Pilotage Directions shown in Appendix 1, the previous Pilotage Direction for Tor Bay Harbour, attached as Appendix 2, is revoked.**

3. Action Needed

- 3.1 The revised Tor Bay Harbour Pilotage Directions, recommended by the Pilotage Review Working Party, need to be considered by the Harbour Committee prior to consultation with interested parties and ultimately their adoption into use in the Bay.

4. Summary

- 4.1 Torbay Council, as the Tor Bay Harbour Authority, and the Competent Harbour Authority for the purposes of the Pilotage Act 1987, has powers under Section 7 of

the Act to make Pilotage Directions. A pilotage service must be provided if required in the interests of safety.

- 4.2 Competent harbour authorities have specific powers under the Pilotage Act to enable them to discharge the duties imposed under that Act.
- 4.3 A competent harbour authority has specific powers and duties for marine pilotage and must issue pilotage directions if it decides, based on its assessment of the risks, that pilotage should be made compulsory. The directions must specify how and to which vessels they apply. Ship owners and any other interested parties who use the port on a regular basis, must be consulted before the directions are implemented. Current operational risk assessments indicate the need for compulsory pilotage for specific vessels in certain weather conditions.
- 4.4 Tor Bay Harbour Authority is committed to complying with its legal obligations and to complying with the Port Marine Safety Code. After a period of consultation and having considered all the relevant comments, the Authority is recommended to adopt the new Pilotage Direction and to publish the same in accordance with Section 7 (6) of the Pilotage Act, so as to bring it to the notice of those persons likely to be interested.
- 4.5 It is essential that Tor Bay Harbour Authority has Pilotage Directions that are fit for purpose. Keeping such Directions under regular review reflects national best practice.

Supporting Information

5. Position

- 5.1 On 30th March 2000 the Harbours Sub-Committee received a report on the newly published Port Marine Safety Code. The Committee resolved that the requirements of the Code be implemented, as specified, by the end of 2001. Consequently a Marine Safety Risk Review was undertaken for Tor Bay Harbour Authority by Willis (UK) Ltd. Willis identified the need for a formal review of the existing Pilotage Directions, including consultation with all relevant stakeholders. It was specifically stated that the issue of pilotage provision in bad weather should be addressed. Options for consideration included the withdrawal of compulsory pilotage, part withdrawal (zoning) of compulsory pilotage, reduction of the waters controlled by Tor Bay Harbour Authority, investment in a radar controlled system and pilotage resources to ensure diligent regulation of compulsory pilotage.
- 5.2 During the winter of 2002/03 further work was undertaken to review the Pilotage Directions with the Harbour Masters and consultants Marine Enforcement Limited. This work concluded with a consultation exercise on a new draft Pilotage Direction. Following the consultation period a revised set of Tor Bay Harbour Pilotage Directions were approved in July 2003.
- 5.3 In September 2010 the most recent set of Pilotage Directions were approved by the Harbour Committee.
- 5.4 A Pilotage Review Working Party was appointed by the Harbour Committee in June

2014 – *“to work alongside Officers to review the Pilotage arrangements for Tor Bay Harbour and to recommend to the Harbour Committee any amendments to the Pilotage Directions as and when appropriate”.*

- 5.5 Each year the Harbour Committee receives a report with details of the annual Port Marine Safety Code compliance audit undertaken for the Council, as the Harbour Authority, by Nicholsons Risk Management Ltd.
- 5.6 The Harbour Committee, on behalf of the Council, is the ‘Duty Holder’ under the Port Marine Safety Code (PMSC) and Nicholsons Risk Management Ltd are the appointed ‘Designated Person’.
- 5.7 Under the Port Marine Safety Code Authorities should determine, through risk assessment whether any and, if so, what pilotage services need to be provided to secure the safety of ships (including those carrying dangerous goods or harmful substances) navigating in or in the approaches to its harbour; and whether in the interests of safety, pilotage should be compulsory for ships navigating in any part of that harbour or its approaches and, if so, for which ships and in which circumstances and what pilotage services need to be provided for those ships.
- 5.8 Each competent harbour authority should provide such pilotage services as is necessary.
- 5.9 Authorities must grant a bona fide master or first mate of any vessel a ‘pilotage exemption certificate’, if they demonstrate they have sufficient skill, experience and local knowledge to pilot the vessel within the harbour. The requirements for granting an exemption must not exceed or be more onerous than those needed for an authorised pilot.
- 5.10 Each competent harbour authority may authorise suitably qualified pilots in its area. Authorisations may relate to ships of a particular description and to particular parts of the harbour. The authority determines the qualifications for authorisation in respect of medical fitness standards, time of service, local knowledge, skill, character and otherwise. It may also -after giving notice and allowing a reasonable opportunity to make representations -suspend or revoke an authorisation if it appears to the authority that the authorised person is guilty of any incompetence or misconduct affecting his capability as a pilot, or has ceased to have the required qualifications -or failed to provide evidence that he still has them. An authorisation may also be suspended or revoked, on reasonable notice, if any contract or other arrangement under which the services of pilots are provided is terminated.

6. Possibilities and Options

- 6.1 To take no action and continue using the existing Tor Bay Harbour Pilotage Directions without any further review.
- 6.2 Withdrawal of compulsory pilotage within Tor Bay would present unacceptable safety and environmental risks.
- 6.3 The Harbour Committee will keep the Authority’s pilotage responsibilities under review as part of the Council’s ongoing statutory duty as a Competent Harbour authority and following its commitment to compliance with the requirements of the Port Marine Safety Code.

7. Preferred Solution/Option

7.1 To approve the amended Tor Bay Harbour Pilotage Directions set out in Appendix 1.

8. Consultation

8.1 In accordance with Section 7 (4) of the Act, before making a Pilotage Direction a Competent Harbour Authority is obliged to consult with the owners of ships which customarily navigate in the area to which the proposed direction would apply and to consult with any other persons who carry on harbour operations within the harbour of the authority, or, in either case, such persons as it considers to be representative of them. Views on the proposed new Directions will be sought from various consultees, including the Harbour Liaison Forums.

9. Risks

9.1 There are no key risks associated with taking this decision.

9.2 The adoption of clearly stated Harbour Pilotage Directions will enhance the Harbour Committee's reputation for transparency and accountability in respect of its function as Tor Bay Harbour Authority, on behalf of Torbay Council.

Appendices

Appendix 1 Proposed Tor Bay Harbour Pilotage Directions – September 2014

Appendix 2 Existing Tor Bay Harbour Pilotage Directions – December 2010

Additional Information

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

The Pilotage Act 1987

Port Marine Safety Code – December 2012

Tor Bay Harbour Authority – Port Marine Safety Code Safety Management System

The Tor Bay Harbour Act 1970



TOR BAY HARBOUR AUTHORITY

PROPOSED PILOTAGE DIRECTIONS – ~~SEPTEMBER~~ DECEMBER 2014~~9~~

Tor Bay Harbour Authority (the Authority) as the Competent Harbour Authority for Tor Bay Harbour pursuant to the Pilotage Act 1987 (the Act) and in exercise of their powers under Section 7 of the Act and in the interests of safety hereby make the following Pilotage Directions :-

1. Coming into Force

- 1.1 This Pilotage Direction which comes into force on 1st December 2014 revokes all Pilotage Directions previously made by the Tor Bay Harbour Authority.

2. Purpose

- 2.1 Tor Bay Harbour Authority is committed to complying with its legal obligations and to complying with the Port Marine Safety Code.

3. Compulsory Pilotage

- 3.1 Pilotage shall be compulsory within the area described in paragraph 4 of this Direction (the compulsory pilotage area) for all vessels except:
- i) any ship of Her Majesty's Royal Navy or Royal Fleet Auxiliary, subject to paragraph ~~56~~.2;
 - ii) foreign warships navigating in the harbour for the purpose of taking up or leaving an anchorage, subject to paragraph ~~56~~.2;
 - iii) any vessel of less than 36m LOA entering or leaving an enclosed harbour and not carrying a cargo of dangerous goods or marine pollutants;
 - iv) any vessel of less than 80m LOA providing they do not enter or leave an enclosed harbour;
 - v) any vessel engaged in towing where the length of such vessel aggregated with the length of the tow is less than 80m or less than 36m for those entering or leaving an enclosed harbour;

- vi) any fishing vessel less than 47.5m LOA;
- vii) any vessel proceeding to or departing from a designated anchorage as defined in paragraph 6 provided such vessel has been forced by stress of weather to seek shelter and subject to paragraph ~~5~~6.1.

3.2 Vessels subject to compulsory pilotage shall while under way in the compulsory pilotage area be under the pilotage of a pilot authorised by the Authority or a holder of a valid pilotage exemption certificate issued by the Authority.

4. Compulsory Pilotage Area

4.1 The area to which this Direction applies shall be within the entire limits of the harbour as prescribed in section 5 of the Tor Bay Harbour Act 1970 and as shown on the attached chartlet in Appendix 2.

Contact Details

Call: Brixham Pilots

VHF Fx: Channel 09, 16

Telephone: +44 (0) 1803 882214

Fax: +44 (0) 1803 882579

Email: agency@mtsgroupltd.com

~~website~~Website: www.mtsgroupltd.com

5. Boarding

5.1 Pilot will board vessels bound for Tor Bay anchorage, Brixham and Torquay at 50°25'.00N, 003°25'.70W. (for procedure details see Admiralty List of Radio Signals Volume 6(1))

6. Radio communications

6.1 Any vessel seeking shelter in the outer harbour in accordance with paragraph 3.1(v) is directed that it must contact Bay Reporting Services on VHF Channel 09 before entering harbour limits and again on departing harbour limits.

6.2 Any vessel navigating within Tor Bay Harbour limits in accordance with paragraph 3.1 (i) or (ii) is directed that it must contact Bay Reporting Services on VHF Channel 09 before entering harbour limits and again on departing harbour limits.

- 6.3 Any vessel or fishing vessel regardless of its length that :-
- i) is on fire or has recently been on fire and/or;
 - ii) is defective such that the manoeuvring capability or the safe navigation of the vessel is affected and/or;
 - iii) has been involved in a collision, grounding or other event that has affected the watertight integrity and/or stability of the vessel and/or;
 - iv) creates any risk not normally associated with the safe passage of such vessel;

is directed that it must contact Bay Reporting Services on VHF Channel 09 before entering harbour limits.

7. Designated Anchorages

- 7.1 For the purposes of paragraph 3.1 (v) the designated anchorages co-ordinates are as follows:-

| | Lat | Long |
|----------------|------------|-------------|
| Alpha | 50 27.0 N | 003 32.0 W |
| | 50 27.0 N | 003 30.0 W |
| | 50 26.0 N | 003 30.0 W |
| | 50 26.0 N | 003 32.0 W |
| Bravo | 50 26.0 N | 003 32.5 W |
| | 50 26.0 N | 003 30.0 W |
| | 50 25.0 N | 003 30.0 W |
| | 50 25.0 N | 003 32.5 W |
| Foxtrot | 50 30.2 N | 003 30.0 W |
| | 50 29.0 N | 003 30.0 W |
| | 50 29.0 N | 003 28.7 W |
| | 50 30.2 N | 003 29.3 W |

In addition to the areas indicated above, there are three anchorage circles, which are 5 cables in diameter centre points being at: -

| | Lat | Long |
|----------------|------------|-------------|
| Charlie | 50 26.5 N | 003 28.5 W |
| Delta | 50 26.0 N | 003 28.5 W |
| Echo | 50 25.5 N | 003 28.6 W |

as shown on the attached chartlet and on appropriate Admiralty Charts.

8. Definitions

- 8.1 For the purposes of this Direction unless the subject or context otherwise requires:

“the Act” means the Pilotage Act 1987;

“the Authority” means the Tor Bay Harbour Authority;

“dangerous goods” means dangerous goods as defined in Regulation 2 of the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 (SI 2367/97);

“fishing vessel” means a fishing vessel as defined in Section 313 of the Merchant Shipping Act 1995;

“LOA” means length overall where length means the overall length from the foreside of the foremost fixed permanent structure to the aftside of the aftermost fixed permanent structure of the vessel.

“enclosed harbour” means at Torquay the area of water enclosed by an imaginary line drawn from the western end of Haldon Pier to the south-eastern end of Princess Pier; at Paignton the area of water enclosed by an imaginary line drawn from the eastern end of North Quay to the northern end of Eastern Quay; and at Brixham the area of water enclosed by the Breakwater, an imaginary line from the northern end of the Breakwater to Battery Point and the shore, which limits are indicated on the map annexed to the Harbour Byelaws (1994);

“length of tow” means the length of the tow measured from the foremost fixed permanent structure of the towing vessel to the aft side of the aftermost fixed permanent structure of the vessel being towed;

“marine pollutants” means marine pollutants as defined in Regulation 2 of the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 (SI 2367/97);

“Tor Bay Harbour Authority” means Torbay Council acting in its capacity as Tor Bay Harbour Authority, by way of the Harbour Committee;

“underway” means that a vessel is not at anchor, or made fast to the shore, or aground;

“vessel” means every description of vessel, however propelled or moved and includes anything constructed or used to support persons or goods on the water and includes hovercraft, non-displacement craft, floating rigs and platforms and seaplanes.

In these Directions, the singular shall include the plural and vice versa and words importing gender shall include any other gender unless the context otherwise requires.

9. Procedure for Pilotage

- 9.1 The procedure that must be followed by Masters of Vessels requesting pilotage services provided by the Authority are contained in the Admiralty List of Radio Signals Volume 6(1).

10. Pilotage Exemption Certificates

- 10.1 ~~The bona fide Master or Deck Officers of vessels calling regularly at Tor Bay Harbour and subject to compulsory pilotage, may apply for a Pilotage Exemption Certificate (PEC) for the area, or specified parts of the area. Applicants must satisfy the Authority as to their skill, experience, local knowledge, knowledge of the English language and medical fitness. Bona fide Masters and First Mates of all vessels subject to compulsory pilotage may apply for and be issued with Pilotage Exemption Certificates for the area, or specified parts of the area, subject to their fitness and qualification will be both~~ by examination and experience in the appropriate parts of the area. Criteria for the issue of Pilotage Exemption Certificates can be found in Appendix 1.

11. Penalties

- 11.1 Not to comply with any part of this Pilotage Direction is an offence by virtue of Sections 15(2) and 15(3) of the Pilotage Act 1987 and Masters in contravention of this Direction may be prosecuted.

12. Charges for Pilotage

- 12.1 Charges for vessels using an authorised Tor Bay Harbour Pilot are contained within the agreed Schedule of Charges for Tor Bay Harbour, available from the Harbour Offices.

Note: *BA charts affected:* 26, 1613 & 3315
 Publications affected: NP 286 Admiralty List of Radio Signals,
 Volume 6
 NP 27 - Channel Pilot

Published 1st December 2010

Appendix 1

Directions in respect of Pilotage Exemption Certificates

General

1. Masters and ~~Deck Officers~~Mates of ships who are established, regular and frequent visitors to Tor Bay Harbour may apply for and be issued with Pilotage Exemption Certificates for the area, subject to their being able to satisfy Tor Bay Harbour Authority as to their fitness to hold such a certificate.
2. These certificates will apply within the Tor Bay Harbour limits, as prescribed in Sec. 5 of the Tor Bay Harbour Act 1970.

Application

3. Application for a Pilotage Exemption Certificate should be made on the prescribed form, which is obtainable from the Executive Head of Tor Bay Harbour Authority at the Torquay Harbour Office. It should be accompanied by satisfactory written evidence of medical fitness, including eyesight, by a qualified medical practitioner registered in the United Kingdom or in the country in which the vessel is registered and dated within 2 years of the application. The appropriate fee should also accompany the application.

Examination

4. Examinations will normally be conducted at one of the Harbour Offices and/or on board the vessel. A Tor Bay Harbour Master in company with an authorised Tor Bay Harbour Pilot will conduct the examination. Experience of ship handling, as a Master or ~~Mate~~Deck Officer, within the Tor Bay Harbour limits, including day and night movements, will be a principal factor in establishing a candidate's suitability to hold the Pilotage Exemption Certificate.

5. A minimum of 10 acts of pilotage must be undertaken with an authorised Tor Bay Harbour Pilot on board before a PEC applicant will be eligible for a PEC examination. At least 3 of these pilotage acts must be in darkness, and at least 2 inbound to Brixham and/or Torquay enclosed harbour, at different states of the tide and all 10 movements must be in a minimum initial period of 6 months.

- 5.6. Candidates must also satisfy the Tor Bay Harbour Master as to the following:

- a) A candidate must be the Master or ~~First Mate~~a Deck Officer of ~~his~~their ship to qualify for certification.

- b) Candidates must have a satisfactory knowledge of the International Regulations for Preventing Collisions at Sea, Local Regulations, Harbour Byelaws, Local Notices to Mariners and Marine Emergency Procedures in force with respect to that part of the Area of Jurisdiction for which the applicant desires an Exemption Certificate.
- c) Candidates must possess satisfactory local knowledge of the area including lights, leading marks and buoyage.
- d) Candidates must have a satisfactory working knowledge of the English Language.
- e) Candidates must be fully conversant with the Dangerous Substances in Harbour Areas Regulations 1987 (as applicable to the candidate's ship and as they may apply in the Pilotage Area).
- f) Candidates would normally be expected to hold a valid certificate as a Master Mariner/Class 1, either Foreign Going or Home Trade or STCW equivalent.

~~6.7.~~ Successful candidates will be granted a Pilotage Exemption Certificate immediately. A failed candidate will not be re-examined until at least a month after the date of failure; after a second subsequent failure, candidates will not be re-examined until at least three months have elapsed from the date of the last examination.

Certificates

~~7.8.~~ Certificates will include the name and description of each ship that the certificate holder is authorised to pilot in the Area of Jurisdiction. Certificate holders shall not allow any other person to have possession or to make improper use of the Certificate.

~~8.9.~~ Certificates are valid for one year from the date of issue. For renewal see paragraphs ~~137-159~~ below.

Duties of a Certificate Holder

~~9.10.~~ When a ship is in the charge of a Master or **MateDeck Officer** holding a Pilotage Exemption Certificate and is underway within the Area of Jurisdiction, the Pilotage Flag is to be displayed.

~~10.11.~~ A Pilotage Exemption Certificate holder who observes any alteration to the charted depths or to the channels, or that any seamarks are out of place or do not conform or show their proper distinctive character, shall immediately report the circumstances verbally to the duty Harbour Master, followed by a report in writing as soon as is practicable.

~~11.12.~~ When a ship in the charge of a Master or **MateDeck Officer** holding a Pilotage Exemption Certificate has touched the ground or has been in collision or in a close quarters situation with any other ship or any fixed or

floating object in the water, they shall immediately report the occurrence verbally to the duty Harbour Master followed by a report in writing on the form prescribed, as soon as is practicable.

~~12.~~13. Pilotage Exemption Certificate holders are required to attend any investigation or inquiry held by the Tor Bay Harbour Authority when they are requested to appear.

Investigation of Incidents

~~13.~~14. Pilotage Exemption Certificate holders shall attend the Harbour Office at the order or summons of the CHA to answer any complaint or charge which may be made against them for the alleged misconduct, or in respect of any marine casualty which may have occurred whilst they were in charge of their vessel in that part of the pilotage area for which they are certificated.

15. The Tor Bay Harbour ~~Master~~Authority will investigate any serious incident or marine casualty involving the holder of a Pilotage Exemption Certificate. The Harbour Authority's Pilotage Review Working Party may, in cases involving misconduct or lack of professional expertise on the part of the Certificate holder, advise the Tor Bay Harbour Master whether to suspend or revoke ~~at their~~ Pilotage Exemption Certificate. In this event, the holder would have a right to appeal to the Competent Harbour Authority (Harbour Committee).

16. The Pilotage Exemption Certificate may be suspended, depending on the nature and seriousness of the incident, to await the outcome of the investigation. Reinstatement, with or without conditions, will be at the discretion of the Tor Bay Harbour Master and be subject to appeal as stated above..

Renewal of Certificates

~~14.~~17. Application for the renewal of Pilotage Exemption Certificates must be made at least one month before the expiry date. Application must be made on the prescribed form obtainable from any of the Harbour Offices, and must be accompanied by the appropriate fee.

~~15.~~18. Certificates shall not be renewed unless holders can satisfy the Competent Harbour Authority of their continuing knowledge of pilotage requirements within the area.

~~16.~~19. On application for renewal, candidates must confirm that they are medically fit and produce satisfactory written medical and eyesight examination results that have been made within the preceding two years.

~~17. A Certificate will not normally be renewed after a holder reaches the age of 65. However consideration will be given to the renewal of Certificates for~~

~~older applicants piloting small vessels plying solely within the limits of the Area of Jurisdiction.~~

Fees

~~18.20.~~ The fees for the issue of a Pilotage Exemption Certificate are detailed in the agreed Schedule of Charges for Tor Bay Harbour.

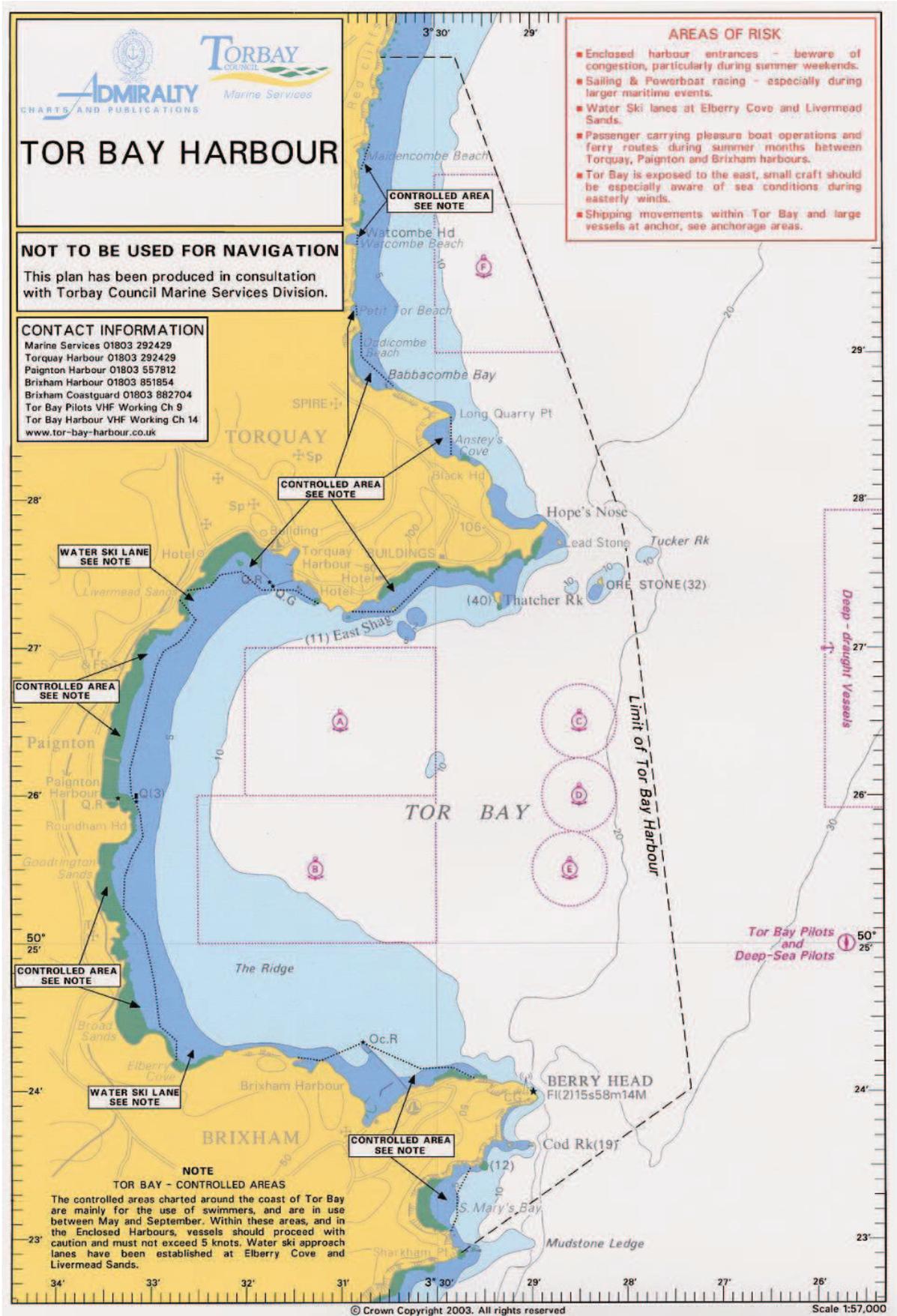
Charges for Acts of Self Pilotage

~~19.21.~~ The holder of a Pilotage Exemption Certificate issued by the Tor Bay Harbour Authority is to submit a monthly return no later than the 15th day of the month following to Torbay Council's Executive Head of Tor Bay Harbour Authority detailing the number of times the vessel or vessels navigated by them has entered in or departed from Tor Bay Harbour limits when an authorised pilot has not been employed.

~~20.22.~~ A charge may be levied on a monthly basis (irrespective of the number of voyages) in respect of any ship to which this Direction applies and which navigates within Tor Bay Harbour under the pilotage of a Master or ~~First Mate~~Deck Officer who is the holder of a Pilotage Exemption Certificate. The monthly charges can be negotiated with the Executive Head of Tor Bay Harbour Authority.

~~21.23.~~ Invoices for charges for Acts of Self Pilotage will be rendered monthly and should be paid within 30 days of receipt. If charges incurred are not paid within that 30 day period then an additional charge of 5% compounded until payment will be payable for each period of 30 days, or part period, thereafter.

Published 1st December 20140





TOR BAY HARBOUR AUTHORITY

PROPOSED PILOTAGE DIRECTIONS – DECEMBER 2010

Tor Bay Harbour Authority (the Authority) as the Competent Harbour Authority for Tor Bay Harbour pursuant to the Pilotage Act 1987 (the Act) and in exercise of their powers under Section 7 of the Act and in the interests of safety hereby make the following Pilotage Directions :-

1. Coming into Force

- 1.1 This Pilotage Direction which comes into force on 1st December 2010 revokes all Pilotage Directions previously made by the Tor Bay Harbour Authority.

2. Purpose

- 2.1 Tor Bay Harbour Authority is committed to complying with its legal obligations and to complying with the Port Marine Safety Code.

3. Compulsory Pilotage

- 3.1 Pilotage shall be compulsory within the area described in paragraph 4 of this Direction (the compulsory pilotage area) for all vessels except:
- i) any ship of Her Majesty's Royal Navy or Royal Fleet Auxiliary, subject to paragraph 5.2;
 - ii) foreign warships navigating in the harbour for the purpose of taking up or leaving an anchorage, subject to paragraph 5.2;
 - iii) any vessel of less than 36m LOA entering or leaving an enclosed harbour and not carrying a cargo of dangerous goods or marine pollutants;
 - iv) any vessel of less than 80m LOA providing they do not enter or leave an enclosed harbour;
 - v) any vessel engaged in towing where the length of such vessel aggregated with the length of the tow is less than 80m or less than 36m for those entering or leaving an enclosed harbour;

- vi) any fishing vessel less than 47.5m LOA;
- vii) any vessel proceeding to or departing from a designated anchorage as defined in paragraph 6 provided such vessel has been forced by stress of weather to seek shelter and subject to paragraph 5.1.

3.2 Vessels subject to compulsory pilotage shall while under way in the compulsory pilotage area be under the pilotage of a pilot authorised by the Authority or a holder of a valid pilotage exemption certificate issued by the Authority.

4. Compulsory Pilotage Area

4.1 The area to which this Direction applies shall be within the entire limits of the harbour as prescribed in section 5 of the Tor Bay Harbour Act 1970 and as shown on the attached chartlet in Appendix 2.

Contact Details

Call: Brixham Pilots

VHF Fx: Channel 09, 16

Telephone: +44 (0) 1803 882214

Fax: +44 (0) 1803 882579

Email: agency@mtsgroupltd.com

website: www.mtsgroupltd.com

Boarding

Pilot will board vessels bound for Tor Bay anchorage, Brixham and Torquay at 50°25'.00N, 003°25'.70W. (for procedure details see Admiralty List of Radio Signals Volume 6(1))

5. Radio communications

5.1 Any vessel seeking shelter in the outer harbour in accordance with paragraph 3.1(v) is directed that it must contact Bay Reporting Services on VHF Channel 09 before entering harbour limits and again on departing harbour limits.

5.2 Any vessel navigating within Tor Bay Harbour limits in accordance with paragraph 3.1 (i) or (ii) is directed that it must contact Bay Reporting Services on VHF Channel 09 before entering harbour limits and again on departing harbour limits.

5.3 Any vessel or fishing vessel regardless of its length that :-

- i) is on fire or has recently been on fire and/or;
- ii) is defective such that the manoeuvring capability or the safe navigation of the vessel is affected and/or;
- iii) has been involved in a collision, grounding or other event that has affected the watertight integrity and/or stability of the vessel and/or;
- iv) creates any risk not normally associated with the safe passage of such vessel;

is directed that it must contact Bay Reporting Services on VHF Channel 09 before entering harbour limits.

6. Designated Anchorages

6.1 For the purposes of paragraph 3.1 (v) the designated anchorages co-ordinates are as follows:-

| | Lat | Long |
|----------------|------------|-------------|
| Alpha | 50 27.0 N | 003 32.0 W |
| | 50 27.0 N | 003 30.0 W |
| | 50 26.0 N | 003 30.0 W |
| | 50 26.0 N | 003 32.0 W |
| Bravo | 50 26.0 N | 003 32.5 W |
| | 50 26.0 N | 003 30.0 W |
| | 50 25.0 N | 003 30.0 W |
| | 50 25.0 N | 003 32.5 W |
| Foxtrot | 50 30.2 N | 003 30.0 W |
| | 50 29.0 N | 003 30.0 W |
| | 50 29.0 N | 003 28.7 W |
| | 50 30.2 N | 003 29.3 W |

In addition to the areas indicated above, there are three anchorage circles, which are 5 cables in diameter centre points being at: -

| | Lat | Long |
|----------------|------------|-------------|
| Charlie | 50 26.5 N | 003 28.5 W |
| Delta | 50 26.0 N | 003 28.5 W |
| Echo | 50 25.5 N | 003 28.6 W |

as shown on the attached chartlet and on appropriate Admiralty Charts.

7. Definitions

7.1 For the purposes of this Direction unless the subject or context otherwise requires:

“the Act” means the Pilotage Act 1987;

“the Authority” means the Tor Bay Harbour Authority;

“dangerous goods” means dangerous goods as defined in Regulation 2 of the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 (SI 2367/97);

“fishing vessel” means a fishing vessel as defined in Section 313 of the Merchant Shipping Act 1995;

“LOA” means length overall where length means the overall length from the foreside of the foremost fixed permanent structure to the aftside of the aftermost fixed permanent structure of the vessel.

“enclosed harbour” means at Torquay the area of water enclosed by an imaginary line drawn from the western end of Haldon Pier to the south-eastern end of Princess Pier; at Paignton the area of water enclosed by an imaginary line drawn from the eastern end of North Quay to the northern end of Eastern Quay; and at Brixham the area of water enclosed by the Breakwater, an imaginary line from the northern end of the Breakwater to Battery Point and the shore, which limits are indicated on the map annexed to the Harbour Byelaws (1994);

“length of tow” means the length of the tow measured from the foremost fixed permanent structure of the towing vessel to the aft side of the aftermost fixed permanent structure of the vessel being towed;

“marine pollutants” means marine pollutants as defined in Regulation 2 of the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 (SI 2367/97);

“Tor Bay Harbour Authority” means Torbay Council acting in its capacity as Tor Bay Harbour Authority, by way of the Harbour Committee;

“underway” means that a vessel is not at anchor, or made fast to the shore, or aground;

“vessel” means every description of vessel, however propelled or moved and includes anything constructed or used to support persons or goods on the water and includes hovercraft, non-displacement craft, floating rigs and platforms and seaplanes.

In these Directions, the singular shall include the plural and vice versa and words importing gender shall include any other gender unless the context otherwise requires.

8. Procedure for Pilotage

8.1 The procedure that must be followed by Masters of Vessels requesting pilotage services provided by the Authority are contained in the Admiralty List of Radio Signals Volume 6(1).

Pilotage Exemption Certificates

Bona fide Masters and First Mates of all vessels subject to compulsory pilotage may apply for and be issued with Pilotage Exemption Certificates for the area, or specified parts of the area, subject to their fitness and qualification both by examination and experience in the appropriate parts of the area. Criteria for the issue of Pilotage Exemption Certificates can be found in Appendix 1.

9. Penalties

9.1 Not to comply with any part of this Pilotage Direction is an offence by virtue of Sections 15(2) and 15(3) of the Pilotage Act 1987 and Masters in contravention of this Direction may be prosecuted.

Charges for Pilotage

Charges for vessels using an authorised Tor Bay Harbour Pilot are contained within the agreed Schedule of Charges for Tor Bay Harbour, available from the Harbour Offices.

Note: *BA charts affected:* 26, 1613 & 3315
 Publications affected: NP 286 Admiralty List of Radio Signals,
 Volume 6
 NP 27 - Channel Pilot

Published 1st December 2010

Appendix 1

Directions in respect of Pilotage Exemption Certificates

General

1. Masters and Mates of ships who are established, regular and frequent visitors to Tor Bay Harbour may apply for and be issued with Pilotage Exemption Certificates for the area, subject to their being able to satisfy Tor Bay Harbour Authority as to their fitness to hold such a certificate.
2. These certificates will apply within the Tor Bay Harbour limits, as prescribed in Sec. 5 of the Tor Bay Harbour Act 1970.

Application

3. Application for a Pilotage Exemption Certificate should be made on the prescribed form, which is obtainable from the Executive Head of Tor Bay Harbour Authority at the Torquay Harbour Office. It should be accompanied by satisfactory written evidence of medical fitness, including eyesight, by a qualified medical practitioner registered in the United Kingdom or in the country in which the vessel is registered and dated within 2 years of the application. The appropriate fee should also accompany the application.

Examination

4. Examinations will normally be conducted at one of the Harbour Offices and/or on board the vessel. A Tor Bay Harbour Master in company with an authorised Tor Bay Harbour Pilot will conduct the examination. Experience of ship handling, as a Master or Mate, within the Tor Bay Harbour limits, including day and night movements, will be a principal factor in establishing a candidate's suitability to hold the Pilotage Exemption Certificate. Candidates must also satisfy the Tor Bay Harbour Master as to the following:
 - a) A candidate must be the Master or First Mate of his ship to qualify for certification.
 - b) Candidates must have a satisfactory knowledge of the International Regulations for Preventing Collisions at Sea, Local Regulations, Harbour Byelaws, Local Notices to Mariners and Marine Emergency Procedures in force with respect to that part of the Area of Jurisdiction for which the applicant desires an Exemption Certificate.
 - c) Candidates must possess satisfactory local knowledge of the area including lights, leading marks and buoyage.
 - d) Candidates must have a satisfactory working knowledge of the English Language.

- e) Candidates must be fully conversant with the Dangerous Substances in Harbour Areas Regulations 1987 (as applicable to the candidate's ship and as they may apply in the Pilotage Area).
 - f) Candidates would normally be expected to hold a valid certificate as a Master Mariner/Class 1, either Foreign Going or Home Trade or STCW equivalent.
5. Successful candidates will be granted a Pilotage Exemption Certificate immediately. A failed candidate will not be re-examined until at least a month after the date of failure; after a second subsequent failure, candidates will not be re-examined until at least three months have elapsed from the date of the last examination.

Certificates

6. Certificates will include the name and description of each ship that the certificate holder is authorised to pilot in the Area of Jurisdiction. Certificate holders shall not allow any other person to have possession or to make improper use of the Certificate.
7. Certificates are valid for one year from the date of issue. For renewal see paragraphs 13-15 below.

Duties of a Certificate Holder

8. When a ship is in the charge of a Master or Mate holding a Pilotage Exemption Certificate and is underway within the Area of Jurisdiction, the Pilotage Flag is to be displayed.
9. A Pilotage Exemption Certificate holder who observes any alteration to the charted depths or to the channels, or that any seamarks are out of place or do not conform or show their proper distinctive character, shall immediately report the circumstances verbally to the duty Harbour Master, followed by a report in writing as soon as is practicable.
10. When a ship in the charge of a Master or Mate holding a Pilotage Exemption Certificate has touched the ground or has been in collision or in a close quarters situation with any other ship or any fixed or floating object in the water, they shall immediately report the occurrence verbally to the duty Harbour Master followed by a report in writing on the form prescribed, as soon as is practicable.
11. Pilotage Exemption Certificate holders are required to attend any investigation or inquiry held by the Tor Bay Harbour Authority when they are requested to appear.

Investigation of Incidents

12. Pilotage Exemption Certificate holders shall attend the Harbour Office at the order or summons of the CHA to answer any complaint or charge which may be made against them for the alleged misconduct, or in respect of any marine casualty which may have occurred whilst they were in charge of their vessel in that part of the pilotage area for which they are certificated.
13. The Tor Bay Harbour Authority will investigate any serious incident or marine casualty involving the holder of a Pilotage Exemption Certificate. The Harbour Authority may, in cases involving misconduct or lack of professional expertise on the part of the Certificate holder, suspend or revoke their Pilotage Exemption Certificate. In this event, the holder would have a right to appeal to the Competent Harbour Authority.

Renewal of Certificates

14. Application for the renewal of Pilotage Exemption Certificates must be made at least one month before the expiry date. Application must be made on the prescribed form obtainable from any of the Harbour Offices, and must be accompanied by the appropriate fee.
15. Certificates shall not be renewed unless holders can satisfy the Competent Harbour Authority of their continuing knowledge of pilotage requirements within the area.
16. On application for renewal, candidates must confirm that they are medically fit and produce satisfactory written medical and eyesight examination results that have been made within the preceding two years.
17. A Certificate will not normally be renewed after a holder reaches the age of 65. However consideration will be given to the renewal of Certificates for older applicants piloting small vessels plying solely within the limits of the Area of Jurisdiction.

Fees

18. The fees for the issue of a Pilotage Exemption Certificate are detailed in the agreed Schedule of Charges for Tor Bay Harbour.

Charges for Acts of Self Pilotage

1. The holder of a Pilotage Exemption Certificate issued by the Tor Bay Harbour Authority is to submit a monthly return no later than the 15th day of the month following to Torbay Council's Executive Head of Tor Bay Harbour Authority detailing the number of times the vessel or vessels navigated by them has entered in or departed from Tor Bay Harbour limits when an authorised pilot has not been employed.

2. A charge may be levied on a monthly basis (irrespective of the number of voyages) in respect of any ship to which this Direction applies and which navigates within Tor Bay Harbour under the pilotage of a Master or First Mate who is the holder of a Pilotage Exemption Certificate. The monthly charges can be negotiated with the Executive Head of Tor Bay Harbour Authority.
3. Invoices for charges for Acts of Self Pilotage will be rendered monthly and should be paid within 30 days of receipt. If charges incurred are not paid within that 30 day period then an additional charge of 5% compounded until payment will be payable for each period of 30 days, or part period, thereafter.

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