



Friday, 11 December 2015

## **HARBOUR COMMITTEE**

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

**Monday, 21 December 2015**

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### **Members of the Committee**

Councillor Bye (Chairman)

Councillor Amil

Councillor Bye

Councillor Carter

Councillor Cunningham

Councillor Ellery (Vice-Chairman)

Councillor O'Dwyer

Councillor Stringer

Councillor Sykes

Councillor Winfield

### **External Advisors**

Mr Buckpitt, Mr Ellis, Capt Lloyd and Mr Stewart

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**A prosperous and healthy Torbay**

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

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# HARBOUR COMMITTEE AGENDA

1. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 4 - 6)  
To confirm as a correct record the Minutes of the meeting of the Committee held on 21 September 2015.
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. **Tor Bay Harbour Authority Budget and Harbour Charges 2016/17** (Pages 7 - 35)  
To consider a report which provides Members with the opportunity to set the Tor Bay Harbour Authority Budget and approve the Harbour Charges to be levied by Tor Bay Harbour Authority.
6. **Brixham Capital Repairs** (Pages 36 - 41)  
To consider a report that seeks approval for the allocation of capital spend towards necessary work at Brixham Harbour.
7. **Procurement of Harbour Workboat** (Pages 42 - 49)  
To consider a Report on a Brixham Harbour Workboat.

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|-----|---|-------------------|
| 8.  | <b>Tor Bay Harbour Authority Quarterly Budget Monitoring Report</b><br>To consider the Tor Bay Harbour Authority Quarterly Budget Monitoring Report.  | (Pages 50 - 58)   |
| 9.  | <b>Paignton Harbour Development Opportunity</b><br>To receive a verbal report on a development opportunity at Paignton Harbour.   | (Verbal Report)   |
| 10. | <b>Annual Compliance Audit of the Port Marine Safety Code.</b><br>To consider the Annual Compliance Audit of the Port Marine Safety Code.   | (Pages 59 - 109)  |
| 11. | <b>Review of Tor Bay Harbour Legislation</b><br>To consider a report that enables the Harbour Committee, on behalf of the Harbour Authority, to review and be aware of their existing powers based on local and national legislation. | (Pages 110 - 114) |
| 12. | <b>Man and Boy Statue Brixham Harbour</b><br>To consider the Man and Boy Statue, Brixham Harbour.   | (Pages 115 - 118) |
| 13. | <b>Annual Harbour Users Survey</b><br>To consider the results of the Annual Harbour Users Survey.   | (Pages 119 - 137) |
| 14. | <b>Internal Audit Report - Risk Management</b><br>To note the Internal Audit Report on risk management.   | (Pages 138 - 147) |
| 15. | <b>Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net)</b><br>To monitor the Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net).   |                   |
| 16. | <b>Torquay/Paignton and Brixham Harbour Liaison Forums</b><br>To note the minutes of the above Harbour Liaison Forums.  |                   |



## **Minutes of the Harbour Committee**

**21 September 2015**

**-: Present :-**

Councillor Bye (Chairman)

Councillors Amil, Carter, Cunningham, Ellery (Vice-Chair), Stringer, Sykes and Winfield and Mayor

External Advisors: Mr Buckpitt and Mr Stewart

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### **16. Apologies**

An apologies for absence were received from Councillor O'Dwyer, Mr Ellis and Capt. Lloyd.

### **17. Minutes**

The Minutes of the meeting of the Harbour Committee held on 15 June 2015 were confirmed as a correct record and signed by the Chairman.

### **18. Communications from the Chairman**

The Chairman advised Members of a letter he had received praising Harbour staff during an incident in June 2015.

### **19. Appointment of External Advisors**

The Executive Head of Business Services advised Members of the current position for the potential recruitment of an External Advisor to an outstanding vacant position and the potential to re-appoint Mr Buckpitt as his term of office is due to finish at the end of December 2015.

Members of the Harbour Appointments Sub-Committee advised, due to busy work schedules, not to convene the Sub-Committee and recommended to Members of the Harbour Committee to re-appoint Mr Buckpitt for a second 4 year term.

Resolved:

- (i) that Mr David Buckpitt be appointed as an External Advisor for a second 4 year term the to end December 2019; and
- (ii) the vacant position for an additional External Advisor remain unfilled.

**20. 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.

**21. Harbour Authority Business Risk Register**

The Committee noted the submitted report which provided Members with details of the Tor Bay Harbour Authority Business Risk Register for 2015/16.

Members expressed concern over Risk No. 4, as per the submitted report and noted the risk which advised 'If we fail to effectively manage all of the Harbour Authority's financial and built assets then we may fail to secure competitive rental stream revenue and our built infrastructure will deteriorate – this may leave us with unsafe infrastructure, failing to meet government guidelines on best practice, forced cessation of some discretionary services and damage to our reputation.'

**22. Harbour Asset Review Working Party**

The Committee noted the report from the Harbour Asset Review Working Party which met on 3 August 2015.

Members were advised that the Asset Review Working Party had provided strategic direction to the Executive Head of Business Services in relation to The Harbour Light Restaurant Building, the new Romero's Coffee Kiosk and a range of new concession opportunities.

The Executive Head of Business Services advised Members that the Monitoring Officer had been consulted concerning the Constitution and the decision making pathway in relation to assets.

Members noted that the procurement of a workboat for Brixham was required.

**23. 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 2015/16 compared with the approved budgets.

The report identified the overall budgetary position of Tor Bay Harbour Authority as at the end of August 2015 and noted an upturn in the Marina income.

Members also noted the unpaid Harbour Charges for over 60 days now stood at £173,000. The Executive Head of Business Services re-assured Members that this would be pursued through the Corporate Debt System and comprised of multiple smaller amounts rather than one individual debt.

Members were also asked to note the Tor Bay Harbour Master's use of delegated powers to waive certain harbour charges, which so far this year has amounted to £2226.24 (excluding VAT).

**24. Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net)**

The Committee noted the report which detailed the quarterly performance position to date of Tor Bay Harbour Authority 2015/16.

The Executive Head of Business Services reported that there had been two reportable incidents but performance levels were otherwise on target or above.

**25. 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 September 2015.

Members noted there had been 54 recordable events.

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Chairman



**Meeting: Harbour Committee**

**Date: 21<sup>st</sup> December 2015**

**Wards Affected: All wards in Torbay**

**Report Title: Tor Bay Harbour Authority Budget and Harbour Charges 2016/17**

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

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## **1. Purpose**

- 1.1 This report provides Members with the opportunity to consider the level of harbour charges to be levied by Tor Bay Harbour Authority, on behalf of the Council as the Harbour Authority, in the next financial year and to consider the Tor Bay Harbour Authority budget for 2016/17. This is being considered at this time to enable implementation and payment to be made in advance of the granting of facilities for the coming financial year.
- 1.2 The Committee is required to approve the level of harbour charges for Tor Bay Harbour for 2016/17, having considered the budgetary implications set out in this report.
- 1.3 The Committee is further asked to approve the 2016/17 budget for Tor Bay Harbour Authority.

## **2. Proposed Decision**

- 2.1 **That, having had regard to the opinions expressed by the Harbour Liaison Forums, Members consider the recommendation from the Harbour Committee's Budget Review Working Party, to increase the harbour charges for 2016/17, by a representative average of 2.5% and approve the schedule of harbour charges set out in Appendix 1.**

- 2.2 That, as set out in this report, an additional contribution be made to the Council's General Fund from the Tor Bay Harbour Authority accounts, to the equivalent value of £147,000 for 2016/17.**
- 2.3 That, the Tor Bay Harbour Authority budget for 2016/17, based on a 2.5% representative average increase in harbour charges (as set out in Appendix 2, to this report) be approved.**
- 2.4 That, during 2016/17 the Tor Bay Harbour Budget Review Working Party should continue to review the full range of harbour charges, monitor the revenue budget, and recommend a budget for 2017/18.**

### **3. Summary**

- 3.1 The provisional Harbour Estimates for 2016/17 and subsequent two years, together with the Original Approved Estimate for 2015/16 and Projected Outturn for 2015/16 are attached at Appendix 2 and reflect the likely operating position for the consolidated harbour account for next year assuming a representative average increase of 2.5% in Harbour Charges.
- 3.2 It will be noted from Appendix 2 that the consolidated Harbour Account has been budgeted to break even for 2016/17 and subsequent years.
- 3.3 As an indication of how much revenue can be generated by an increase in harbour charges, the following table shows how much additional annual income is derived from a 1% increase.

	1% increase in charges
Torquay and Paignton Harbours	£8k
Brixham Harbour	£3k

- 3.4 The Harbour Committee's Budget Review Working Party held meetings on the 12<sup>th</sup> October 2015, 6<sup>th</sup> November 2015 and 27<sup>th</sup> November 2015 and this report represents some of the findings and recommendations of that group. The Budget Review Working Party is recommending that Harbour Charges be increased, on average, by 2.5% as shown at Appendix 1.
- 3.5 A continued outcome of the Budget Review Working Party is the recommendation that the harbour reserve fund could be used to make additional repayments against capital financing costs to reduce interest charges over the longer term, provided always that the minimum reserve fund level is maintained.
- 3.6 Furthermore, the Budget Review Working Party decided to continue to recommend to the Harbour Committee that the harbour reserve fund should be split into two with one part ring-fenced to meet any deficit in the revenue budget, or winter storm damage, and the other part set aside for harbour capital projects.

## Supporting Information

### 4 Introduction and history

- 4.1 The Harbour Committee's Budget Review Working Party has met on several occasions since it was appointed in June 2015. It has scrutinised the approved Tor Bay Harbour Authority budget for 2015/16 and has made recommendations for a proposed budget for 2016/17. Membership of the Budget Review Working Party includes Councillors Bye, Amil and Stringer with External Advisors Mr Stewart and Mr Ellis, supported by relevant officers.
- 4.2 Torbay Council's General Fund budget continues to face significant pressures with a shortfall of some £12m in 2016/17 and £33m overall for the three years 2016/17 through 2018/19. All council business units have been asked to make further savings and/or look at income opportunities to help reduce the corporate deficit. Consequently, the Executive Head of Business Services and the Chair of the Harbour Committee have held discussions with the Executive Director, Assistant Director of Corporate & Commercial Services, Chief Finance Officer and the Mayor to consider what was expected of the Tor Bay Harbour Authority service area and what could be achieved. As a result of this process, it was agreed that a number of recommendations would be made to the Harbour Committee's Budget Review Working Party and to the Harbour Committee itself.
- 4.3 Over recent years the Harbour Committee has agreed to make annual contributions to the Council's General Fund building to a total of £460,000 by 2015/16. The Committee understood that the recommendation relating to the cash contribution should then be reviewed. It was also agreed by the Harbour Committee that any operating surplus for the years 2013/14, 2014/15 and 2015/16 be passed to the Council's general fund. (Providing the harbour reserve levels are not below the minimum recommended level).
- 4.4 With further pressure placed on the Council's overall budget position the Executive Head of Business Services and the Chair of the Harbour Committee were asked to consider a further contribution to the Council's General Fund totalling £400,000 over the period 2016/17 to 2018/19. This proposal was first considered by the Harbour Committee's Budget Review Working Party at its meeting in October 2015.
- 4.5 During November the Budget Review Working Party met twice to review and consider the commitments and proposals set out in 4.3 and 4.4 above. The Working Party were reminded that when the budget for 2013/14 was agreed on the 17<sup>th</sup> December 2012 the Harbour Committee resolved *"that the level of the cash dividend to the Council's general fund be capped at a maximum of 6% of harbour income in future years and that the Executive Head of Financial Services be asked to review the level of support costs to the harbour account to reflect the ongoing reduction in central resources"*. Members of the Working Party were reminded that the additional cash contribution agreed in December 2013 had been described as

an asset rental fee. A range of other measures were also discussed with the Working Party, including the feedback received from consultation with the harbour users groups and other stakeholders. The Working Party also considered an appropriate increase in the level of harbour charges for 2016/17. Originally, they considered a 2.0% increase for Paignton and Brixham Harbours with a 3.5% increase for berthing charges at Torquay. After considering the responses from consultation with the Torquay Harbour Users, the Working Party elected to recommend a 2.5% increase across the board. 4.6 The Working Party initially considered a schedule of budget reductions/income generating proposals by the Executive Head of Business Services to achieve the corporate General Fund contribution target of an additional £400,000 over 2016/17 to 2018/19. While the Working Party was generally supportive of the viability of income generating proposals it was felt that a number of high-risk budget cuts would threaten the operation of the Harbour function and its ability to raise income. These specific proposals were rejected and a revised additional contribution of £285,500 was offered back to the corporate centre with £97,000 to be applied from 2016/17.

4.7 Following developments in the Council's overall budget exercise the corporate centre made a counter request that amounted to :-

- Bringing forward £25k of identified savings in both 2017/18 and 2018/19, into the 2016/17 year
- Plus an additional £50k of new savings in 2016/17

On consideration of the revised request, the Working Party accepted a plan presented by the Executive Head of Business Services to bring £50,000 of previously identified savings in future years forward to 2016/17. However, income streams proposed to realise the additional £50,000 of new contribution could not be agreed.

4.8 The recommendation of the Working Party is therefore that the Harbour Account makes an additional contribution to the general fund of £147,000 in 2016/17 this recommendation being £50,000 below the contribution requested from the corporate centre. Additional savings have been identified by the Working Party for 2017/18 and 2018/19 but these are not being recommended at this time.

4.9 The Executive Head of Business Services has continued to indicate that the delivery of a fully commissioned harbour authority service could reduce some of the existing support & fixed costs and that such cost reduction and efficiency gains, if they were achieved, would place the harbour authority in a better position to potentially continue paying a cash dividend and asset rental in future years. i.e. beyond the current financial crisis.

4.10 In 2007 Torbay Council decided to accept the main findings of the Municipal Ports Review and the concept of paying a dividend and/or an asset rental fee to the

“owning authority” is clearly mentioned within this review. However, the total contribution of £460k for 2015/16 has and will continue to put considerable pressure on the harbour authority budget.

4.11 The most recent meeting of the Harbour Committee’s Budget Review Working Party was held on the 27<sup>th</sup> November 2015. In 2009, the Working Party established the following guidelines:

- that the Harbour Committee should establish a set of accounting principles;
- that the annual Budget Report should include details of planned capital spending;
- that details should be provided, in pie-chart format, showing the breakdown of internal support service charges;
- that the budget forecast details should show a column with the percentage variation between the previous year’s original budget and the proposed budget;
- that the annual Budget Report should clearly indicate which budget lines are under pressure and more likely to be at risk to variation, complete with the reasons why.

On the 27<sup>th</sup> November 2014, the Harbour Committee’s Budget Review Working Party added an additional guideline:

- that any inflationary increase in harbour charges should use the April CPI (consumer price index) figure from the previous year.

4.12 Before charges are reviewed Provisional Estimates indicate that the balances of the Harbour Reserve Funds as at 31 March 2016 could be in the region of :-

	Revenue Deficit Reserve (minimum level)	Projects Reserve	<b>Total Reserve</b>
Harbour Reserve	£488,000	£93,000	<b>£581,000</b>

A list of proposed reserve-funded projects is regularly reported to the Harbour Committee through the budget monitoring process. The proposed schemes for the short term, if applied, are forecast to use up the Projects elements of the Reserve during 2016/17.

4.13 There is uncertainty over future levels of income and expenditure as outlined in paragraph 8.4 below and this could put significant pressure on the Harbour account over the coming years. It is therefore important that as well as keeping pace with rising costs, income levels from user charges, rent and other sources, are sufficient to mitigate these pressures and provide the ability to maintain the appropriate reserve levels.

4.14 The table below indicates the increase in charges in recent years, compared with

the consumer price index (CPI) taken at the April point of the previous year. In the last five years increases of 2.0%, 3.0%, 2.8%, 4.0 % and 2.5% have been applied. The table further illustrates the balance of the combined reserves at 1 April of the charges year.

<b>Charges Year</b>	<b>Overall Increase</b>	<b>Actual CPI</b>	<b>Reserve Levels</b>
2015/16	2.0%	1.80%	£687,596
2014/15	3.0%	2.40%	£859,683
2013/14	2.8%	3.00%	£1,144,654
2012/13	4.0%	4.50%	£1,164,624
2011/12	2.5%	3.70%	£1,169,408

#### 4.15 Capital Plan/Budget

The items identified in the table below are currently in the Council's Capital Investment Plan/Budget relating to the Harbour Authority.

<b>Capital Item</b>	<b>Project Year</b>	<b>Total Budget £000</b>	<b>Actual to Date (including prior years) £000</b>	<b>Projected Outturn £000</b>
Environment Agency grant funding for Torquay Harbour – Haldon & Princess Piers	2011	1,272	853	1,272

#### 4.16 Harbour Accounts – Financial Principles

The Harbour Committee are asked to note the following recommended financial principles for the harbour accounts, which have recently been revised :-

- the harbour account and harbour reserve fund should be ring-fenced (assured);
- any operating surplus will pass to the harbour reserve fund;
- operating deficit will be met from the harbour reserve fund;
- the approved budget should not be in deficit;
- the harbour reserve fund level should aim to be at least the minimum target level recommended by the Review of Reserves approved by Council each year;
- all budget lines are properly risk assessed prior to recommendation to the Harbour Committee;

- the Harbour Authority should seek to maximise external funding opportunities;
- the cost of borrowing should be monitored so that the harbour account is not over extended.

#### 4.17 **Significant variations to harbour charges**

This report recommends that Harbour Charges be increased, on average, by 2.5%. However, certain charges have not increased and others are subject to a more significant variation. The key variations are set out below:-

- Some charges have been rounded up or down (around 2.5%) for ease of collection.
- Passenger dues for cruise ships have not been increased.
- Daily trailer parking charges have not been increased.
- Salt-water annual extraction charges have increased significantly to be more comparable with the daily charge and to reflect the wear and tear on the harbour infrastructure.
- Brixham Harbour outhaul moorings will be removed in 2016/17 along with the charge.
- Section 4.5.3 of the Schedule of Harbour Charges states - “No charge for Tor Bay Harbour MFV’s when fitting out or under repair for a period not exceeding 14 days per annum or at the Harbour Authority’s discretion”. This has been deleted from the 2016/17 Schedule of Harbour Charges, as the Harbour Authority is no longer able to support this MFV exemption from charges. This exemption applies when a fishing vessel makes use of a drying out facility such as a grid or when the boat is stored on the quay. The Harbour Authority does not offer a similar discount to other vessel types and consequently this exemption provides fishing vessels with an advantage, which is inappropriate. This matter was highlighted when an income analysis was undertaken prior to preparing repair estimates for the drying out grids in Brixham harbour. The analysis showed a clear lack of income currently being generated by this facility. It was suggested to the Harbour Liaison Forums in September that the Harbour Authority could no longer support the MFV exemption charge and this was unanimously agreed.
- It is proposed to introduce a fresh water consumption charge to fishing vessels taking water at Brixham.

- 4.18 In 2009, the Harbour Committee agreed that private vessel harbour dues at Paignton/Brixham should be increased to the same level as private vessel harbour dues at Torquay and that the increase should be staged between April 2010 and April 2012. However, in 2011 the Harbour Committee’s Budget Review Working Party recommended that the staged increase should be halted and that officers should consult further with stakeholders at Brixham and Paignton harbours. This consultation should aim to determine and agree the differences between the three enclosed harbours, in respect of harbour dues, and identify a factor to be applied in future years. The Harbour Committee’s Budget Review Working Party has asked officers to work and consult with harbour users to provide a clear proposal for

Paignton/Brixham private vessel harbour dues, so that it is seen to be fair in comparison to the level set for private vessel harbour dues at Torquay. Any subsequent change could be implemented over a 10-year period. Due to the current economic climate, this work has been postponed.

## **5 Possibilities and Options**

- 5.1 Increase Harbour Charges in 2016/17 by an average inflationary increase of 2.5% and increase the overall contribution to the General Fund as per recommendations in section 2 and as outlined in paragraphs 4.3 to 4.8.
- 5.2 Make no change to the level of harbour charges and accept increased operational deficits for 2016/17 and future years in contradiction of the Harbour Accounts – Financial Principles (see Para 4.16).
- 5.3 Do not agree to the recommended contribution to the Council's General Fund and therefore do not contribute to reducing the Council's overall budget deficit.

## **6 Preferred Solution/Option**

- 6.1 See the recommendations in section 2.

## **7 Consultation**

- 7.1 Consultation with the Brixham Harbour Liaison Forum and the Torquay/Paignton Harbour Liaison Forum commenced in September 2015 and continued in early December 2015. The responses from both the Torquay/Paignton Harbour Liaison Forum and the Brixham Harbour Liaison Forum will be circulated prior to the meeting in the form of minutes of the meetings. A meeting was also held with the Torquay Harbour Users Association. Some concerns were raised over an initial proposal of a 3.5% increase in harbour charges at Torquay but the Association voted to support an increase of 2.5%.
- 7.2 The Executive Head of Business Services has benchmarked with some other Harbour Authorities and the results are displayed in the table below:-

<b>Harbour Authority</b>	<b>2015/16 - % Increase</b>	<b>2016/17 - Proposed % Increase</b>
Chichester	1.9 ~ 2.2	2.0
Teignmouth	2.6	2.5
Tor Bay	2.0	2.5
Dartmouth	2.5	1.5
Salcombe	2.0	1.0
Poole	RPI + 2.5	RPI + 5.0

## 8 Risks

- 8.1 The major risk associated with this report is not presenting a realistic budget resulting in major operational deficits to be funded from the Harbour Reserve. Depletion of this Reserve would eventually require support from the Council's Revenue Fund to meet any operational deficits. Accordingly, the Executive Head of Business Services has recommended a budget that will meet the operational requirements of the Harbour for the forthcoming year in line with realistic expectations for income.
- 8.2 There is a potential risk of customer resistance to increasing Harbour Charges resulting in a shortfall in targeted income. The Executive Head of Business Services has evaluated this risk in line with demand levels for services and the need for harbour income to keep pace with costs. The level of risk is further mitigated by the consultation process with the Torquay Harbour Users Association and both of the Harbour Liaison Forums.
- 8.3 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 financial management of municipal ports.
- 8.4 Specific risks and budget line pressures relating to 2016/17 are explained in the table below when read in conjunction with Appendix 2.

Key	Risk and/or pressure to budget line
A	The salary budget reflects the reallocation of an element of the Executive Head of Business Services costs to General Fund services. It further includes adjustments for "Green Book" payments and reduction in the overall Harbour Authority establishment. A reduction in costs at outturn has now been built into the base budget to allow for the waiving of superannuation contributions by some employees.
B	Minor budget savings have been made over a variety of headings.
C	Financing costs are recharged to the Harbour Account based on Torbay Council's prevailing low average borrowing rate (currently 4.39%) and fixed over the life of the borrowing period. Flexibility exists for the Harbour Account to make additional repayments without penalty.
D	An increase in the contribution to the General Fund is being recommended as outlined in section 4.3 to 4.8 of this report.
E	New rental streams are being pursued.
F	Income from harbour dues and mooring fees has been rebased following the reclassification of some MFV's
G	Visitor income remains unpredictable due to the uncertain economic climate.

<b>Key</b>	<b>Risk and/or pressure to budget line</b>
H	New additional pontoons are to be installed in the Torquay Inner Harbour
J	Future levels of fish toll income remain at risk from external factors such as the Common Fisheries Policy, quota allowances, market prices etc.
K	Recharging of water supplies to MFV's will commence in 2016/17
L	Additional advertising streams are anticipated in 2016/17

## **Appendices**

- Appendix 1 Schedule of Tor Bay Harbour Charges 2016/17 showing a representative average increase of 2.5%.
- Appendix 2 Provisional Harbour Estimates for 2016/17 and Subsequent Years with an average 2.5% increase in Harbour Charges.
- Appendix 3 Harbour Account - Estimated Internal Support Service Charges 2016/17

## **Additional Information**

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

Schedule of Tor Bay Harbour Charges 2015/16

Tor Bay Harbour Act 1970

Tor Bay Harbour (Torquay Marina Act &c.) Act 1983

Minutes of Torquay & Paignton Liaison Forum – September & December 2015

Minutes of Brixham Harbour Liaison Forum – September & December 2015

# TOR BAY HARBOUR AUTHORITY



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## SCHEDULE OF CHARGES, DUES & FEES 2016 – 2017

VAT Registration No. GB 142 2082 11

**For the period commencing 1st April 2016  
until 31<sup>st</sup> March 2017**

### REFERENCES

Harbour Docks and Piers Clauses Act 1847  
Harbours Act 1964  
Pilotage Act 1987  
Tor Bay Harbour Act 1970  
Tor Bay Harbour (Torquay Marina &c.) Act 1983

### PUBLICATIONS

**Tor Bay Harbour Act 1970**  
Price - £5.00 By Post - £5.50  
**Tor Bay Harbour Byelaws 1994**  
Price - £3.00 By Post - £3.50

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# Part 1 – Introduction

## 1.1 General

- 1.1.1 All charges, dues and fees are subject to the appropriate rate of Value Added Tax (20%) which is included in the price, except as indicated.
- 1.1.2 Annual charges relate to the period 1st April to 31st March following and any part thereof. Certain charges may be levied at either 75% or 50% of the annual rate if no latent demand exists for the facility and three or six months of the annual charging period has elapsed.
- 1.1.3 Seasonal charges, only where applicable, relate to the periods:
- |                             |   |        |
|-----------------------------|---|--------|
| 1st April to 30th September | - | Summer |
| 1st October to 31st March   | - | Winter |
- 1.1.4 All accounts are to be paid promptly and within the time specified. Payment of the charges listed may be required in advance of the service being taken up. Credit and debit card facilities are available for payments made at the Harbour Offices or via telephone.
- 1.1.5 Penalty for evading payment of charges – Section 30 Tor Bay Harbour Act, 1970  
“The owner of any vessel or goods or any other person who eludes or evades or attempts to elude or evade payment of, or refuses to pay, a charge payable by such owner or person to the harbour authority at the time when the same becomes due and payable shall be liable to pay to the harbour authority, in addition to the charge, a sum equal to the amount thereof, which sum shall be a debt due to the harbour authority and shall be recoverable by them in any court of competent jurisdiction.”
- 1.1.6 Failure to notify the harbour office of arrival, or departing the harbour without paying harbour charges, will be taken as an attempt to evade the payment of harbour charges.
- 1.1.7 Visiting vessels of special interest and/or vessels owned by Registered Charities to be eligible for a 50% concession on applicable Harbour Charges at the discretion of the Harbour Master.
- 1.1.8 Any person claiming the return of the whole or part of any charges paid to the Authority shall make such claim and produce all documents and give all information required by the Authority in proof of such claim within twenty four months from the time of payment and, in default thereof, the claim shall cease to be enforceable. (Section 31 Torbay Harbour Act 1970). Refunds would normally only apply in exceptional circumstances and will incur an administration charge (see 5.7)
- 1.1.9 All lengths referred to are overall lengths which in the context of these charges includes bowsprit, pushpit, stern davit, and/or bumpkin etc. etc. as determined by the Harbour Master if required.
- 1.1.10 Any person who without reasonable cause fails to provide information which is reasonably required for the purpose of the harbour undertaking shall be liable on summary conviction to a fine not exceeding level three on the standard scale. (Section 18 Tor Bay Harbour (Torquay Marina &c.) Act 1983).
- 1.1.11 Application for and acceptance of a mooring, quay berth, boat park space, pontoon berth or other facility, implies acceptance of the rate of charge currently in force and of the conditions of issue including that the Authority and its staff are indemnified against any claims arising from or in connection with such berth or facility, save only as the Authority may be liable under the Unfair Contracts Terms Act 1977.
- 1.1.12 Vessels directed into the harbour by the Secretary of State’s Representative (SOSREP) or by any other person legally entitled to direct vessels into a harbour are required to pay one month’s harbour dues in advance as a condition of entry. If using a mooring facility, they will also be required to pay one month’s mooring fees in advance as a condition of entry. These charges are in addition to any charges

incurred for pilotage, tugs, berthing the vessel or for the provision of any other service supplied by the Authority.

- 1.1.13 The lawful orders or directions of the Council's Harbour Master and other authorised officers must always be obeyed promptly.
- 1.1.14 No facility granted may be shared, assigned or sub-let without the prior consent of the Harbour Master in writing and further charges may apply (Tor Bay Harbour Byelaw no 38 & 41).
- 1.1.15 The Council have the right to exercise a general lien upon any vessel, and/or her gear and equipment, whilst in or upon the harbour premises, or afloat, until such time as the monies due to the Council from the applicant in respect of such vessel whether on account of storage or mooring charges or otherwise, shall be paid.
- 1.1.16 No person shall place a vessel on a mooring prescribed in the mooring scheme prepared by the Council for a vessel of a different size than that applied for, without the applicant obtaining the approval of the Harbour Master in writing (Tor Bay Harbour Byelaw no 40).
- 1.1.17 In the event of the applicant selling or otherwise disposing of the vessel authorised to use the mooring, the Harbour Master shall be notified in writing (Tor Bay Harbour Byelaw no 33).
- 1.1.18 These charges will be applied in a fair and equitable manner, to reflect, as reasonably as possible, the service provided. However, for the avoidance of doubt, the Harbour Master may interpret this Schedule in such a manner as to maximise income to the Council as the Harbour Authority.
- 1.1.19 The Harbour Master may vary these charges and/or levy additional charges in respect of anything done or provided by (or on behalf of) the Harbour Authority in accordance with the Harbours Act 1964 and/or Section 24 of the Tor Bay Harbour Act 1970 (or any amendments or re-enactments of those Acts) and all powers delegated to the Harbour Master by Torbay Council.
- 1.1.20 The owner of any vessel using Tor Bay Harbour shall indemnify the Council, their servants and agents against all actions, claims, costs and demands in respect of any injury or death of any person and any damage to any property which may arise out of the owner's occupation and use of the harbour facilities including slipways, steps, jetties, pontoons and staging and for this purpose shall maintain a Public Liability policy against such risks. Failure to maintain the appropriate insurance cover will result in the withdrawal of mooring, launching or other facilities.

## **1.2 Definitions**

### **1.2.1 Limits of the Harbour**

The limits of the Harbour shall comprise the areas as set out in Parts I and II of Schedule 1 of the Tor Bay Harbour Act, 1970, and are as follows;

#### **PART I**

The area below the level of high water enclosed by an imaginary line drawn from the point at which the northern boundary of the borough meets the coast to a point one half of a nautical mile true east, thence to a point one half of one nautical mile true east of Hope's Nose, thence to a point one nautical mile true east of Berry Head and thence direct to Sharkham Point, but excluding the area referred to in Part II of this schedule.

#### **PART II**

The area below the level of high water enclosed by;

- (a) an imaginary line drawn from Shoalstone Point in the parish of Brixham extending in a west-north-westerly direction for a distance of 6,500 feet or thereabouts until it intersects the imaginary line next described;
- (b) an imaginary line drawn from the centre of Old Quarry at O.S. Ref. SX91445723 in a north-easterly direction for a distance of 3,000 feet or thereabouts until it intersects the imaginary line first described; and

(c) the land line of the coast from the centre of Old Quarry aforesaid to the said Shoalstone Point.

The description Enclosed Harbour means:

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.

Paignton - The area of water enclosed by an imaginary line from the eastern end of North Quay to the northern end of East Quay

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.

**1.2.2 Recreational Vessels**

Any vessel, less than 50m LOA, used solely for the purpose of recreation. All vessels owned and operated by a registered charity for the purpose of training people at sea for recreational purposes. Any vessel that meets the definition of a Passenger Vessel in 1.2.3 below shall not be considered a Recreational Vessel.

**1.2.3 Passenger Vessels**

An MCA Class V, VI or VIA vessel, or an MCA coded vessel, or, where applicable a vessel licensed by Torbay Council to carry fare-paying passengers. Any vessel that meets this definition shall not be considered a recreational vessel.

**1.2.4 Motor Fishing Vessels**

A registered Motor Fishing Vessel based in and working from a Tor Bay Harbour, the owner/master of which is engaged in commercial fishing, whose sole or main income is derived from selling fish on the Brixham Fish Market or landing fish for sale at Brixham, Torquay or Paignton Harbours and paying Fish Tolls to the Torbay Council. (Income from Fish Landings must total at least £10,000 in the previous year to meet the sole or main income test)

**1.2.5 Commercial Vessels**

Recreational vessels of 50m LOA and over and all other vessels, including naval vessels, workboats and pilot boats used for any purposes other than recreation with the exception of, licensed passenger vessels, fishing vessels, or training vessels as defined in 1.2.2, 1.2.3 and 1.2.4 above.

**1.2.6 Vessel**

Means every description of vessel however propelled or moved. Under Tor Bay Harbour byelaws a 'power boat' is defined as a small vessel propelled by machinery and which is ordinarily capable of a speed exceeding 17 knots.

**1.2.7 Passenger**

Any person carried that is not essential to the running of the vessel or any person who has paid to be transported, accommodated or trained on the vessel on which they are embarked.

**1.2.8 Work Within The Harbour**

The loading, discharging, transport, carriage, storing or accommodation of goods, cargo, dry, liquid or gaseous commodities, livestock or passengers. The carrying out of any project for any purpose including but not limited to photographic, film or other artistic work on or by any vessel. Capital dredging; diving support; pile driving or pile removal; laying or recovering an underwater cable or pipeline; laying, maintenance, survey or recovery of mooring anchors, ground tackle, risers or buoys; surveying, scientific research, water sampling or core sampling; and drilling into the river bed for any purpose. Any other project resulting in the construction or removal of any structure or the alteration of the harbour bed or infrastructure. Operations carried out by HM Customs, immigration officers, police and fisheries patrols but excluding fire fighting and search and rescue operations.

**1.2.9 Further Definitions**

Definitions contained within the Harbours Act 1964, the Tor Bay Harbour Act 1970, the Tor Bay Harbour (Torquay Marina &c.) Act 1983 and Tor Bay Harbour Byelaws are applicable where appropriate.

# PART 2 – Harbour Dues

## 2.1 General

- 2.1.1 Harbour Dues are normally payable on all vessels entering, within or leaving the harbour. Harbour Dues relate to a particular vessel and are not transferable. No refunds or partial refunds are normally given.
- 2.1.2 Bona-fide tenders of up to 4.3m LOA, or of up to 6.0m LOA, for parent vessels of 10.0m LOA and over are covered by the payment of harbour dues on the parent vessel. Such tenders must be clearly and uniquely identifiable. If the parent vessel has paid the relevant annual harbour charges the associated tender must show the plaque issued at the time of payment and must be clearly marked 'Tender to (the main vessel's name)'. With the exception of commercial vessels of 50m LOA and over only one tender per vessel is covered in this way. Tenders can only be used for transport to and from the parent vessel and/or mooring. Craft which are not tenders to a larger vessel on a Council mooring will attract Harbour dues in addition to the tender rack charge. All tenders should be stored within appropriate tender racks unless other arrangements have been specifically agreed in written form with the Harbour Master, this would include alongside charges as appropriate.
- 2.1.3 Small vessels less than 3m LOA of which the only means of propulsion is either oars or paddles and which are not normally berthed within the harbour, single canoes of less than 4m LOA and sailboards and rowing skiffs are exempt from the payment harbour dues.
- 2.1.4 Safety and or rescue vessels may be exempted from Harbour Dues as agreed with the Harbour Master. Except that all RNLI vessels will be exempt from the payment of Harbour Dues and mooring fees.
- 2.1.5 HM Ships, Customs and Excise vessels and craft in the service of Trinity House may be exempt from the payment of Harbour charges except as may be otherwise agreed with the Harbour Authority (Section 35 Torbay Harbour Act 1970).
- 2.1.6 Harbour Charges may be offered at concessionary rates for vessels taking part in organised events within Harbour limits if permission is sought and granted in advance of the event and the names and lengths of the vessels involved are made available to the Harbour Master.

## 2.2 Commercial Vessels

- 2.2.1 This section applies only to commercial vessels (as defined in 1.2.5) not normally moored within the harbour that are, have been or will be carrying out work within the harbour at any time except laid up vessels that will be charged as per 2.2.5. Prices are exclusive of VAT.
- 2.2.2 Charges in this section include mooring/quayside charges where applicable. (vessels over 50 metres only, otherwise see section 3.1)
- 2.2.3 **Vessels visiting an enclosed harbour for up to 7 days**  
£3.16/m/LOA/day
- 2.2.4 **Vessels remaining in an enclosed harbour more than 7 days**  
For every week or part thereof during which a vessel (not being a vessel to which paragraph 2.2.5 or 2.2.7 of this Part of the Schedule applies) remains in the Harbour after the expiration of seven days from the date of entry when arranged and agreed in advance.  
£ 14.31/m/LOA/week

- 2.2.5 Vessels laid up - Un-laden (and gas-free if applicable) and not working within the Harbour**  
For every month or part thereof during which a vessel is laid up (in lieu of the rates mentioned in paragraphs 2.2.3 & 2.2.4 above when arranged and agreed in advance).  
To be determined by the Harbour Master
- 2.2.6 Vessels entering the enclosed harbours of Tor Bay to take on or discharge fuel oil or supplies**  
For vessels which are not normally moored in the harbour (maximum stay 24 hours)  
£1.32/M/LOA/Day
- 2.2.7 Floating docks**  
For every year or part thereof during which a floating dock remains in the Harbour (in addition to harbour dues applicable to each vessel docked)  
To be determined by the Harbour Master
- 2.2.8 Vessels at anchor in Tor Bay other than those seeking shelter**  
£120.00 per day
- 2.2.9 Vessels at anchor in Tor Bay for underwater survey, hull cleaning, repairs or associated activity**  
£240.00 for first 48 hours or part (in addition to the above charge)
- 2.2.10 Vessels undertaking fish and cargo transshipments**  
For the transhipment of fish, cargo, personnel or other goods whether at anchor or underway within Tor Bay Harbour limits.  
To be determined by the Harbour Master

## **2.3 Non Commercial Vessels**

- 2.3.1** This section applies to Torquay, Paignton and Brixham harbours. Charges are levied per metre per annum or part thereof expiring 31<sup>st</sup> March following. Prices are inclusive of VAT, except where specified. For daily rates see part 3.
- 2.3.2** Payment of Annual Harbour Dues must be signified by the display of the Harbour Authority 'Plaque' which will be issued when payment is made. Failure to display a 'Plaque' may result in daily charges being applied as detailed in part 3. Tenders must be registered with the Harbour Authority to obtain their tender 'plaque'. The display of any 'Plaque' issued in respect of another vessel will be taken as an attempt to evade the payment of harbour dues. Such attempts may be subject to payment of twice the amount of set harbour dues (section 30 Tor Bay Harbour Act 1970) (see section 1.1.5).
- 2.3.3** Motor Fishing Vessel charges only apply to vessels bona fide engaged in fishing. Registered fishing vessels employed as pleasure craft and carrying passenger for reward are to pay the appropriate passenger vessel charge for the period so employed.

<b>Torquay Harbour</b> Recreational Vessels, Commercial Vessels under 50m LOA not undertaking work within the harbour and Commercial Vessels normally moored within the harbour regardless of whether they are carrying out work or not (other than passenger vessels).	£56.78/m/LOA/year or part
<b>Paignton &amp; Brixham Harbour</b> Recreational Vessels, Commercial Vessels under 50m LOA not undertaking work within the harbour and Commercial Vessels normally moored within the harbour regardless of whether they are carrying out work or not (other than passenger vessels).	£42.44/LOA/year or part
Passenger Vessels under 16.5m LOA or carrying 12 passengers or less	£56.78/m/LOA/year or part
Passenger Vessels over 16.5m LOA and carrying more than 12 passengers	£82.68/m/LOA/year or part
Motor Fishing Vessels based in and working from Tor Bay Harbour (Exclusive of VAT)	£8.82/m/LOA/year or part

## 2.4 Goods, Cargo and Passenger Dues

2.4.1 Goods dues are levied on all vessels (VAT exempt for vessels of over 15 GRT) per occasion as follows.

2.4.2 The payment of fish tolls includes alongside berthing charge at Brixham and electricity/water consumption where a recharge facility does not exist.

<b>Goods (Exclusive of VAT)</b>	
<b>Fish (other than cured fish ) but including shellfish, crabs etc.,</b> Brought into the Harbour or to any place within the limits of the Harbour by sea and sold, on the gross proceeds of fish (includes alongside berthing charge at Brixham and electricity/water consumption where a recharge facility does not exist)	£0.025 per £
<b>Fish overlanded and sold on Brixham Fish Market,</b> On the gross proceeds of the sale	£0.015 per £

<b>Cargo Dues (Exclusive of VAT)</b>	
General Cargo/Other Commodities	To be determined by the Harbour Master
General Ships Stores/Spares etc	£1.80 per tonne
Waste Bins (1,100 litres)	£2.40 per unit

<b>Passenger Dues</b>	
Cruise ship passenger landing fees, per passenger	£3.50 per passenger
For Passenger Vessel charges	See section 4.4

# PART 3 – Visitor Charges

## 3.1 Launching and Recovery Fees and Visitor Charges

- 3.1.1 This section applies to Recreational Vessels, Passenger Vessels, Fishing Vessels and Commercial Vessels under 50m LOA not undertaking work within the harbour. These are applicable at each of the enclosed Harbours. No visitor charge is applicable to Recreational Vessels staying alongside for less than two hours (Not applicable to the Town Dock in Torquay during busy periods).
- 3.1.2 All charges quoted within this section are inclusive of VAT except where stated. These charges are combined charges that include harbour dues and mooring fees where applicable.
- 3.1.3 Visitor Pontoons are available, normally for Recreational Vessels during the summer months in Brixham and Torquay harbours.
- 3.1.4 Visitors staying more than 3 nights get one night free, only applicable for up to a three-week stay (This offer is at the discretion of the Harbour Master for undeclared visits). Vessels may be required to double-up with other craft, and in such cases fendering will be the responsibility of the Masters of the craft involved. There is no reduction for doubling up.
- 3.1.5 Motor Fishing Vessel charges only apply to vessels bona fide engaged in fishing. Registered fishing vessels employed as pleasure craft and carrying passenger for reward to pay the appropriate passenger vessel charge for the period so employed.
- 3.1.6 To avoid the abuse of visitor moorings by local vessels, all craft using visitor mooring facilities will be charged as set out below and are normally restricted to a maximum stay of three weeks (21 days) with no return within one week 7 days.
- 3.1.7 Use of harbour facilities can and will be denied if boats are not adequately insured (see 1.1.20).

Daily Visitor Charges (per night or over 2 hours)	
Up to 4 metres (13ft)	£10.00 per day
Over 4 metres up to 5.5 metres (14ft-18ft)	£11.00 per day
Over 5.5 metres up to 7 metres (19ft-23ft)	£12.00 per day
Over 7 metres (23ft)	£1.94 m/per day
Motor Fishing Vessels not working regularly from Tor Bay Harbour up to 4 days (Exclusive of VAT)	£1.49 m/per day
Passenger vessels	£2.13 m/per day
Tri-Marans	£2.90 m/per day
Catamarans	£2.42 m/ per day

Weekly Visitor Charges	
Up to 4 metres (13ft)	£48.00 per week
Over 4 metres up to 5.5 metres (14ft-18ft (per day)	£53.00 per week
Over 5.5 metres up to 7 metres (19ft-23ft) (per day)	£58.00 per week
Motor Fishing Vessels not working regularly from Tor Bay Harbour over 4 days (Exclusive of VAT)	£6.19 per m/per week or part

Slipway Charges	
Up to 4 metres (13ft)	£10.00 per day
Over 4 metres up to 5.5 metres (14ft-18ft (per day)	£11.00 per day
Over 5.5 metres up to 7 metres (19ft-23ft) (per day)	£12.00 per day
Over 7 metres (23ft) up to 15 metres (50ft)	£1.94 m/per day
Canoes/Kayaks/Paddle-Boards	£5.00 per day

- 3.1.8 Annual launch and recovery passes are issued at the discretion of the Harbour Master and are subject to availability.
- 3.1.9 Annual launch and recovery passes do not include trailer parking charges.
- 3.1.10 Passenger vessels other than MCA Coded and MCA class V, VI, VIA Passenger Vessels and EU Classes to be charged as commercial vessels see section 2.2.

<b>Annual Charges</b>	
Launching and recovery pass for private use of Tor Bay Harbour slipways.	£37.86 per m
Launching and recovery pass for commercial use of Tor Bay Harbour slipways.	£51.80 per m
MCA Coded and MCA class V, VI, VIA Passenger Vessels and EU classes visiting Tor Bay Harbour (combined charge)	£284.00

## **3.2 TRAILER PARKING**

- 3.2.1 Trailer parking is subject to availability.
- 3.2.2 Annual trailer parking is only available when purchasing an annual launching and recovery pass.
- 3.2.3 Customers seeking continuous trailer storage should refer to Boat & Trailer parking in section 4.5; such facilities are subject to availability. The annual trailer parking identified in this section does not entitle constant use of the trailer parking area.

Daily trailer parking	£5.00 per day
Weekly trailer parking	£25.00 per week
Annual trailer parking (only available with private annual launch & recovery pass)	£60.00 per year or part

## **3.3 PERSONAL WATERCRAFT (JET SKIS)**

- 3.3.1 All personal watercraft (jet skis) must be registered with the Harbour Authority and proof of insurance will be required.
- 3.3.2 The granting of launching/recovery facilities is at the discretion of the Harbour Master and subject to availability.
- 3.3.3 These launching/recovery charges do not include trailer parking.
- 3.3.4 “Qualified” means a person holding a recognised RYA Personal Watercraft Certificate – proof will be required on each occasion.

<b>Personal Watercraft (Jet Skis) Launching &amp; Recovering</b>	<b>Qualified</b>	<b>Unqualified</b>
Daily charge	£13.00 per craft/day	£18.00 per craft/day
Weekly charge	£60.00 per craft /week	£80.00 per craft /week
Annual charge	£180.00 per craft /annum	£250.00 per craft /annum
Registration fee	£15.00	£15.00

<b>Town Dock Jet Ski Pods (subject to availability)</b>	
Daily charge	£16.00
Weekly charge	£70.00

# PART 4 – Tor Bay Harbour Authority Moorings, Berths & Facilities

## 4.1 General

- 4.1.1 A waiting list exists for some Tor Bay Harbour moorings & facilities. The registration fee to join each waiting list is £25.00 the fee is not refundable or transferable. A non-refundable fee of £50 is required to join any of the commercial waiting lists.
- 4.1.2 Permanent moorings and berthing facilities are allocated on an annual basis, 1<sup>st</sup> April to the 31<sup>st</sup> of March following.
- 4.1.3 When vessels are moored, outboard engines in the raised position must have the propeller and skeg covered with a plastic bucket or other approved protective cover in order to prevent damage to other boats.
- 4.1.4 Owners must ensure that the vessel is provided with a sufficient number of fenders adequate for the size of vessel, so as to prevent damage to other vessels, quays or other property (Tor Bay Harbour Byelaw 46).

## 4.2 Visiting Commercial Vessels

- 4.2.1 For vessels under 50m LOA not undertaking work within the harbour see section 3.1 (combined charge applicable.)
- 4.2.2 For all other commercial vessels see section 2.2 (combined charge applicable.)

## 4.3 Visiting Non Commercial Vessels

- 4.3.1 See section 3.1 (combined charge applicable)

## 4.4 Use of Tor Bay Harbour Authority Landing/Embarkation Facilities

- 4.4.1 These charges are inclusive of VAT and apply in relation to passengers embarking/landing at Brixham, Paignton and Torquay quays, piers, pontoons or any other fit for purpose harbour facility. Except those passengers embarked as trainees aboard vessels owned and operated by a registered charity for the purpose of training people at sea for recreational purposes.
- 4.4.2 For Cruise Ship Passenger Charges see section 2.4

Visiting Passenger Vessels	
MCA coded vessels and MCA Class V, VI, VIA vessels and EU classes	£2.62 per passenger per visit
MCA coded vessels and MCA Class V, VI, VIA vessels and EU classes – over 15grt (VAT Exempt)	£2.19 per passenger per visit
Other Passenger Vessels	To be determined by the Harbour Master

<b>Passenger Vessels - Annual Compound Charges</b>	
MCA coded vessels up to 24m LOA	£53.00 per annum
MCA class V, VI, VIA vessels, EU classes and coded vessels of 24m and over	£3.20 per passenger

## **4.5 Quayside Charges**

- 4.5.1 This section applies to Non Commercial vessels and resident Commercial vessels and all charges are inclusive of VAT.
- 4.5.2 Grids are only available at Brixham Harbour.
- 4.5.3 Annual charges for MFV's lying alongside the quay in Brixham are covered by the payment of fish tolls as described under goods and passenger dues in section 2.4.
- 4.5.4 Torquay Inner Harbour pontoon charges are inclusive of harbour dues.
- 4.5.5 Torquay Outer Harbour Town Dock pontoon charges are inclusive of harbour dues.
- 4.5.6 Town Dock non commercial facilities are charged as per the allocated berth size and not the LOA.

<b>Quayside Berth Daily Charges</b>	
Vessels carrying out repairs inclusive of harbour dues (where a bookable facility exists)	£2.83 per m LOA/per day
Vessels carrying out repairs exclusive of harbour dues (where a bookable facility exists)	£2.73 per m LOA/per day
Resident vessels with moorings and paying harbour dues lying alongside the quays or each other (for pontoon use see visitors section 3.1).	£1.70 per m LOA/per day
Use of Grids inclusive of harbour dues	£3.40 per m LOA/per day
Use of Grids exclusive of harbour dues	£3.30 per m LOA/per day
Use of slipway/beach to dry out/repairs – Torquay and Paignton only	£3.35 per m LOA/per day
<b>Annual Charges for Vessels Lying Alongside the Quay, Pontoon or Each Other.</b>	
Torquay Harbour (for MFV's please see charge below)	£67.34 per m LOA
Paignton Harbour	£52.18 per m LOA
Brixham Harbour	£52.18 per m LOA
Use of Brixham Town Pontoon by Tenders (At the Harbour Masters discretion)	£52.18 per m LOA
Torquay Inner Harbour South Pier Pontoon	£173.74 per m berth
Torquay Inner Dock	£173.74 per m berth

<b>Torquay Outer Harbour Town Dock</b>	
Private Vessels - per year	£230.84 per m berth
Jet Ski Pods – per year	£730.00 per pod

- 4.5.8 Annual charges for boat and trailer parking on quays are inclusive of harbour dues. Local yacht clubs and bona fide local youth organisations are recognised as youth training organisations and invited, on an annual basis, to submit details of eligible young persons under the age of 18 years to be considered for a concession of 50%. Boat park charges will be based on the greater length of either the boat or trailer - if stored on a road trailer and not a launching trolley.
- 4.5.9 Charges for horizontal racks are inclusive of harbour dues.
- 4.5.10 Craft, which are not tenders to a larger vessel on a Council Mooring, will attract harbour dues in addition to the rack charge (see section 2.1.2).

- 4.5.11 Beacon Quay reserved car parking spaces are located under the public car park on Beacon Quay. Allocation of these spaces is on the understanding that they can be given up for up to 14 days per year to assist in accommodating maritime events.

<b>Boat &amp; Trailer Parking, Storage on Quays</b>	
Boat parking (under 6m LOA) – single hull (includes racks at Torquay)	£66.66 per m LOA/per annum
Boat parking (under 6m LOA) – multi hull (occupying more than one space)	£86.03 per m LOA/per annum
Boat parking (under 6m LOA) – Haldon Pier only (Summer season only)	£33.33 per m LOA/per season
Boat trailers only (subject to availability)	As per single hull boat parking
Boat storage on the Quay (on or off a trailer) (subject to availability)	£2.81 per m LOA/per day
Boat parking (6m LOA and over) (subject to availability)	£100.55 per m LOA/per annum
Commercial boat parking on Haldon Pier (subject to availability)	£132.00 per m LOA/per annum
Dinghy/tender rack	£36.00 per rack per year
Use of courtesy tenders, subject to availability	£36.00 per year
Paignton horizontal racks, subject to availability (max, length 3.7m)	£165.00 per rack/per year
Kayak/Canoe rack (only available at certain harbours)	£108.00 per year or part
Paignton Harbour West Quay Parking	£144.00 (April to Sept)
Paignton Harbour South Quay & West Quay Parking	£288.00 per year or part
Car parking permit for Beacon Quay (quayside level only)	£487.00 per year or part
Car parking permit for Brixham (New Fish Quay & MFV Basin only)	£256.00 per year or part

## **4.6 Annual Mooring Charges**

- 4.6.1 Trot, Swinging and Outhaul Moorings – all prices inclusive of VAT
- 4.6.2 It is Torbay Council's policy to support the fishing industry and this is reflected in certain mooring charges at Brixham Harbour

<b>Mooring Charges</b>	
Brixham Inner Harbour trot mooring (no risers provided)	£49.63 per m loa /per annum
Brixham Outer Harbour swinging mooring	£88.34 per m loa /per annum
Paignton trot mooring (no risers provided)	£49.63 per m loa /per annum
Paignton outhaul mooring (not exceeding 4.88m) (no risers provided)	£20.46 per m loa /per annum
Mooring Licence Fee (Paignton Harbour only)	£5.00 per annum

## **4.7 Winter Storage**

- 4.7.1 Winter storage is only available at Brixham & Paignton Harbours and is charged on length overall as detailed in 1.1.9
- 4.7.2 Licensed passenger craft stored at Brixham harbour will be entitled to a 50% concession if stored at their home port.
- 4.7.3 Vessels having annual facilities at Paignton Harbour will be entitled to a 50% concession.
- 4.7.4 Accommodation is let for the period 1<sup>st</sup> October to 31<sup>st</sup> March only, subject to availability. This charge applies for the whole or any part of the above period and no reduction will be allowed for any lesser period. Any craft that remains in storage after 31<sup>st</sup> March may attract a further charge of £2.81 per metre per day.

<b>Winter Storage Charge</b>	
Uncovered storage at Brixham or Paignton Harbours	£50.28 per m LOA
Lifting Charge (Brixham Harbour only)	£20.50 per m LOA/per lift

## PART 5 – Tor Bay Harbour Authority Services and Other Charges

### 5.1 Utilities

- 5.1.1 Electricity cards for electricity only, are available in the following denominations for the respective price (prices listed are inclusive of 5% REDUCED RATE VAT)
- 5.1.2 These utility charges are applicable only where a recharging facility exists, e.g. card/token meters or sub meters. Also these charges are linked to the relevant energy prices at any given time (See 2.4.2 for MFV charges when paying fish tolls)

<b>Electricity Charges</b>	
Level 1 card (available only at Torquay & Paignton)	£1.00 each
Level 1 (10 KW card) (available only at Brixham)	£2.00 each
Level 5 (50 KW card) (available only at Brixham)	£10.00 each
Level 10 (100 KW card) (available only at Brixham)	£20.00 each
Smart Card (available at Torquay Inner Dock only)	To be determined by the Harbour Master
Brixham Harbour KW charge for MFVs	To be determined by the Harbour Master

- 5.1.4 For water taken by small leisure vessels in quantities of less than one tonne there is no charge other than where a recharge facility exists.
- 5.1.5 For water supplied from the Council's standpipes other than in 5.1.4 above the following charges apply.

<b>Water Charges (Zero rated VAT)</b>	
Up to 50 tonnes	£3.14 per tonne
50 tonnes and over	£2.51 per tonne
Fishing Vessels at Brixham Harbour	To be determined by the Harbour Master

### 5.2 Crane, Labour and Equipment Hire Charges

- 5.2.1 The Brixham Harbour crane has a safe working load of 4 tonnes maximum.
- 5.2.2 Use of mobile commercial cranes and/or other lifting appliances (including Hiabs) on Harbour Property/Estate is at the discretion of the Harbour Master and prior notification must be provided for each operation. Prior notification in respect of cranes on Beacon Quay must be provided 48 hours in advance.

<b>Crane Charges</b>	
Crane per lift (other than boat lifts) e.g. masts engines etc.	£80.00 per hour or part
Boat lift (minimum charge £80.00)	£10.34 per m
Lift out and re-launch same day before 1600 hours (Monday - Friday)	Charge as 1½ lifts
Block-up charge	£4.01 per m LOA
Block up charge, twin keel	£1.68 per m LOA
Storage on quay, per day or part per metre LOA (See 4.5)	£2.81 per day or part/m LOA
Site rental for mobile crane at Torquay Harbour	To be determined by the Harbour Master
Use of mobile commercial crane and/or Hiab on Harbour Property/Estate up to 4 hours. (Inclusive of Launch Fee)	£40.00 per crane
Use of mobile commercial crane and/or Hiab on Harbour Property/Estate over 4 hours. (Inclusive of Launch Fee)	£80.00 per crane/per day

- 5.2.3 Enhanced rates will be charged, out of ordinary working hours, where overtime is required to be worked. If staff have to be called out, a minimum of 2 hours overtime will be charged (per person).
- 5.2.4 Tor Bay Harbour Authority personnel and equipment (subject to availability) are charged out at the following rates all including VAT. Hire of these facilities are at the Harbour Masters discretion.
- 5.2.5 Towing and water taxi services are provided at the discretion of the Harbour Master.
- 5.2.6 Use of forklifts on harbour property/estate is at the discretion of the Harbour Master.
- 5.2.7 Fork lift truck services to Ship's Agents, includes labour up to 30 minutes and minimal storage up to 1 week. Storage charges (subject to capacity) after 1 week are at £1.91 per pallet per day. (Exclusive of VAT).
- 5.2.8 The boat pressure washing service includes the provision of an operative.

<b>Labour and Equipment Hire Charges</b>	
Labour charge (during normal working hours) per staff member	£25.00 per hour or part
Hire of workboat including skipper and crew	£150.00 per hour or part
Hire of workboat including skipper and crew	£700.00 per day, 0900-1700 hours
Water taxi service to or from vessel in enclosed Harbour, including crew	£12.75 per single trip or per round trip if no waiting
Towing within enclosed harbour	£25.00 per ½ hour or part
Towing outside enclosed harbour to nearest enclosed harbour within Tor Bay	£30.00 per ½ hour or part
Pumping out of vessels within the enclosed harbours	£50.00 per hour or part
Hire of fork lift truck without driver (Requires qualified driver)	£100.00 per half day
Hire of fork lift truck with driver	£50.00 per hour or part
Fork lift truck services to Ship's Agents (Exclusive of VAT)	£18.00 per pallet
Boat pressure washing service (minimum charge £45.00)	£10.36 per metre LOA

### **5.3 Storage Space**

- 5.3.1 The storage of fishing equipment is only chargeable after 48 hours at the discretion of the Harbour Master.
- 5.3.2 A charge will be made for moving equipment into storage and the applicable rate will be labour charge identified in 5.2 above.

Unleased quay areas for fish boxes, fishing gear, cargo containers etc.	£1.00 per m <sup>2</sup> /per day
Unleased quay areas for fish boxes, fishing gear, cargo containers etc (subject to availability and at the Harbour Masters discretion)	£65.00 per m <sup>2</sup> /per annum
Storage of beams. on unleased quay areas	£4.00 per set/per week
Storage of waste bins (1,100 litres)	£2.50 per bin per day
Storage of loaded pallets on unleased quay areas	£3.00 per pallet/per week
Lock-up storage (ship stores only) (Equipment removal and transportation costs at applicable hourly rate)	To be determined by the Harbour Master
Storage lockers at Paignton Harbour (subject to availability)	£183.00 per annum

#### **5.4 Licences (Exclusive of VAT)**

- 5.4.1 Fish salesmen's and buyer's licences are valid from 1<sup>st</sup> April each year.
- 5.4.2 The period of validity for a Boatman's licence must run concurrent with their DfT licence - MCA and Code of Practice Boatmen only.
- 5.4.3 Torbay Council, as the Harbour Authority, may grant upon such terms and conditions as they may think fit licences for pleasure craft to be let for hire or to be used for carrying passengers for hire within the Harbour, and to the boatmen or persons assisting in the charge or navigation of such craft. (See section 22 (1) Tor Bay Harbour Act 1970).

Fish salesmen's licence (includes use of Fish Market brand)	£310.00 per annum
Fish buyer's licence (includes use of Fish Market brand)	£310.00 per annum
Self-drive pleasure boats	£5.00 per boat/per annum
Harbour estate trading licence (at the Harbour Masters discretion)	As per Council's Street Trading Consent Fee.
Fishing permit	To be determined by the Harbour Master

#### **5.5 Bunkering Charges (Exclusive of VAT)**

- 5.5.1 Bunkering charges do not apply where fuel is taken from the refuelling stations at the Bunkering Jetty at Brixham, Brixham Marina or South Pier at Torquay

For fuel oil delivered to vessels from tankers on shore or afloat up to 4,000 litres (minimum charge £25.00)	£0.03p per litres per vessel
For fuel oil delivered to ships from tankers on shore or afloat over 4,000 litres (minimum charge £25.00)	£1.50p per 500 Litres
For fuel oil delivered to ships from tankers afloat in Tor Bay	To be determined by the Harbour Master

#### **5.6 Waste Charges**

- 5.6.1 Waste/rubbish that litters the Harbour Estate as a result of refit or repair work maybe removed by the Harbour Authority. This activity will incur the costs detailed below.

Transportation to the Council refuse tip, Including attendants and use of Council transport etc.	£150.00 per truck load or part load
Council tipping charge.	As per weighbridge load

- 5.6.2 A significant contribution towards the reasonable cost of Port Waste reception facilities for vessels covered by the Port Waste Reception Facilities Regulations 2003 will be made by way of a consolidated harbour dues charge where applicable. However, with the exception of small volumes of waste oil, the charge for receipt of dirty ballast water, tank washings (slops), oily mixtures containing chemicals, scale and sludge from tank cleaning operations, oily bilge water, sludge from purification of fuel oil, noxious liquid substances, sewage and excessive volumes of garbage will be levied at cost plus 10%.

Passenger Craft Waste Reception Facilities	To be determined by the Harbour Master
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## 5.7 Miscellaneous Charges

- 5.7.1 The parking of exhibition vehicles on Harbour Estate is at the discretion of the Harbour Master.
- 5.7.2 Pleasure Boat Advertising Boards are licensed sites and are subject to a tendering process .
- 5.7.3 Vessels of exceptional construction or methods of propulsion, or not otherwise covered which include; sea planes, hovercraft, hydroplanes, hydrofoils and similar craft, rafts used for recreational purposes, etc.
- 5.7.4 The Harbour Authority may from time to time levy a charge on persons promenading on Quays and Piers of the Harbour Estate
- 5.7.5 Annual Contractors passes are valid from 1<sup>st</sup> April each year and are subject to Terms and Conditions of Use. To be determined by the Harbour Master using Powers Delegated by Torbay Council.

Administration Charge (This charge is at the discretion of the Harbour Master)	£50.00 Minimum
Officer Charge (this charge applies when time has been spent by officers in preparing reports or supervising work that is not the responsibility of the Harbour Authority)	To be determined by the Harbour Master
Parking of Exhibition Vehicle on Harbour Estate	£70.00 per day or part
Replacement Swipe Card or Fob for controlled access/electricity meters	£10.00 per unit
Additional pontoon cleat (subject to Harbour Master's agreement)	£47.00 per unit fitted
Vessels of exceptional construction or methods of propulsion, or not otherwise covered.	Such charges as may from time to time be fixed.
Contractors Pass (for Tradesmen working on the harbour estate) Exclusive of VAT	£256.00 per year or part
Daily Contractors Pass Exclusive of VAT	£8.70 per day or part
Advertising Charges	To be determined by the Harbour Master
Salt Water Extraction Charge (Use of quays to pump water for commercial purposes) (At the Harbour Masters discretion)	£25.00 per day or part £1000.00 per year or part
Facilities for visiting Fishing Vessels at Brixham Harbour	
Use of showers	£2.50 per shower
Use of washing/drying machine	£5.00 per wash/dry
Tide Tables (Subject to availability)	To be determined by the Harbour Master
Credit Card payment fee	£2.50 per transaction
Payment Plan Charge (Direct Debit payments over 9 monthly instalments) (annual facility charges only)	2.5%

# PART 6 – Pilotage

## 6.1 Services of a Pilot and/or Pilot Boat (Exclusive of VAT)

### 6.1.1 Extract from Tor Bay Harbour Pilotage Directions

Pilotage shall be compulsory within the compulsory pilotage area for all vessels except :-

- i. any ship of Her Majesty's Royal Navy or Royal Fleet Auxiliary;
- ii. foreign warships navigating in the harbour for the purpose of taking up or leaving an anchorage;
- 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, or vessel engaged in towing, proceeding to or departing from a designated anchorage provided such vessel has been forced by stress of weather to seek shelter.

See [www.tor-bay-harbour.co.uk](http://www.tor-bay-harbour.co.uk) for the latest version of the Tor Bay Harbour Pilotage Directions

From sea to Brixham or Torquay harbours	£67.50 per metre draught
From Brixham or Torquay harbours to sea	£62.50 per metre draught
Shift berth within Torquay or Brixham harbours	£37.50 per metre draught
From sea to Tor Bay Harbour anchorage	£28.00 per metre draught
From Tor Bay Harbour anchorage to sea	£21.00 per metre draught
Sea to Tor Bay Harbour & Tor Bay Harbour to sea – surcharge for vessels over 150m LOA	£1.25 per metre for each metre over 150m
Minimum charge (with or without a Pilot on board)	£102.00
Detention, after 1 hour	£62.00 per hour or part
Pilot Boat Charges (Shipping or Landing a Local Pilot)	Levied by Marine & Towage Services Group Ltd [Brixham Office]

**Note** – Add 50% surcharge to Pilotage Charges incurred on Bank Holidays

## 6.2 Charges for Pilotage Exemption Certificates

6.2.1 Pilotage Exemption Certificate, per issue £110.00

Appendix 2

**HARBOUR REVENUE ACCOUNTS 2016/17 to 2018/19**  
(including a proposed increase on Harbour Charges of 2.5% in 2016/16)  
**TOR BAY HARBOUR AUTHORITY**

<b>Summary of Harbour Contributions to General Fund</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
Target Contribution to General Fund for year		147	37	102
Total Contribution to General Fund per year	460	607	644	746

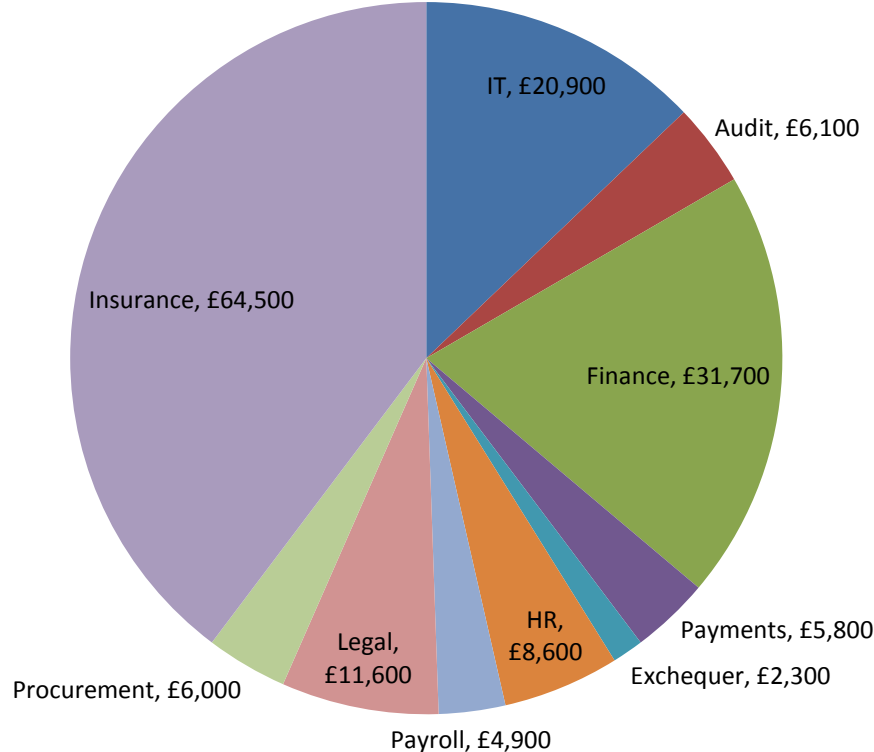
<b>Expenditure</b>	<b>2015/16 Base Budget* £ ,000</b>	<b>2015/16 Projected Outturn £ ,000</b>	<b>2016/17 Provisional Budget £ ,000</b>	<b>2017/18 Provisional Budget £ ,000</b>	<b>2018/19 Provisional Budget £ ,000</b>		<b>Change 2015/16 Base to 2016/17 Provisional</b>
Harbour Employee Costs	641	630	557	564	548	A	-13.10%
Operations and Maintenance :-							
Repairs and Maintenance	228	279	229	230	181	B	0.44%
Rent Concessions	23	20	23	23	23		0.00%
Other Operating Costs	477	492	471	474	474		-1.26%
Management and Administration :-							
Internal Support Services	162	162	162	162	162		0.00%
External Support Services	42	45	42	42	42		0.00%
Other Administration Costs	86	93	83	83	83		-3.49%
Capital Charges	498	498	498	498	498	C	0.00%
Contribution to Patrol Boat Operation	2	1	2	2	2		0.00%
Contbn to General Fund - Cash Dividend	145	145	160	163	165	D	10.34%
Contbn to General Fund - Asset Rental	314	315	447	481	581	D	42.36%
Revenue Contribution to Capital		48					
	<b>2,618</b>	<b>2,729</b>	<b>2,674</b>	<b>2,722</b>	<b>2,759</b>		2.14%
<b>Income</b>							
Rents and Rights :-							
Property and Other Rents/Rights	511	511	540	553	561	E	5.68%
Marina Rental	397	397	398	403	408		0.25%
Operating Income :-							
Harbour Dues	133	145	139	142	145	F	4.51%
Visitor and Slipway	52	43	53	54	55	G	1.92%
Mooring fees	184	198	196	200	204	F	6.52%
Torquay Town Dock	289	289	297	303	309		2.77%
Torquay Inner Dock	208	208	251	255	259	H	20.67%
Fish Toll Income	510	600	571	581	581	J	11.96%
Boat and Trailer parking	35	41	36	36	37		2.86%
Recharged Services	67	84	73	73	76		8.96%
Other Income	106	129	120	122	124	L	13.21%
Contribution from Reserves	96	96	0	0	0		
	<b>2,588</b>	<b>2,741</b>	<b>2,674</b>	<b>2,722</b>	<b>2,759</b>		3.32%
<b>Operating Surplus /(Deficit)</b>	<b>(30)</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>		

\* per Projected Outturn 2015/16 approved by Harbour Committee, June 2015

<b>RESERVE FUND</b>				
Estimated Opening Balance as at 1st April	688	593	463	438
Interest Receivable	5	5	5	5
Net Surplus / (Deficit) from Revenue Account	12	0	0	0
Withdrawal - General Fund Revenue Financing	(96)			
Withdrawals - Harbour Schemes	(28)	(135)	(30)	(60)
Expected Closing Balance as at 31st March	<b>581</b>	<b>463</b>	<b>438</b>	<b>383</b>

Minimum Reserve Level
 488
 530
 540
 550

**Appendix 3**  
**Harbour Account**  
**Estimated Internal Support Service Charges 2016/17**



# Agenda Item 6



**Meeting: Harbour Committee**

**Date: 21<sup>st</sup> December 2015**

**Wards Affected: All wards in Torbay**

**Report Title: Brixham Capital Repairs**

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

**Supporting Officer Contact Details: Kevin Mowat**  
**Executive Head of Business Services**  
**Tor Bay Harbour Master**  
☎ **Telephone: 01803 292429**  
✉ **E.mail: [Kevin.Mowat@torbay.gov.uk](mailto:Kevin.Mowat@torbay.gov.uk)**

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## **1. Purpose**

- 1.1 This report provides Members with the opportunity to consider the approval of a capital spend of approximately £90,000 required for Brixham harbour to carry out some necessary protection, repairs and maintenance works.

## **2. Proposed Decision**

- 2.1 **That, the Harbour Committee approve the capital works set out in this report and;**
- 2.2 **That, funding of approximately £90,000 is secured from the Tor Bay Harbour Reserve Fund for these necessary capital projects.**

## **3. Action Needed**

- 3.1 For the Harbour Committee to consider the request for funding for capital works at Brixham harbour.
- 3.2 If funding is approved the Harbour Master will seek several quotations, in line with Financial Regulations and the designs/layouts identified in Appendices 1 to 3.

## **4. Summary**

- 4.1 Capital repairs are required at Brixham harbour to ensure adequate operational management and to provide a boat repair facility. The Harbour Committee is requested to approve the necessary capital spend for these works.
-

## Supporting Information

### 5. Introduction and history

5.1 The Brixham Harbour Liaison Forum has previously supported a range of capital works as set out below :-

- “Armco” barriers for the protection of the new fish market buildings from plant, machinery and vehicles.
- Fencing panels and fixings for the construction of two compound areas. Area 1 – replacement of existing compound fencing in Oxen Cove, which is in a state of disrepair. Area 2 – to create a new safe working area compound for the new waste compactor due to arrive in January 2016.
- Removal and replacement of a drying out grid used by both private and commercial vessels for maintenance.

#### 5.2 “Armco” barrier protection

Due to constant damage occurring to the external rendering of the new fish market buildings it has been agreed that preventative measures need to be undertaken. An engineering survey highlighted the need for barriers to be installed. An informal costing exercise indicated the value of this work to be around £7,500.

This figure is for the supply of materials only as the harbour staff will be installing the equipment in an effort to keep the costs down.

#### 5.3 Fencing Panels

The new installation and the replacement of steel fencing at both Oxen Cove and East Quay are required for health & safety and security reasons.

Oxen Cove’s current fencing is a combination of wood and steel, which are both degraded to the extent where they will have to be removed. The removed panels will need to be replaced with a more robust style and design more in keeping with panels on other areas of the harbour estate.

#### 5.4 East Quay waste compound

The East Quay requires a new fenced compound to house the soon to arrive waste compactor. This compactor will need to be enclosed for health & safety/security reasons, also to assist with the segregation of recyclable materials and to stop unauthorised dumping of rubbish on the harbour estate. Ultimately, this will aid with the reduction of landfill material and costs.

5.5 Engineers from the Torbay Development Agency (TDA) have provided design and costing support. The design and layout details can be found in Appendices 1 to 3.

## 5.6 Removal and replacement of the drying out grid

For many years, small remedial repairs have been carried out to both the inner and the outer drying grids. These grids are now at such a state of erosion and disrepair, due to their extensive age, that simple remedial works will no longer be effective leaving no other option than to condemn these facilities.

It is recognised that the grids assist greatly with the annual maintenance programme of both commercial and private craft; therefore, engineers were tasked to submit a report on the cost of repair or replacement.

Engineers from the TDA reported that further repairs would be ineffective due to the integrity of the existing concrete beds. It was therefore deemed necessary to redesign a new grid platform.

The design for this was put out to informal tender through various local marine engineering contractors and returned with a design and quote of approximately £66,000 per drying grid.

It was decided that due to the current economic climate that the only viable option was to seek approval for the replacement of one drying out grid with the closure of the other grid until further funding is available.

## **6. Preferred Solution/Option**

### **7. Consultation**

- 7.1 Consultation has taken place with the Brixham Harbour Liaison Forum; various harbour users and the TDA Engineers.

### **8. Risks**

- 8.1 If the capital work is not approved there is a very real risk that certain facilities will need to be closed due to the unacceptable health & safety risks. Furthermore, the lack of adequate security fencing will compromise both the security and amenity of the harbour estate.

## **Appendices**

### **Appendix 1 - East Quay Store Fencing Layout**

### **Appendix 2 – Oxen Cove Compound Fencing Layout**

### **Appendix 3 – Proposed Design Layout Drying Out Grids**

Assuming 2.75m per  
fence panel:

11no. fence panels

9no. fence posts

3no. 8m double gates

6no. gate posts

for 29.5m of fence plus  
24m of gates

Assuming 2.75m per  
fence panel:

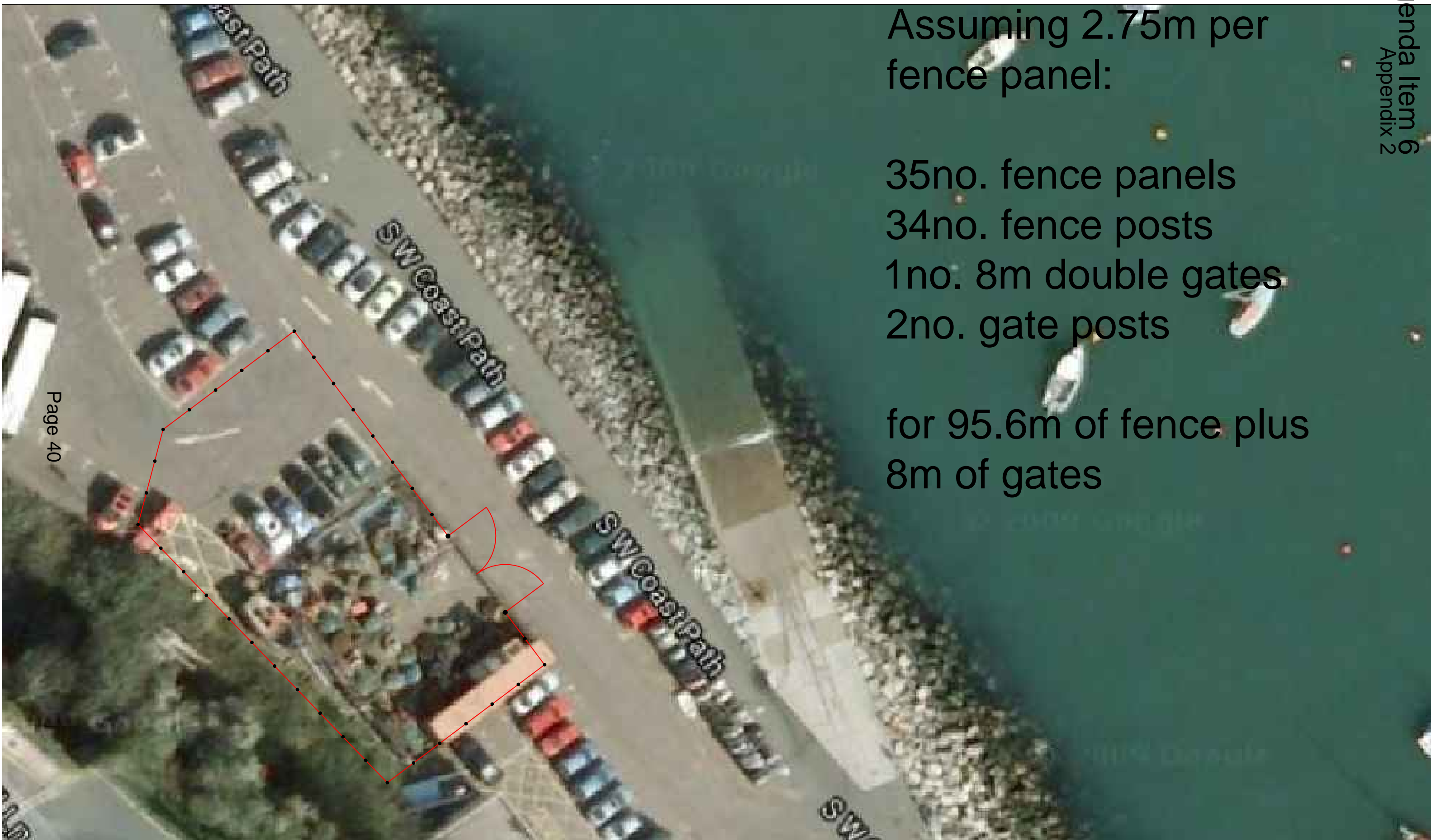
35no. fence panels

34no. fence posts

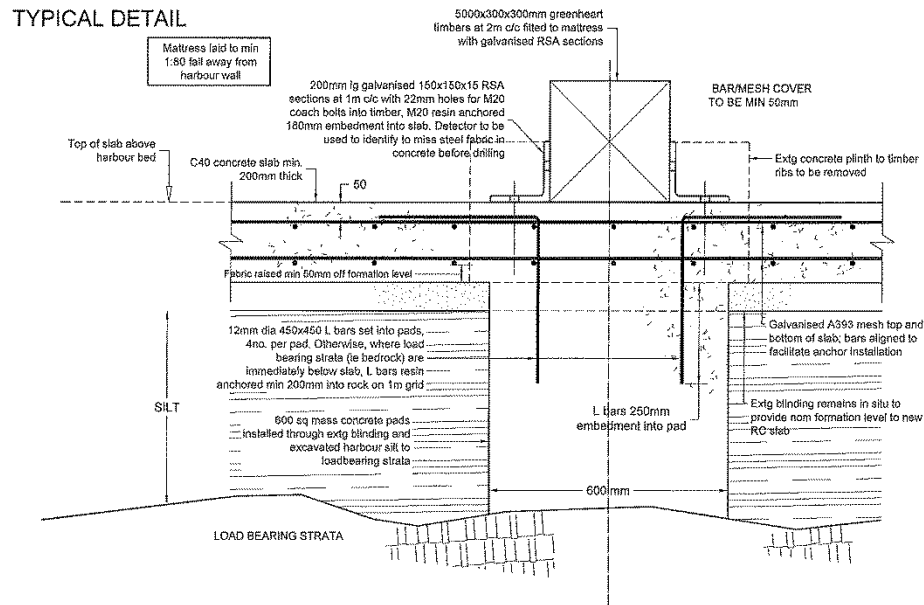
1no. 8m double gates

2no. gate posts

for 95.6m of fence plus  
8m of gates

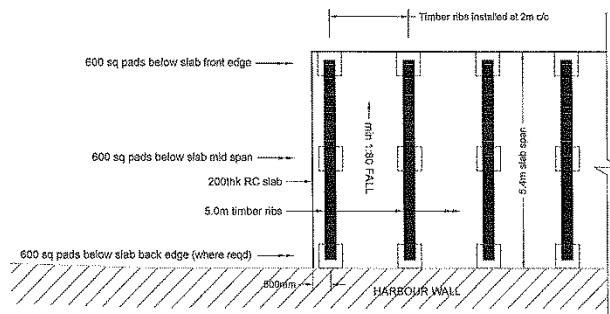


## TYPICAL DETAIL



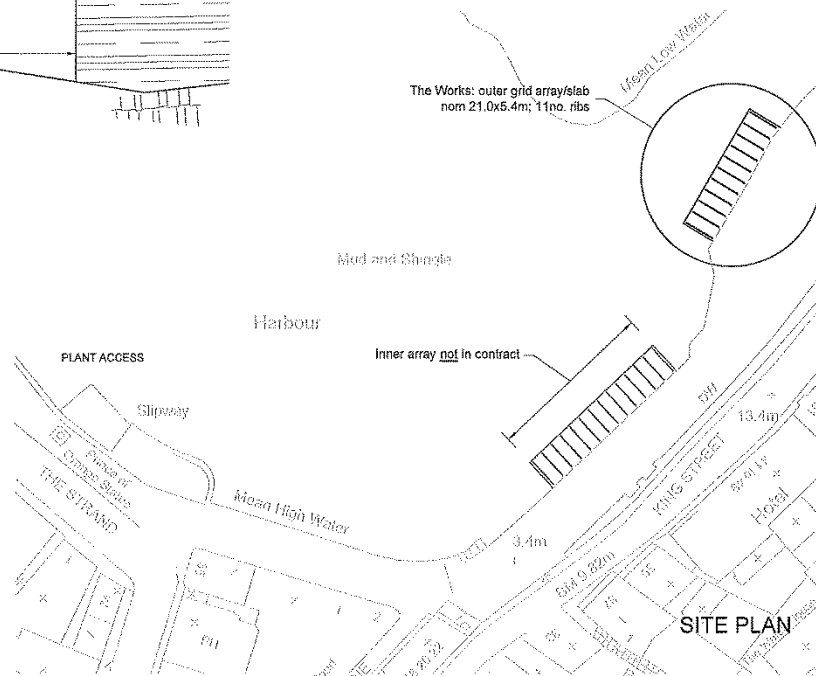
WORKS ARE IN A TIDAL ZONE - SEE NOTES!

Existing defective timber and concrete ribs are to be removed and disposed of by contractor



## BLOCK PLAN

Nom 200 thk RC in situ slab constructed over array of 600mm square pads as required to reach load bearing strata. Pads installed below slab aligned with timber ends and mid span. Slabs to be installed independent of and separated from fixing to the quay wall.



REVISIONS				
no.	date	by	checked	details
1				
10/6/7/6_01				
NOTES				
no.	date	by	checked	details
<p>NOTES:</p> <p>Works are in the tidal zone, and will require to be planned to be undertaken within tidal windows. Concrete is to be C40, and should be covered immediately on placing/finishing, along with any other measures, to avoid tidal wastage.</p> <p>All steel bars, mesh, and fittings are to be galvanised.</p> <p>All rebars to be min 50mm concrete cover.</p> <p>Min bar laps 400mm.</p> <p>All dimensions USO.</p> <p>Any arising need for bridging over 'soft spots' only by engagement with engineer.</p>				
<p>Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100778. Survey Control.</p>				
Drawn	CP	Checked	MS	
Issue		Date		June 2016
<p><b>TDA</b></p>				
<p>SCHEME TITLE</p> <p>Brixham Harbour</p>				
<p>DRAWING TITLE</p> <p>Replacement of Existing Defective Outer Maintenance Grid with New Reinforced Concrete Slab and Timber Ribs</p>				
Drawing number	10/6/7/6_01			

# Agenda Item 7



**Meeting: Harbour Committee**

**Date: 21<sup>st</sup> December 2015**

**Wards Affected: All wards in Torbay**


**Report Title: Procurement of Harbour Workboat**

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

**Supporting Officer Contact Details: Kevin Mowat**

**Executive Head of Business Services**

**Tor Bay Harbour Master**

 **Telephone: 01803 292429**

 **E.mail: [Kevin.Mowat@torbay.gov.uk](mailto:Kevin.Mowat@torbay.gov.uk)**

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## **1. Purpose**

- 1.1 This report provides the Harbour Committee with the opportunity to consider the approval of a capital spend of approximately £45,000, required for the purchase of a new harbour workboat for Brixham Harbour.

## **2. Proposed Decision**

- 2.1 That the Harbour Committee approve the recommendation of the Tor Bay Harbour Master to purchase a coded workboat for use at Brixham harbour and;
- 2.2 That funding of approximately £45,000 is secured from the Tor Bay Harbour Reserve Fund for this necessary capital spend.

## **3. Action Needed**

- 3.1 For the Harbour Committee to consider the request for funding for a coded workboat.
- 3.2 If funding is approved the Harbour Master will seek several quotations, in line with Financial Regulations, against the specification set out in Appendix 1.

## **4. Summary**

- 4.1 A coded workboat is required for use at Brixham harbour to ensure adequate seaborne operational management, not only within the enclosed harbour but also in the Bay. The Harbour Committee is requested to approve the necessary capital spend for the purchase of such a vessel.

## **Supporting Information**

### **5. Introduction and history**

- 5.1 In June 2015, the Brixham Harbour Liaison Forum unanimously agreed with the Harbour Master's recommendation that the Harbour Authority needed to acquire a coded workboat for Brixham Harbour.

#### **5.2 Current Workboat**

The current harbour workboat "Lord Haldon" was thought to have been built in the early 1970's. The vessel is a GRP hulled 'Plymouth Pilot' style of open workboat, measuring 16 feet in length with a 6-foot beam; powered by a 10HP YANMA inboard diesel engine.

Brixham harbour acquired 'Lord Haldon' in the early 1990's from Torquay Harbour and since this time, the boat has been used on a daily basis, engaged in harbour operations such as; rubbish removal / harbour cleansing; towing of vessels; salvage of vessels; harbour maintenance; mooring maintenance; harbour inspections, etc.

#### **5.3 Reasons for replacement**

Due to the age of this vessel and its daily use, "Lord Haldon" is understandably wearing out. The low engine capacity of 10HP and small size of vessel makes it extremely difficult to carry out safe harbour operations.

The fibreglass hull is suffering from osmosis due to the constant chipping and scuffing of the gel coat cover over the years.

The YANMA diesel engine sits within a non-sealed engine compartment, thereby subjecting the mechanics to salt-water ingress.

#### **5.4 Upkeep of existing workboat**

Maintenance and servicing costs have been greater than expected over the past five years due to engine and gearbox problems. The daily use of the workboat within the enclosed harbour exerts unusually high amounts of wear and tear to the transmission and gearbox components, constantly being in and out of gear, both forward and astern. An expected engine replacement will be required in the next year due to continual engine unit failures.

#### **5.5 Current Inventory**

There are no accessories to aid harbour operations that are inbuilt on the 'Lord Haldon'.

#### **5.6 Operational Challenges**

Deck space is very important on any workboat and the 'Lord Haldon' has a bulky engine box, which is positioned amidships and commands the centre of the small working area. The engine power is insufficient for many of the tasks that are required to be undertaken.

The workboat is neither equipped nor certified (coded) for use outside of the enclosed harbour, which limits its operational usefulness, as it cannot go into the Bay. Due to the age and size of the 'Lord Haldon', it is highly unlikely that this vessel could be coded for such use.

#### 5.7 Market Value

Assuming that the 'Lord Haldon' is cleaned, painted and well presented it is thought that a price in the region of £1,000 could be achieved. This valuation is somewhat low but this is due to the poor condition of the engine.

### 6. **Possibilities and Options**

#### 6.1 Steps taken to procure new replacement workboat

Torquay harbour currently has a coded workboat called "Our Fortune", she has proved more than capable of completing the necessary harbour operations, and she has the right equipment to undertake the essential tasks of towage and salvage.

A detailed specification for a similar workboat has been drawn up based on the vessel used at Torquay harbour (See Appendix 1). This specification has been circulated to four South West boat builders, giving them opportunity to tender to build such a craft and the initial quotations are pending.

Ideally, a new workboat needs to be of sturdy GRP construction throughout, offering good working deck space with a centre console. The hull has to be inherently stable especially when the crew will often be working from the same side of the boat at the same time. The engine must be powerful enough to cope with harbour operations yet remain economical. Any replacement workboat has to be fully 'coded' for use within Tor Bay Harbour.

6.2 To continue to use 'Lord Haldon' as a workboat is not sustainable and the vessel is no longer fit for purpose.

6.3 A second hand workboat was considered as an option but the Harbour Authority's needs are quite specific and there are significant benefits in having two very similar craft with identical equipment and handling characteristics. A new build was selected as the preferred option mainly because of the success of the Torquay based workboat.

### 7. **Preferred Solution/Option**

7.1 The preferred solution/option is a replication of the 'Our Fortune' workboat, currently located at Torquay harbour, but with minor amendments/improvements as recommended by the operational staff at Torquay harbour.

### 8. **Consultation**

8.1 Consultation with the Brixham Harbour Liaison Forum has been ongoing for some time but was formally supported in June 2015.

## **9. Risks**

- 9.1 The major risk associated with the failure to procure a suitable replacement workboat for Brixham harbour is the inability for the harbour authority to undertake the routine day-to-day management of a significant and valuable fishing port.
- 9.2 Continued use of an inadequate workboat will undoubtedly lead to reputational damage for the Council and the Harbour Authority.

## **Appendices**

### **Appendix 1 – Draft Specification for Harbour Workboat**

## Appendix 1

# **TOR BAY HARBOUR AUTHORITY PROPOSED NEW CODED WORK BOAT Draft Specification**

The following information provides the detailed specification for a coded workboat that is required by the Harbour Authority. This document will be used as part of the Council's procurement process and approved Companies will be invited to tender to supply a coded workboat that meets this specification.

The workboat is to be used in the Brixham harbour area, with occasional use in the outer limits of the harbour (Tor Bay).

### Decks and Hull

The following hull is required :-

ATLANTIC FISHER / FIBRAMAR 680

HULL-TYPE APPROVED

Compromising an open hull with GRP gunwales and forepeak.

- Closed sealed decks of commercial grade construction GRP laid with non-slip additive and Flow coated in grey flow-coat C6
- GRP gunwales with HD black plastic all round capping for damage prevention caused by ropes and chains.
- Integrated forepeak with Large Access Hatch. Reinforced Foredeck with Pad to allow installation of Hydraulic Capstan.
- HD aluminium inspection hatches to be fitted over key aspect points. (See bilge section) C6
- Smaller round HD inspection hatches to access service points and isolators
- Access hatch over Rudder gear area, with emergency tiller facility.
- 6" Bilge keels
- Stainless steel protective Skeg with integrated heel plate for rudder.
- Protective stem band with H/D S/S D ring
- Rear drainage ports through Transom with flexible hoses and lanyards suggest a small well in front of Ports for better drainage C6
- Ballast SS punching's encased in resin (specified by manufacturer)

### Centre Console

- GRP HD Centre consul with SS protective rail. Hinged on front end
- Raised comings to prevent water ingress. Code 6
- Foam gasket under consul for watertight seal. With hold-down toggles
- GRP socket to accommodate Fire extinguisher

- Hydraulic steering wheel
- Single lever Morse control
- Hydraulic remote lever
- 3 way bilge rocker switch
- 12V switch panel. Lights etc.
- VHF with speaker and mounted mic
- Access for servicing main engine and pumps

### Engine and Gearbox

- 38 to 49 HP Marine diesel engine
- HD hydraulic gearbox
- Wet exhaust, water lock box and loop through Transom outlet C6
- HD split coupling + 30 mm Shaft
- HD Rubber stern gland with water injection
- 4 bladed propeller Max speed 8 Knots with Towing capability
- Seawater inlet valve with bulkhead strainer C6
- 60L Vetus diesel tank located under FWD main deck with access hatch and service plate with soft patch facility in deck for tank removal C6
- Racol HD fuel filter with SS isolators for servicing C6
- Protective shield plates on front end of engine over pulleys and any other potential hazards etc.

### Steering

- Stainless steel fabricated rudder with internal Rudderstock and seawater gland. Rudder construction must be robust and designed for good manoeuvrability whilst working in confined areas. A register plate should be incorporated to allow simple removal of rudder blade.
- Hydraulic ram assembly on Rudderstock, with machined top to accept emergency tiller, use change over valve to relieve steering pump.

### Hydraulics

- Hydraulic Capstan mounted onto Foredeck with control lever mounted on Forepeak bulkhead
- Hydraulic low pressure tank mounted under main deck with access
- Hydraulic pump mounted on front of engine with remote isolator control on Consul
- Pipe work to be in flexi with SS fittings where appropriate and taped
- Adjustable pressure control valve to be installed in forepeak
- In-line Hydraulic filter under main deck

### Salvage Pump / Fire hose facility

- HD Jabsco belt driven pump mounted in front of engine with electro-magnetic clutch, switched in Consul panel
- 1 ½" Salvage pump with strainer
- 1" Deck wash / fire hose
- 2x Change over valves with access hatches
- 1 ½" Inlet sea valve

### Bilge pumps

- 12V bilge pump with float switch, 3-way switch in Consul. In line strainer and outlet through transom C6.
- Manual bilge pump. Through bulkhead mounted inside consul C6.

### Electrics

- 2 x HD 110 Batteries mounted under main deck. HD cables with 3 way Isolator in Consul
- 12V panel in Consul with 12V buss bars and Marine fuse
- Nav lights, all-round white and tri colour if required
- 12V socket in Consul
- All engine and other components to be earth bonded where applicable

### Gantry

- Rear up and over HD rear gantry
- Deck flood lights
- VHF Aerial / GPS antenna
- Life ring facility
- Possible Life raft facility

### Safety rails

- HD SS hand rails mounted onto gunwales with access gates C6 height restrictions from deck

### Workboat Coding's C6

- C6 coding for workboat mainly working inside the harbour area with occasional use outside, but within the 3-mile limits.
- Marine inspectors i.e.; MECAL or MCA to oversee build and sign off key stages of build and key requirements to C6 coding
- Stability and sea trials to be included in the price, as well as the overall cost of the Inspectors costs.

- The builder must liaise with all parties to ensure information is clearly understood and that the correct criteria's are followed

#### General notes

- Hull Polar white topsides
- Blue antifouled bottom on antifoul primer coats
- Anodes to be bonded to external SS fittings and rudder as well as internal engine and battery earth bonding
- GRP tunnel to be allocated over the propeller with blank insert to allow prop access for rope fouling etc.
- HD sausage type fenders to be installed all round with HD SS eyelets.
- Bow fenders and rear quarter fenders
- HD SS cleats to be mounted on to the gunwales at FWD and AFT quarters.
- General Life saving equipment such as Flares, Life jackets etc to be supplied by the Harbour Authority

#### KEY

HD = Heavy Duty

SS = Stainless steel 316 Marine grade

C6 = refer to Workboat codings

# Agenda Item 8



**Meeting: Harbour Committee**

**Date: 21<sup>st</sup> December 2015**

**Wards Affected: All wards in Torbay**

**Report Title: Tor Bay Harbour Authority Budget Monitoring 2015/16**

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

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## **1. Purpose**

- 1.1 This report provides Members with projections of income and expenditure for the year 2015/16 compared with approved budgets.
- 1.2 This report identifies the overall budgetary position for Tor Bay Harbour Authority as at end of October 2015 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 position of the harbour account and adjustments to the Reserve Fund shown in Appendix 1.
- 1.4 The Committee is asked to note the Executive Head of Business Services' 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 Tor Bay Harbour Master's use of delegated powers to waive certain harbour charges, which so far this financial year has amounted to £2,784.91 (excl VAT). No additional charges have been levied.

## **2. Summary**

- 2.1 The Harbour Committee approved the Tor Bay Harbour Authority budget on 15<sup>th</sup> December 2014.

- 2.2 This is the third budget monitoring report presented to the Harbour Committee for the financial year 2015/16.
- 2.3 Buoyant income levels, particularly from Fish Tolls, have significantly improved the forecast year-end position. The projected surplus has been earmarked to fund the capital cost of additional income generating pontoons at Torquay Inner Dock.

## Supporting Information

### 3. Position

- 3.1 The projected outturn at Appendix 1 reflects amendments to the budget made within the Executive Head of Business Services' delegated powers. Details of each amendment can be found in the associated note.
- 3.2 The performance against budget is summarised below:

	<b>Surplus/ (Deficit) £000</b>
Original Budget 2015/16	(51)
Current Budget 2015/16	17
Projected Outturn 2015/16	12

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

	<b>Total Budget</b>	<b>Actual to Date (including prior years)</b>	<b>Projected Outturn</b>	<b>Notes</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	
Environment Agency grant funding for Torquay Harbour – Haldon & Princess Piers	1,272	853	1,272	(i)

- (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 of the structural repair work. These works are being carried out in Phases, over a number of years commencing in 2011. During 2015, the Council appointed a specialist diving contractor to undertake major underwater repair works to both faces of Princess Pier and the inner face of Haldon Pier. The contract value of

these works is in the region of £700k. This work is due to be completed before Easter 2016. This will then complete Phase 2. Before Phase 3 can commence further funding will have to be secured. A detailed assessment of both Piers will be undertaken in April/May 2016 in order to identify the remaining works in detail and following this assessment a revised bid for grant in aid funding will be submitted to the Environment Agency. In May 2014, a Partnership Funding Bid was submitted to the Local Enterprise Partnership (LEP) for £4.57m towards essential flood defence work for these Piers. Although this initial bid was not successful, the bid was resubmitted to the LEP in October 2014 and once again, this was unsuccessful. As part of the revised bid to the EA, the Council will also be investigating other alternative sources of partnership funding. One of these may be from developer contributions and within the planning consultation response for major harbour side redevelopment projects both the EA and Council Engineers have highlighted that a S106 contribution should be made from such development to the structural repairs at both Haldon and Princess Piers.

- 3.4 The Harbour's liability for prudential borrowing is detailed in the following table. The Principal Outstanding figure incorporates the annual repayment made for 2015/16.

<b>Capital Scheme</b>	<b>Amount Borrowed</b>	<b>Start of Repayments</b>	<b>Principal outstanding</b>
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£745,585
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£1,018,209
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£4,188,612
Torquay Inner Harbour Pontoons (Inner Dock)	£800,000	2014/15	£763,678
<b>TOTAL</b>	<b>£7,890,000</b>		<b>£6,716,084</b>

- 3.5 The Tor Bay Harbour Authority debt position at the end of November 2015 is set out in the table below :-

	<b>Corporate Debtor System</b>		<b>Harbour Charges</b>	
	Unpaid by up to 60 days	Unpaid over 60 days	Unpaid by up to 60 days	Unpaid over 60 days
Debt outstanding	£13k	£10k	£15k	£71k
Bad Debt Provision	£50k			

- 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 Business Services, in consultation with the Chairman of the Harbour Committee, has produced a list of Harbour Reserve Fund 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 in 2014/15 and 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. A similar request was made last year and the Harbour Committee agreed to make a further contribution to the Council's General Fund of £160,000 for 2015/16.
- 3.9 The Harbour Committee's Budget Review Working Party was 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.
- 3.11 The Committee is reminded of a withdrawal from the Reserve Fund of £86k (10%) effective from the 1<sup>st</sup> April 2015. The Council agreed this action in November 2014 when they approved the funding of a Children's Services 5 year Strategy by borrowing funds from various sources, including the harbour reserve. It has been accepted that this withdrawal is a loan to another Council department and will be repaid between 2017/18 and 2018/19. This should be seen as a good use of a Council reserve fund as it represents a contribution towards a 'spend to save' investment scheme.

## Appendices

- |            |                                      |
|------------|--------------------------------------|
| Appendix 1 | Harbour Revenue Accounts for 2015/16 |
| Appendix 2 | Harbour Reserve Funds Project List   |

# HARBOUR REVENUE ACCOUNTS 2015/16 - BUDGET MONITORING

## TOR BAY HARBOUR AUTHORITY

Expenditure	2015/16 Original Budget £ ,000	2015/16 Current Budget £ ,000	2015/16 Profiled Budget £ ,000	2015/16 Actual to Date £ ,000	2015/16 Projected Outturn £ ,000	
Harbour Employee Costs	641	623	361	346	630	1
Operations and Maintenance:-						
Repairs and Maintenance	228	228	125	152	279	2
Rent/User Charges Concessions	5	22	21	15	20	3
Other Operating Costs	477	477	268	271	492	4
Management and Administration :-						
Internal Support Services	151	162	162	162	162	5
External Support Services	42	45	25	20	45	
Other Administration Costs	86	86	48	66	93	6
Capital Charges	497	497	497	498	498	
Contribution to Patrol Boat Operation	2	1	1	1	1	
Contbn to General Fund - Cash Dividend	145	145	0	0	145	
Contbn to General Fund - Asset Rental	315	315	0	0	315	
Revenue Funding of Capital	0	0	0	0	48	7
	<b>2,589</b>	<b>2,601</b>	<b>1,507</b>	<b>1,530</b>	<b>2,729</b>	
<b>Income</b>						
Rents and Rights :-						
Property and Other Rents/Rights	511	511	390	388	511	
Marina Rental	397	397	170	173	397	
Operating Income :-						
Harbour Dues	143	133	143	145	145	8
Visitor and Slipway	52	52	44	41	43	9
Mooring fees	174	184	184	198	198	8
Torquay Town Dock	270	289	289	290	289	10
Torquay Inner Dock	183	208	208	208	208	10
Fish Toll Income	510	535	309	310	600	11
Boat and Trailer parking	35	41	41	41	41	
Recharged Services	67	67	25	66	84	12
Other Income	100	105	40	97	129	13
Contribution from Reserves	96	96	0	0	96	14
	<b>2,538</b>	<b>2,618</b>	<b>1,843</b>	<b>1,957</b>	<b>2,741</b>	
<b>Operating Surplus /(Deficit)</b>	<b>(51)</b>	<b>17</b>	<b>336</b>	<b>426</b>	<b>12</b>	

<b>RESERVE FUND</b>	
Opening Balance as at 1st April	688
Interest Receivable	5
Net Surplus / (Deficit) from Revenue Account	12
Contribution to Revenue Account	(96)
Contribution from Revenue Account	(28)
Expected Closing Balance as at 31st March	<b>581</b>

Note: In line with Harbour Committee minute 398 (5) December 2011 the minimum Reserve level at year end 2015/16 is £488k

## HARBOUR REVENUE ACCOUNT 2015/16 - NOTES

### TOR BAY HARBOUR AUTHORITY

- 1 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. The current budget shows savings from a vacant post which is not expected to be filled during the current year, offset by seasonal and office cleaning overtime.
- 2 Additional in year repairs & maintenance costs have been incurred, especially on the Torquay inner harbour bridge and cill.
- 3 This line now reflect all concessions allowed by the Harbour Authority in respect of property rentals and harbour charges.
- 4 Increased waste costs at Brixham partly offset by recharged income (see note 12)
- 5 Internal Support charges have increased to reflect officer time on the Interreg European funding scheme and other projects.
- 6 New computer hardware has been installed to improve administrative efficiencies.
- 7 The Budget Review Working Party have recommended utilising the anticipated outturn surplus to fund the immediate installation of pontoons at the Torquay Inner Harbour Dock to realise an additional £36k income per annum in 2016.
- 8 The Projected Outturns were initially adjusted to correct a misalignment in the original budget allocations between dues and mooring fees. This position has since been partially rectified along with additional income from the reclassification of certain MFV's.
- 9 Visitor and slipway income is falling short of its target but it is being assisted by a number of visiting wind farm vessels.
- 10 Budget targets for the Torquay Town Dock and Torquay Inner Dock were prudently set based on partial occupancy. Actual take up is close to full capacity.
- 11 Fish toll levels have been buoyant in the first part of the year and are expected to exceed the budget target at year end.
- 12 The increase in the projected outturn represents various service recharges including trade waste and property insurance.
- 13 Additional advertising and other miscellaneous revenues have been negotiated by the Executive Head of Business Services.
- 14 A contribution of £96k is being applied as a one-off exercise to offset the effect of General Fund levies in 2015/16.

- 15 There are expected calls on the Reserve for accommodation works at Torquay and Paignton Harbours. The costs of various studies carried out as part of the Interreg FLIP project will also be initially charged to the Reserve to be offset by subsequent grant funding.

### Appendix 2 - Tor Bay Harbour Authority - Reserve Funds 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 2015	688,000
Anticipated interest for year	5,000
Withdrawals in year	(28,000)
Projected Surplus/(Deficit) for year	12,000
Projected Consolidated Reserve Balance at 31st March 2016	677,000
Planned contributions in 2015/16 to General Fund	(96,000)
Projected Consolidated Reserve Balance at 1st April 2016	581,000
less: 20% of Budgeted Turnover	(488,000)
<b>= Balance for Projects</b>	<b>93,000</b>
<b>Total costs of proposed Projects (as listed below).</b>	<b>1,307,900</b>
<i>Shortfall in Reserve funding available</i>	<i>(1,214,900)</i>

Projects	Brixham	Torquay & Paignton	Timeframe
Tor Bay Harbour - HMS software upgrade	£25,000	£25,000	Short
Torquay harbour - Haldon Pier fender replacement		£80,000	Short
Socio-economic Impact Study *	£5,000	£5,000	Short
Brixham Harbour - various (drying grids, fencing, forklift barriers)	£120,000		Short
Torquay harbour - cill repair		£10,000	Short
Torquay harbour - cill hydraulics modification		£20,000	Short

Projects continued	Brixham	Torquay & Paignton	Timeframe
Brixham harbour - new work boat	£45,000		Short
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 – 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
Torquay harbour - new dinghy park & seaward slipway feasibility study		£30,000	Medium
Torquay harbour - Haldon Pier crane		£60,000	Long
Torquay harbour - outer harbour slipway repairs		£75,000	Long
Torquay Town Dock - 'V' pontoon upgrade		£180,000	Long
Torquay harbour - Fuel Station refurbishment		£120,000	Long
<b>TOTALS</b>	<b>£268,000</b>	<b>£1,039,900</b>	

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

2015-16  
Short  
Medium  
Long



**Meeting: Harbour Committee**

**Date: 21<sup>st</sup> December 2015**

**Wards Affected: All wards in Torbay**

**Report Title: Port Marine Safety Code - Annual Compliance Audit**

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

**Supporting Officer Contact Details: Kevin Mowat**  
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## **1. Purpose**

- 1.1 This report provides Members with details of the annual Port Marine Safety Code compliance audit undertaken for the Council, as the Harbour Authority, by the Devon Audit Partnership.
- 1.2 The Harbour Committee, on behalf of the Council, is the 'Duty Holder' under the Port Marine Safety Code (PMSC) and the Devon Audit Partnership are the appointed 'Designated Person'.
- 1.3 Over recent years the appointed 'Designated Person' has been Nicholsons Risk Management Ltd but a service level agreement has now been signed with the Devon Audit Partnership who undertake similar audit work for the Harbour Authority.
- 1.4 The Committee is asked to note the contents of the PMSC Compliance Audit Report for 2015, including the actions identified for implementation during 2015/16, attached as Appendix 1.
- 1.5 A table of Accident/Incident Statistics for 2015, since the last PMSC Audit, is attached as Appendix 2.
- 1.6 The Committee is asked to note the contents of the revised Tor Bay Harbour Committee Safety Management System, as attached as Appendix 3.

## **2. Summary**

- 2.1 Torbay Council, under their responsibilities as a Harbour Authority, has implemented the requirements of the Port Marine Safety Code (PMSA). The Code offers a national standard for port safety in the UK with the aim to "improve safety for those who use or work in ports, their ships, passengers and cargoes, and the environment". Creation of the Code was prompted by a review of the Pilotage Act 1987 undertaken in 1998 by the Department for Environment, Transport and the Regions in the aftermath of the 1996 Sea Empress disaster. All Harbour Authorities are expected to comply with the Code. As the Code is not statutory, failure to comply is not an offence in itself, but the Code does set out references to legal duties that do exist and not adhering to it may be indicative of a breach of those duties. The Code is subject to a triennial review process by a steering group of maritime organisations. It was reissued in 2003, 2006, 2009 and 2012. The latest publication of the Code was by the Department for Transport in March 2015.
- 2.2 The code is designed as a standard, to be achieved by Harbour Authorities in carrying out their duties and powers and to promote best practice.
- 2.3 The Port Marine Safety Code serves as a framework for the preparation of policies and plans relevant to the issues of concern in the code. In essence the code requires Harbour Authorities to ensure they maintain corporate governance over the activities entailed in the powers and duties they discharge.

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## **Supporting Information**

### **3. Position**

- 3.1 The Code states that "Each harbour authority must appoint an individual as the designated person to provide independent assurance directly to the duty holder that the marine safety management system, for which the duty holder is responsible, is working effectively. Their main responsibility is to determine, through assessment and audit, the effectiveness of the marine safety management system in ensuring compliance with the Code".
- 3.2 The Devon Audit Partnership has been appointed the Designated Person to review the Tor Bay Harbour Safety Management System and annually report on compliance with the Port Marine Safety Code.
- 3.3 The last Port Marine Safety Code Compliance Audit Report was dated 20<sup>th</sup> November 2014 and was presented to the Harbour Committee on 15<sup>th</sup> December 2014.

## **Appendices**

Appendix 1 - Port Marine Safety Code - Compliance Audit Report for 2015

Appendix 2 – Table of Accident/Incident Statistics 2015

Appendix 3 – Tor Bay Harbour Committee Safety Management System – Issue 14

## **Additional Information**

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

The Port Marine Safety Code – March 2015 (DfT)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415007/Port\\_marine\\_Safety\\_Code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415007/Port_marine_Safety_Code.pdf)

A Guide to Good Practice on Port Marine Operations – March 2015 (DfT)

<https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations>



devon **audit** partnership

## Audit Report

### Port Marine Safety Code Compliance Audit

Tor Bay Harbour Authority

*November 2015*

**OFFICIAL**



**Auditing for achievement**

## **Devon Audit Partnership**

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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](mailto:robert.hutchins@devonaudit.gov.uk).

## **Confidentiality and Disclosure Clause**

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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 the organisation, 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

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The 'Port Marine Safety Code (PMSC)' establishes a national standard for every aspect of port marine safety and aims to enhance safety for those who use or work in ports, their ships, passengers and the environment. The code applies to all harbour authorities in the UK that have statutory powers and duties.

The Devon Audit Partnership is the appointed 'Designated Person' for the Tor Bay Harbour Authority for 2015/16.

## 2 Audit Opinion

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In our opinion the Tor Bay Harbour Authority is compliant with the requirements of the Port Marine Safety Code.

## 3 Executive Summary

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We have examined a restricted sample of records relating to the Tor Bay Harbour Authority and its compliance with the requirements of the Port Marine Safety Code, and obtained such explanations and carried out such tests as we consider necessary.

To the best of our knowledge and belief, and having carried out appropriate checks, in our opinion the Tor Bay Harbour Authority is compliant with the Port Marine Safety Code.

We have noted areas where further action is required (refer to Appendix A).

## 4 Assurance Opinion on Specific Sections

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The following table summarises our assurance opinions on the area covered during the audit. Definitions of the assurance opinion ratings can be found in the Appendices.

Risk Covered		Level of Assurance
1	Breach of the Port Marine Safety Code	Good Standard

The findings and recommendations in relation to this area 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.

## **5 Issues for the Annual Governance Statement**

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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.

There are no issues arising from this review that would require inclusion within the Annual Governance Statement.

## **6 Scope and Objectives**

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Devon Audit Partnership undertook a review and assessment of the Tor Bay Harbour Authority against the requirements as specified in the Department of Transport Port Marine Safety Code, and the Port Marine Safety Code Guide to Good Practice.

## **7 Inherent Limitations**

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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**

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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**

## Appendix A

## Detailed Audit Observations and Action Plan

1. Risk Covered: Breach of Port Marine Safety Code	Level of Assurance
<p><b>Opinion Statement:</b></p> <p>We found the Tor Bay Harbour Authority staff to be knowledgeable and positively engaged in maintaining compliance with the Port Marine Safety Code (PMSC). Staff were supportive of the review process and were active in providing the supporting evidence.</p> <p>The Harbour Committee act as Duty Holder for the purposes of the Port Marine Safety Code. All committee members and advisors are responsible for compliance with the code, which is set out in their terms of reference and published on the Tor Bay Harbour website. Commitment to the PMSC is set out in the 'Safety Management System' which is presented to the Tor Bay Harbour Committee annually along with outcome of the PMSC compliance audit which is undertaken in November each year. The designated person appointed to undertake the PMSC compliance audit is appointed by the Tor Bay Harbour Committee.</p> <p>A review is undertaken annually of the 'Powers delegated to the Executive Head of Business Services' who is the responsible officer for the Tor Bay Harbour Authority. A full review of 'Tor Bay Harbour Key Statutory Powers' which includes 'Special and General Directions' and Byelaws has been undertaken by an external law company during 2015 and they have produced a draft report confirming that the Authority currently only has limited powers of general directions. Byelaws have been established and are published on the Harbour website. Breach of byelaws results in fines that are limited by scale, however for serious breaches alternative legislation such as the Merchant Shipping Act or Collision Regulations is available to enable a greater degree of prosecution and financial penalties. Given the complexity of issuing new Byelaws, harbour directions should be used to address any changes to water activities, and a recommendation has been in relation to this matter.</p> <p>A Port Masterplan has been established and is designed to assist regional and local planning bodies and transport network providers in preparing / revising their own strategic developments. The Masterplan sets out the development opportunities for the Tor Bay Harbour Authority and the expected timelines for implementation; although not specific to the PMSC some of the projects are potentially integral to safe Port operations. The Tor Bay Harbour Safety Policy has been adopted by the Harbour Committee and measures Health and Safety Performance which is reported to the Harbour Committee annually. The Safety Management System (SMS) records marine based risks and links to risks held on the network. Issues relating to the access to the SMS have been previously identified and remain outstanding and have therefore been reported within this audit report. Risks are reviewed annually and are also reviewed / updated when a need has been identified. The SMS system is designed to show risks ALARP (as low as reasonably practicable) by colour coding the risks as per their severity.</p> <p>Standard Operating Procedures have been established and are a continuing work in progress i.e. as a new / amended procedure has been identified they will be completed / updated.</p> <p>Pilotage / tugs are provided by contract to a local company, at the time of the audit a new contract had been drawn up but remains in draft. The contract must ensure that it covers training / risk assessments and compliance with local legislation / byelaws and the PMSC. Whilst towage guidelines have been established they are not fully comprehensive.</p>	<p><b>Good Standard</b></p>

All accidents / incidents are reported quarterly to the Harbour Committee. These reports are produced from MarNIS. Between the period 1/12/2014 and 30/11/2015 there were 62 accidents / incidents. Of these, there was one fatality in May 2015 due to the capsizing of a boat which resulted in the tragic death of a teenage girl. There were three bodies recovered from beaches; one unexploded ordnance; three fire / explosion incidents; and thirteen pollution incidents; the remainder were categorised as equipment failures; flooding and other less critical incidents. System controls within the SMS ensure that any serious / fatal accident / incident are reported to the Marine Accident Investigation Branch (MAIB) who will then carry out an investigation. Investigations are also held locally and reviewed at Management meetings with the appropriate action then being taken.

The Tor Bay Harbour Enforcement Policy is published on the Tor Bay Harbour website. Staff were found to be trained to ensure they are able to enforce this policy and take any necessary actions; this is supported by a Standard Operating Procedure for Byelaw enforcement.

Trinity House undertakes an annual audit of all navigational aids with any issues reported back to the Tor Bay Harbour Authority, who then provide written confirmation that all issues have been rectified.

Staff have undergone various types of training during 2015 thus confirming training needs are identified and undertaken. Staff training is recorded in a training matrix, a review of these found that in some cases they have not been kept up to date and in some cases training certificates have now expired. Recommendations have been made within the report to rectify this.

Hydrographical surveys have been completed and are retained by the Tor Bay Harbour Authority and the UK Hydrographic Office; surveys can be seen at the Tor Bay Harbour Authority office and are also available from the UK Hydrographic Office. The Tor Bay Harbour Authority has a website which provides information on weather, notices, shipping movements, events etc. Various social media sites have also been set up but do not as yet hold all the information the website holds.

A Tor Bay Harbour Business Plan has been established and is published on the Tor Bay Harbour website.

Work is currently under way to strengthen Princess and Haldon Piers in Torquay. This work is being undertaken from a floating structure with underwater divers who are strengthening the walls that have become damaged. It was noted that a section of Princess Pier has been fenced off each side due to the structures being unsafe; this middle section has replacement / temporary flooring which is becoming worn. It is understood that works are to commence in early 2016 to repair this, we would recommend continual inspections to this area as if it deteriorates further it may need to be closed to the public. Steel barriers are to be installed on the walkways outside the fish markets (quay side at Brixham); this is to prevent further damage being done to the walls by the forklifts although it was noted this damage is minimal at present. It was noted that at Paignton there were issues relating to maintaining clear public walkways, we would recommend that these areas are subject to regular review to ensure walkways are kept clear.

There have been no new activities for 2015 in any of the areas, although it is noted that the commuter ferry continues to operate a reduced service. A license has been granted for a new scallop farm in Torquay; however this has yet to become fully operational.

It is understood that due to budget restrictions the dock-masters at Brixham have been reduced and the firm providing security has ceased; this has resulted in no security being provided at night. There is some control in that the harbour is covered by CCTV however this is only limited and will not mitigate the risks associated with having no security on site.

No.	Observation and implications		
1.1	Although there is clear commitment to the code and performance is reported on an annual basis, the PMSC is not currently a standing item on the committee meetings.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.1.1	The PMSC should be a standing agenda item on the Harbour Committee meetings.	Low	Agreed – to be combined with the Accident and Incident statistics going forward. KM
No.	Observation and implications		
1.2	There are various acts, and local and national legislation governing the Authority, however as detailed in the audit opinion the Tor Bay Harbour Authority has limited powers of General Directions. The Department of Transport has now given Authorities the right to apply to be designated with powers of Harbour Directions.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.2.1	The Tor Bay Harbour Committee should review the powers they have and assess whether they are sufficient to meet current need. If it is determined they are insufficient then they should apply to the DfT to be designated with powers of Harbour Direction.	Medium	Agreed – on 21 <sup>st</sup> December 2015 a mandate will be put forward to the Harbour Committee to apply for the power to make Harbour Directions in January 2016. KM
No.	Observation and implications		
1.3	The authority to issue Byelaws by the Harbour Authority forms part of the Tor Bay Harbour Act 1970. Byelaws were established and signed off by the Secretary of State in Oct 1994. The Byelaws sets out the regulations for vessels, navigation, berthing, mooring, water sports etc. Linked to 1.2, as there is significant complexity in issuing new Byelaws, any new activity e.g. paddle boarding / flyboards should be addressed through Harbour Directions once obtained.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.3.1	Once power of Harbour Directions have been obtained, Harbour Directions should be issued for new activities.	Low	Agreed. KM

No.	Observation and implications		
1.4	The Tor Bay Harbour Authority issues Notices to Mariners, these are put on the Harbour website and sent out via mail chimp. The Harbour Authority also subscribes to various social media platforms, and whilst these provide various details on Tor Bay Harbour, these Notices could not be located.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.4.1	To ensure maximum notification to all harbour users / visitors Harbour Notices should be put on the various social media platforms that the Tor Bay Harbour Authority subscribe to.	Low	Agreed – April / May 2016. Tor Bay Harbour Authority staff.
No.	Observation and implications		
1.5	The MarNIS system used to record all risk assessments / accidents / incidents / training etc has no system controls linked to access i.e. all staff have the same access. This was reported in the 14/15 risk management audit for the Tor Bay Harbour Authority. A request was made to the supplier of the system however despite updates to the system this remains outstanding.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.5.1	Tor Bay Harbour Authority should continue to liaise with APBmer to ensure that the system access issue is resolved, thus ensuring that access can be appropriately apportioned.	Medium	Agreed – MoD and larger ports have recently agreed to purchase this system and this should assist with system developments.
No.	Observation and implications		
1.6	<p>It was noted that a section of Princess Pier has been fenced off on each side due to the structures being unsafe; also the middle section has replacement / temporary flooring which is becoming worn. It is understood that works are to commence in early 2016 to repair this.</p> <p>It was noted that at Paignton there were two boats blocking the designated public walkway restricting access and we understand that this is a regular occurrence during the winter months and in a separate area a commercial boat had left a hose across the public walkway, we would recommend that these areas are subject to regular review to ensure walkways are kept clear.</p>		
	Recommendation	Priority	Management response and action plan including responsible officer
1.6.1	We would recommend continual inspections to this area to establish levels of deterioration and if deemed necessary, consideration should be given to the closure of this area to the public if found unsafe.	High	Agreed – ongoing. Tor Bay Harbour Authority staff.
1.6.2	We would recommend regular inspections of public walkways to ensure that they are kept clear at all times or diversion signs erected.	High	Agreed – signage is to be erected to direct the public away from this walkway in winter months and to advise the public to be aware of boat users' equipment on the quay. KM April 2016

No.	Observation and implications		
1.7	The PMSC states that 'The process of assessment is continuous, so that new hazards to navigation and marine operations and changed risks are properly identified and addressed. Where appropriate, harbour authorities should consider publishing relevant details of their risk assessments.' It is unclear from records whether the provision of aids to navigation has been subject to a formal risk assessment.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.7.1	The aids to navigation should be subject to a formal risk assessment.	Medium	Agreed. Tor Bay Harbour staff. April 2016
No.	Observation and implications		
1.8	Tor Bay Harbour Authority do not provide a pilotage service directly; this is contracted out to a local firm who are based at Brixham Harbour. The original contract was drawn up in 2011 but was never officially signed. A new contract has therefore been drawn up by the Legal department but at the time of the audit still remained in draft.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.8.1	The contract for Pilotage services should be completed as soon as possible. Furthermore the contract should include the requirement for ensuring staff are adequately qualified / trained; risk assessments are undertaken and regularly reviewed; and reference made to the requirements to comply with the PMSC and legislation / local byelaws.	High	Agreed. KM April 2016
1.8.2	Towage guidelines should be reviewed and made comprehensive.	Medium	Agreed. KM April 2016
No.	Observation and implications		
1.9	Whilst risk assessments and safe operating procedures (SOPs) have been completed for work boats and moorings it was noted that the mooring maintenance SOP stated it was outside the scope of pontoon moorings at Torquay Inner Harbour & Town Dock. No separate SOP could be found for these areas.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.9.1	The risk assessments for moorings maintenance should be reviewed to ensure it covers all three areas and if needed a SOP should be drawn up to cover the Torquay Inner Harbour and Town Dock thus ensuring there are no gaps	Medium	Agreed. Tor Bay Harbour staff. April 2016

No.	Observation and implications		
1.10	A training matrix has been established for each area, where all training undertaken is recorded along with the dates completed and the date the next training is due. A review found that the training matrix for Torquay had not been updated to reflect the staff's qualifications to pilot the work boats. These qualifications are held as seen by us, and training certificates are held in individual staff folders.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.10.1	The training matrix should be reviewed and updated to reflect all current qualifications, furthermore the dates the qualifications need to be renewed should be entered thus ensuring that dates are not missed and qualifications have not lapsed.	Medium	Agreed. Tor Bay Harbour staff. April 2016
No.	Observation and implications		
1.11	Whilst numerous Standard Operating Procedures have been established it was found that a SOP has not been completed for 'Maintaining Navigational Aids'. Whilst in the main this is a visual inspection there are occasions where they have to be removed or attended to at sea.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.11.1	A SOP should be drawn up to cover the maintenance / inspection of navigational aids.  As reported above in 1.7.1, once the SOP is completed, a risk assessment should then be undertaken and demonstrate a link to the SOP.	Medium	Agreed. Tor Bay Harbour staff. April 2016
No.	Observation and implications		
1.12	As already reported the training matrix hold details of training undertaken and date for renewal. It was noted that in some cases the renewal dates have expired and not all staff have been logged as completing all i-learn courses.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.12.1	A full review of the training matrix for each area should be undertaken to ensure that all statutory courses for Torbay Council have been completed, courses renewed where applicable and that all staff listed are still current.	Medium	Agreed. Tor Bay Harbour staff. April 2016

No.	Observation and implications		
1.13	It is understood that due to budget restrictions the number of dock-masters at Brixham have been reduced and the firm providing security has ceased; this has resulted in no security being provided at night. There is some control in that the harbour is covered by CCTV however this is only limited and will not mitigate the risks associated with having no security on site.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.13.1	The sufficiency of security and safety arrangements given recent reductions should be subject to monitoring in relation to increases in security and safety incidents.	Medium	Agreed. Ongoing KM

## 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

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Marking	Definitions
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.



## Appendix 2

# Agenda Item 10 Appendix 2

### Tor Bay Accident / Incident List

Date	ID Code		Accident Category	Name
21/11/2015	TOR0687REP	I	Breaking Free of Mooring	'Anemoi' - Pick Up Gear Parted
21/11/2015	TOR0688REP	I	Breaking Free of Mooring	'Revolution' - Pick Up Gear Parted
28/10/2015	TOR0686ACT	I	Dangerous occurrence	'Silver Sea' - near miss with anglers
11/10/2015	TOR0683ACT	I	Breaking Free of Mooring	'Stingray' - broke free from mooring
09/10/2015	TOR0684INV	I	Slip trip or fall from steps	'Western Lady VII' - boarding incident
09/10/2015	TOR0685INV	I	Slip trip or fall from steps	'Western Lady VII' - boarding incident
02/10/2015	TOR0682INV	I	Capsizing/Listing	Capsizing on Paignton Pontoon
28/09/2015	TOR0680ACT	I	Other nautical safety	Storm Damage to Pedalo Container
27/09/2015	TOR0679ACT	I	Capsizing/Listing	'Bella Rose' - sank on mooring
22/09/2015	TOR0681REP	I	Equipment failure (Vessel)	'Cremorne' - Pick Up Gear Parted
24/08/2015	TOR0677ACT	I	Grounding/Stranding	'Liberty Lass' grounding
23/08/2015	TOR0676ACT	I	Pollution - Water	Oil Spill Brixham Trawler Basin
15/08/2015	TOR0674ACT	I	Equipment failure (Port)	Fuel Tanker Struck Eastern Quay Intercom System
15/08/2015	TOR0675ACT	I	Other personnel or public safety item	Member of public. Fishing hook
09/08/2015	TOR0672ACT	I	Pollution - Water	'Dart Venturer' - pollution report
31/07/2015	TOR0671ACT	I	Dangerous occurrence	Member of public hit by lead weight
29/07/2015	TOR0670ACT	I	Collision - Not underway	'Sizzler' collision with 'Bebe'
24/07/2015	TOR0667ACT	I	Struck against	Struck Smoking Shelter
24/07/2015	TOR0668ACT	I	Slip trip or fall from steps	Slipped down flight of metal stairs.
17/07/2015	TOR0666ACT	I	Fire/Explosion	Fire at Paignton Rowing Club
10/07/2015	TOR0665CLO	I	Fire/Explosion	'Sorcerer' - fire
28/06/2015	TOR0663INV	I	Equipment failure (Vessel)	'Riviera Princess' - towed to harbour
28/06/2015	TOR0664ACT	I	Collision - Not underway	'Janick' & 'Lady J' - collision
27/06/2015	TOR0662ACT	N	Other nautical safety	Report of over loading
23/06/2015	TOR0661ACT	I	Offensive behaviour	Tenant of Harbour Light Restaurant threatend
22/06/2015	TOR0660ACT	I	Other personnel or public safety item	Tower Door malfunction
20/06/2015	TOR0658ACT	I	Pollution - Water	Cill Failure
20/06/2015	TOR0659ACT	I	Flooding/Foundering	PWC sinking at Preston
10/06/2015	TOR0657ACT	I	Fire / Explosion	Fire on Princess Pier, Torquay
06/06/2015	TOR0656ACT	I	Pollution - Water	Diesel Slick From Bilge Pumps
30/05/2015	TOR0633ACT	I	Pollution - Water	Diesel Slick Grenville House Slipway to Marina
27/05/2015	TOR0642ACT	I	Equipment failure (Vessel)	Passenger Vessel 'Silver Sea' Engine Failure
25/05/2015	TOR0638ACT	I	Equipment failure (Vessel)	'Windhover' - Pick Up Gear Parted
23/05/2015	TOR0639ACT	I	Pollution - Water	Minor Diesel plume Paignton Harbour
10/05/2015	TOR0629ACT	I	Pollution - Water	Fuel Berth Diesel Spill
05/05/2015	TOR0641ACT	I	Fall from height	Contractor Fall From Height
02/05/2015	TOR0628ACT	I	Capsizing/Listing	Speedboat Capsizing Loss of Life
30/04/2015	TOR0635ACT	I	Slip, trip, fall same level	Elderly Ladies Fall Near Passenger Pontoon
27/04/2015	TOR0636ACT	I	Pollution - Water	Diesel Slick near Marina
19/04/2015	TOR0640ACT	I	Equipment failure (Vessel)	'Mysha Lucy' Engine Failure
14/04/2015	TOR0634ACT	I	Slip, trip, fall same level	'Dart Venturer' Injured Passenger
26/03/2015	TOR0632ACT	I	Equipment failure (Vessel)	Sailing Yacht " Sandell" Mooring Failure
19/03/2015	TOR0631ACT	I	Equipment failure (Vessel)	'Rozella' aground
18/03/2015	TOR0625ACT	I	Other nautical safety	MFV 'Elouise' - Unexploded Ordnance
11/03/2015	TOR0623ACT	I	Drowned, asphyxiated or exposed to harmful substance	Body recovered from Torre Abbey Sands
10/03/2015	TOR0637ACT	I	Pollution - Water	Diesel Slick Grenville House to Marina Bridge
23/02/2015	TOR0622ACT	I	Drowned, asphyxiated or exposed to harmful substance	Body recovered from Livermead beach
17/02/2015	TOR0621ACT	I	Drowned, asphyxiated or exposed to harmful substance	Body found Goodrington beach
09/02/2015	TOR0624ACT	I	Capsizing/Listing	Capsize on mooring 'Blue Dolphin'
02/02/2015	TOR0618ACT	I	Flooding/Foundering	Vessel sunk - 'Red Shank'
02/02/2015	TOR0619ACT	I	Flooding/Foundering	Vessel 'Pennywise' sunk on mooring
01/02/2015	TOR0620ACT	I	Contact - Fixed object	MFV Lloyd Tyler - old wooden fender caught in prop

Reported on 08/12/2015





## Appendix 2

### Tor Bay Accident / Incident List

10/01/2015	TOR0617ACT	I	Pollution - Water	Diesel bloom
10/01/2015	TOR0627ACT	I	Equipment failure (Port)	Mooring failure
02/01/2015	TOR0615ACT	I	Equipment failure (Vessel)	Vessel 'Mary Gurine' sunk on berth
01/01/2015	TOR0616ACT	I	Flooding/Foundering	MFV 'Bumble Bee' sunk alongside quay wall
28/12/2014	TOR0613ACT	I	Flooding/Foundering	Storage barge (ex MFV) - sunk in MFV basin
28/12/2014	TOR0614ACT	I	Equipment failure (Vessel)	Owners pick-up line failure
19/12/2014	TOR0612ACT	I	Pollution - Water	Diesel bloom
10/12/2014	TOR0655ACT	I	Pollution - Water	Diesel Bloom
02/12/2014	TOR0611ACT	I	Equipment failure (Vessel)	Vessel 'Liberty Lass' listing on berth
01/12/2014	TOR0654ACT	I	Pollution - Water	Diesel Bloom

**Number of Accidents listed = 62**

30<sup>th</sup> November 2015

**ISSUE 14**

**TOR BAY HARBOUR COMMITTEE  
SAFETY MANAGEMENT SYSTEM**

**in compliance with  
The Port Marine Safety Code**

## **THE TOR BAY HARBOUR COMMITTEE (TBHC) :-**

- Councillor Nick Bye (Chairman)
- Councillor Vic Ellery (Vice Chairman)
- Councillor Christine Carter
- Councillor Barbara Cunningham
- Councillor James O'Dwyer
- Councillor Nicole Amil
- Councillor Lynn Sykes
- Councillor Roger Stringer
- Councillor Thomas Winfield

## **ADVISORS :-**

- Mr David Buckpitt
- Mr Michael Stewart
- Capt. Paul Lloyd
- Mr Michael Ellis

## **OFFICERS :-**

- Capt. Kevin Mowat - Executive Head, Business Services and Harbour Master

## **DESIGNATED PERSON :-**

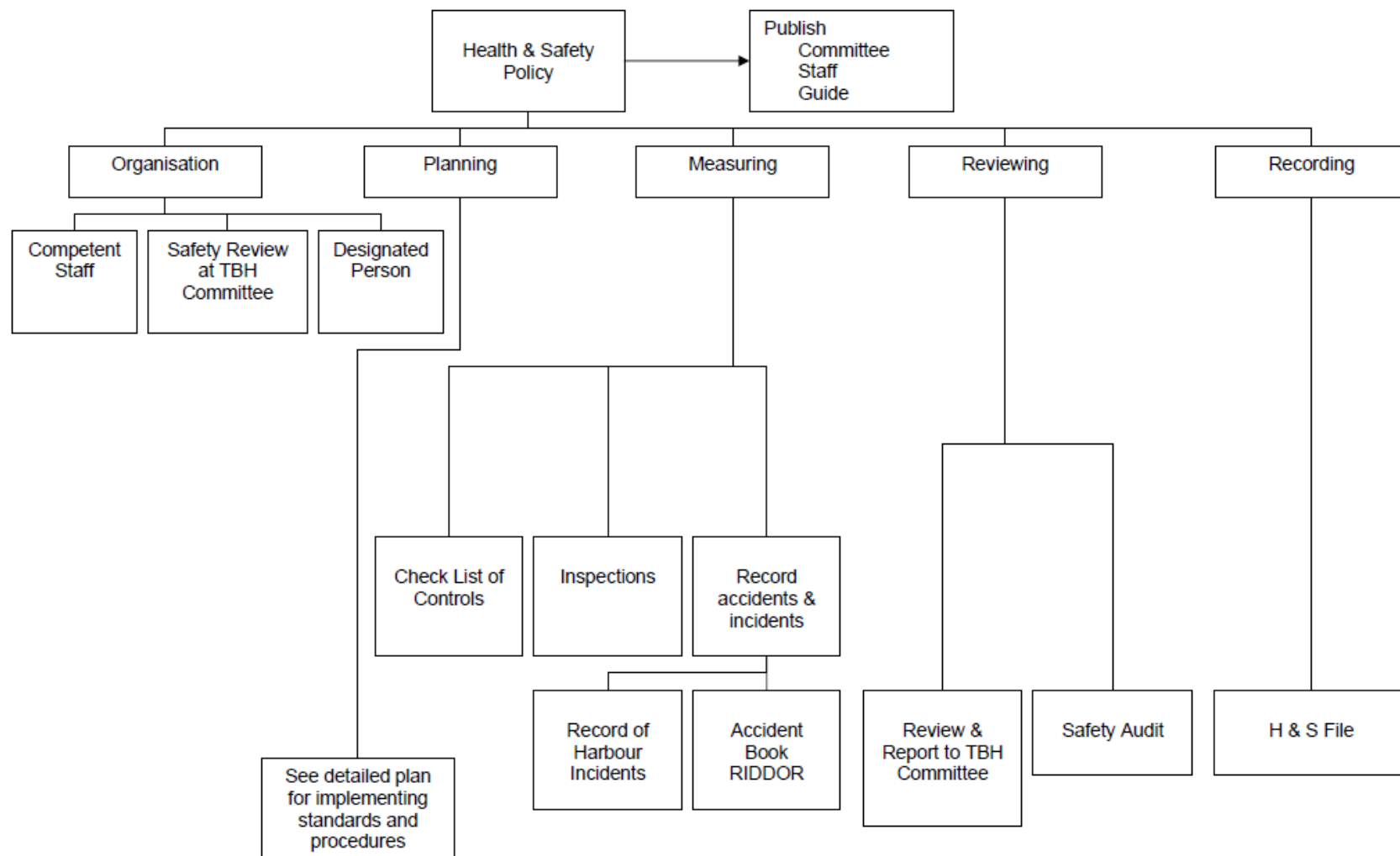
- The Devon Audit Partnership

# SAFETY MANAGEMENT SYSTEM

<b>OVERVIEW</b>		<b>PAGE</b>
	Diagram of Safety Management System	4
	Diagram of Planning and Procedures	5
	Tor Bay Harbour Committee (TBHC) have, after consultation with harbour users, drafted risk assessments and adopted a Safety Management System comprising the following 6 elements:-	
<b>1) Policy</b>	Adopting a health and safety policy, which contributes to business performance while meeting responsibilities to people and the environment in a way that fulfils both the spirit and the letter of the law.	6 - 8
<b>2) Organisation</b>	Establishing a positive organisation and culture, which puts the policies into effective practice.	9
	Structure/Organisation Chart	10
	Training	11
<b>3) Planning</b>	Assessing risk and then adopting a planned and systematic approach to policy implementation. Risk assessments will be the key to judge what safety plans are needed.	12
	3.1 Risk Assessments and Risk Register	13-14
	3.2 Risk Control Procedures	15
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<b>4) Measuring</b>	Measuring health and safety performance against predetermined standards.	24
<b>5) Reviewing</b>	Auditing, monitoring and reviewing the performance so that lessons are learned from all the relevant experience and are effectively applied. Training and education are implicit as part of good safety management. Consultation is a continuing process through the Harbour Liaison Forums.	25 – 26
<b>6) Recording</b>	What has been done? Safety controls and responsibilities Maintaining a record of due diligence	27

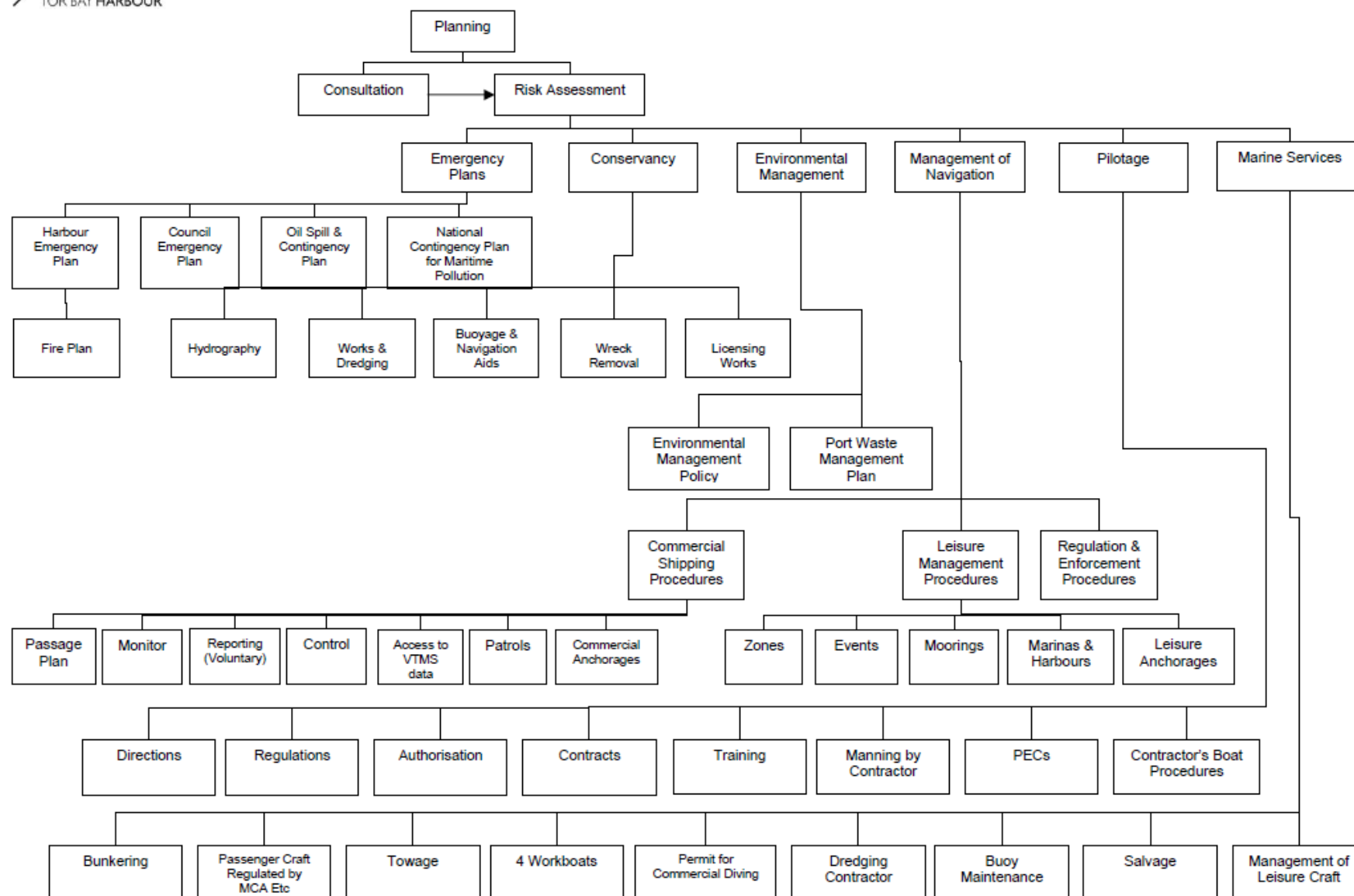
Torbay Council, through the Tor Bay Harbour Committee, is responsible for policy. The Harbour Master is responsible for the organisation and the facilities. The staff implement the policy. Together these three categories form the system that puts policy into effective practice.

# TOR BAY PMSC SAFETY MANAGEMENT SYSTEM



OUTLINE CHART OF SAFETY MANAGEMENT SYSTEM

# TOR BAY HARBOUR PLANNING FOR PMSC



# 1. Tor Bay Harbour Safety Policy

## **Health and Safety Management System;**

Torbay Council, through its Tor Bay Harbour Committee (TBHC), has adopted a health and safety management system in compliance with the principles set out in the Port Marine Safety Code. The health and safety management system includes policies for emergency plans, conservancy, environment, management of navigation, pilotage and marine services.

Tor Bay Harbour Committee will on behalf of Torbay Council provide a safe harbour within the limits of their jurisdiction, which is open to the public for recreation and the transportation of passengers and goods. It will ensure the safety of Tor Bay by exercising its statutory functions to a high standard. The TBHC will regulate the use of the harbour by maintaining appropriate byelaws and ensuring that these and other statutory regulations are enforced. The TBHC will ensure that an efficient pilotage service is available and that pilotage directions are maintained and reviewed regularly. The TBHC will ensure such marine services as are required for the safe use of their harbour are available and are well maintained and operated. Tor Bay Harbour Committee will ensure that up to date plans are available to deal with emergency situations and that the resources required to implement these plans are maintained and exercised.

Existing powers shall be reviewed on a periodic basis, to avoid a failure in discharging duties or risk exceeding powers.

The Policy incorporates input from officers, from staff and from harbour users as high standards of safety can only be achieved through dialogue and co-operation.

Plans and reports will be published as a means of improving the transparency and accountability of the harbour authority, as well as providing reassurance to the harbour users. TBHC will consider past events and incidents so as to recognise potential dangers and identify the means of avoiding them.

## **The Aims of the Safety Management System of Tor Bay Harbour Committee;**

1. To identify, quantify and manage the significant marine risks associated with the waters and harbour activities of Tor Bay. This will ensure there is proper control of ship movements by, where necessary, regulating the safe arrival, departure and movement within the harbour of all vessels.
2. To maintain, protect, improve and regulate the safe navigation of all vessels in Tor Bay.
  - To ensure that Tor Bay and its enclosed harbours remain safe areas for all harbour users to undertake their business and activities, with the risk of injury as low as reasonably practical
  - To have an effective system for promulgating navigation warnings affecting the Harbour.
  - To consider the effect of weather on harbour safety and see that the broadcast warnings are accessible.
  - To designate suitable anchorages.
  - To monitor lights and marks used for navigation.
  - To keep the need for pilotage under review and authorise suitably trained and experienced pilots to provide an efficient pilotage service.
  - To provide resources to deliver marine services, such as the provision of harbour patrol craft.

3. To ensure that suitable plans for emergency situations are maintained, regularly updated and exercised, so that TBHC will respond rapidly and effectively to emergency incidents to minimise the impact.
4. To carry out all its functions with special regard to the possible environmental impact, protecting from damage and pollution the marine environment and the landscape, heritage, amenity and tourism attractions of the Tor Bay coastline.
5. To maintain an up to date set of byelaws in consultation with harbour users and enforce them so as to regulate harbour use effectively.
6. To set up controls for personal safety.
  - To safeguard Harbour users', employees, those working in harbours, port users and the public whilst within areas under the TBHC's control.
  - To control the risk of exposure to criminal and civil liability.
  - To involve all stakeholders in management of marine safety and raise awareness of marine safety risks and prevention, control and management of risks.
  - To consider the effects on harbour safety of proposed changes in use or harbour works.
  - To operate within policies developed specifically to address marine issues in addition to the corporate policies and procedures agreed by the Council.
  - confirm the roles and responsibilities of key personnel at the harbour authority
  - outline present procedures for marine safety within the harbour and its approaches
  - measure performance against targets, after building a database recording incidents, including near misses
  - refer to emergency plans that would need to be exercised
  - be audited on an annual basis
7. To keep the duties and powers under review.

**All employees have a duty to:**

- Take care regarding their own health and safety and that of other harbour users and of those who might be affected by their acts or omissions.
- Comply with all harbour safety procedures laid down by Tor Bay Harbour Committee.
- Ensure that marine operations are undertaken in a safe manner.
- To report hazard, risk, accident, incident or near miss to their Safety Officer.

**Harbour users operating commercially and the general public using the Harbour for pleasure are responsible for:**

- Their own health and safety and that of other harbour users and the general public who may be affected by their acts or omissions.
- Complying with byelaws, directions and other regulations aimed at ensuring the safe use of the Harbour.

## **Nominated Harbour Safety Officers**

Mr Dave Bartlett at Brixham, Mr Nick Burns at Torquay and Mr Simon Pinder at Paignton are the safety officers for these areas. In their absence, urgent harbour safety matters shall be referred to the Harbour Master. The Safety Officers are also the “competent persons responsible” for fire safety.

## **Emergencies in the Harbour**

Emergencies where life is in danger must be notified at once to the emergency services by dialling 999 or through VHF channel 16. Other emergencies shall be notified to the Duty Harbour Master by the quickest available means.

## **Reporting of Accidents Incidents and Near Misses**

The public are asked to bring matters of safety - all accidents, incidents and near misses – promptly to the attention of the Harbour Master or the Harbour Safety Officer at the nearest Harbour Office. The Harbour staff are obliged to record on the computer Marine Safety Incidents/accidents/near Misses. The reports will be used to review accidents and incidents, for assessing whether any action is necessary to reduce the risk of recurrence. It shall be recorded that the Executive Head has conducted this review and that the necessary actions have been taken. This will be an assessment of the effectiveness of the harbour safety management system.

Adopted by Torbay Council's Harbour Committee - December, 2015

## 2. Tor Bay Harbour Authority (TBHA) Organisation

Torbay Council is the statutory harbour authority for Tor Bay Harbour. The Council has set up a sub-committee, Tor Bay Harbour Committee (TBHC), to advise on all matters relating to strategic management of the Council's function as harbour authority. The TBHC performs the Council's role of Duty Holder as required under the Port Marine Safety Code. Members of the Tor Bay Harbour Committee are, jointly, the Duty Holder in accordance with the PMSC. They are collectively and individually responsible for the safe management of the harbour and they cannot assign or delegate their accountability for compliance with the Code on the grounds they do not have particular skills.

The current members of the TBHC are listed on page 1. This committee is the Duty Holder.

The Tor Bay Harbour Committee considers that current legislation gives them adequate authority to exercise their responsibilities as described in this document and in accordance with the Port Marine Safety Code. The organisation is bound by the Harbour, Docks and Piers Clauses Act 1847, The Harbours Act 1964, The Tor Bay Harbour Act 1970, which confirms the harbour limits, the Tor Bay Harbour (Torquay Marina &c) Act 1983, the Health and Safety at Work Act 1974, the Workplace (Health, Safety and Welfare) Regulations 1992, and all the other harbour related and safety laws and regulations.

Torbay Council and the Harbour Committee set the policy and the officers and staff provide the means of implementing the Policy. Any decisions taken or policy set must take into account any issues related to harbour safety. The consideration of such issues is to be minuted.

The Executive Head of Business Services is responsible for the day-to-day management of marine safety risks and for reporting to the duty holder, the TBHC. He is responsible for ensuring that the staff put the Harbour Safety Policy into practice. He is responsible for maintaining insurance policies, obtaining any required licences, publication and display of such notices and instructions as the Tor Bay Harbour Committee consider necessary.

He must also ensure that facilities are provided up to the standards set in the policy. Such facilities include the harbour infrastructure, harbour craft, pilotage and equipment to be used in the event of emergencies.

The Duty Harbour Master has the role of Emergency Planning Officer for the harbour and is the co-ordinating officer, responsible for marine incidents planning and response. He is also the officer responsible under their Oil Spill Contingency Plan for maintenance of the plan and response to incidents. Torbay Council also has an emergency planning officer who is responsible for planning and response to major incidents.

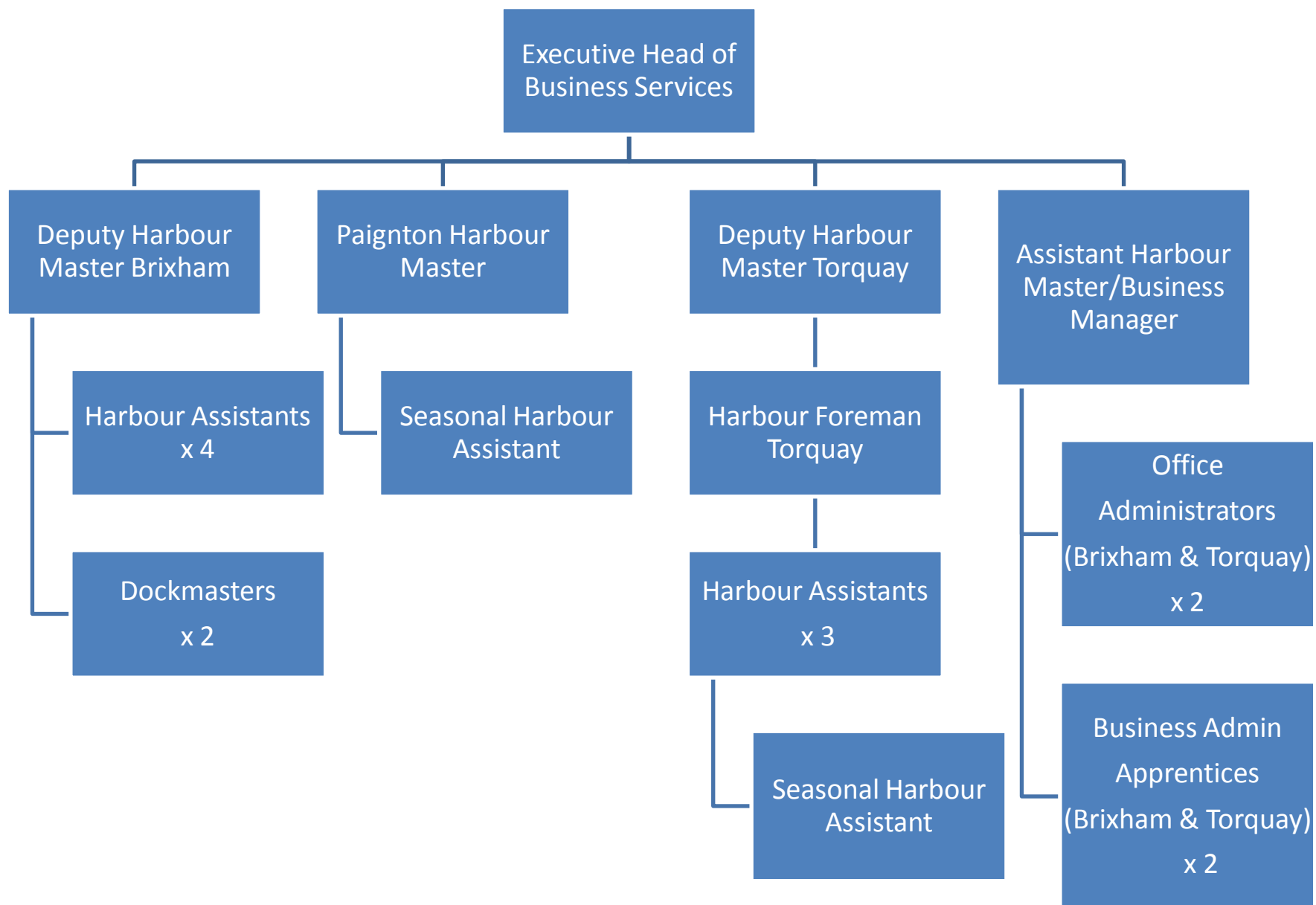
The pilots, contracted through Marine & Towage Services Group Ltd, are responsible for safe pilotage of large vessels within the waters of Tor Bay Harbour and for reporting marine risks, incidents and near misses to the Harbour Master.

TBHC shall assess the fitness and competence of all persons appointed to positions with responsibility for safe navigation.

The 'Designated Person' as defined in the Port Marine Safety Code is responsible for auditing the marine safety system and providing assurance to the 'Duty Holder' of the effectiveness and performance of the system. The Devon Audit Partnership has been appointed the designated person to provide this function and they annually review and report on Tor Bay Harbour Authority's compliance with the Port Marine Safety Code. The Designated Person has direct access to the Harbour Committee.

All staff are suitably qualified, have job titles and descriptions. A Tor Bay Harbour Authority staff Structure Chart is set out on the next page.

## Tor Bay Harbour Authority – Structure Chart November 2015



# Training

It is policy that officers and staff are to be suitably trained to be competent and qualified up to a minimum national standard to fulfil their roles within the organisation and can demonstrate competence in critical areas of harbour safety.

Training and education are implicit as part of good safety management.

- New staff receive induction training.
- Every year the training requirements of each member of staff will be assessed and a training programme planned.
- Training needs will be considered during the annual appraisal process.
- An in house training programme will be implemented to reinforce the importance of harbour safety and of maintaining best working practice.
- All staff receive emergency training and practices.

## Training Records

The Harbour Authority holds a Training Record for all staff and the respective line managers are responsible for its upkeep. Staff are trained in the Standard Safe Operating Procedures listed in Appendix 3.

## Training Plan Responsibilities

Post	Training Responsibility
Deputy & Assistant Harbour Masters	Executive Head of Business Services
Assistant Harbour Master/Business Manager	Executive Head of Business Services
Harbour Master, Paignton	Executive Head of Business Services
Office Administrators	Assistant Harbour Master/Business Manager
Business Administration Apprentices	Assistant Harbour Master/Business Manager
Torquay Staff	Deputy Harbour Master, Torquay
Brixham Staff	Deputy Harbour Master, Brixham
Paignton Staff (seasonal only)	Harbour Master, Paignton
Pilots	Marine & Towage Services Group Ltd
Pilot Boat crews & technical staff	Marine & Towage Services Group Ltd
Launch crews Technical staff	Marine & Towage Services Group Ltd

### 3. Tor Bay Harbour Safety Planning

#### Planning Policy

It is the policy of the Torbay Council to have powers, policies, plans and procedures based on a formal assessment of hazards and risks, and TBHC shall have a formal marine safety management system.

The marine safety management system shall be in place to ensure that all risks are controlled – the more severe ones must either be eliminated or kept “as low as reasonably practicable” (ALARP).

Once a year the THBC will receive from the Executive Head of Business Services his review of the risk assessments. The Harbour Safety Management System with the Harbour Safety Policy will also be tabled for review. The Committee will undertake a review and their findings will be recorded in the minutes.

An independent audit of the Harbour Safety Management System will be commissioned once a year from the Designated Person. The audit report will be considered by the TBHC and the outcome of this consideration will also be minuted.

The TBHC will remind the officers every year that harbour safety issues must always be taken into account in their decisions and recorded appropriately.

The Officers will annually bring to the attention of each employee the Harbour Safety Policy and specifically their roles in an emergency.

#### Organisation of Annual Reviews

Safety Policy	Tor Bay Harbour Committee
Safety Management System	Designated Person & Tor Bay Harbour Committee
Harbour use	Executive Head of Business Services & Harbour Master
Commercial shipping	Executive Head of Business Services & Harbour Master
Operation of all other craft	Executive Head of Business Services & Harbour Master
Premises & Quays	Executive Head of Business Services & Harbour Master
Workshops	Deputy Harbour Masters
Offices	Harbour Masters & Business Manager

## 3.1 Tor Bay Harbour Committee Risk Assessments

### Risk Assessment Policy:

**It is the policy of Torbay Council that its powers, policies and procedures will be based on a formal assessment of hazards and risks and it will have a formal safety management system.**

The aim of this process is to eliminate the risk or, failing that, to reduce risks to as low as reasonably practicable.

The formal risk assessments incorporating the Risk Register are listed in Appendix 1 and shall be used to :-

- identify hazards and analyse risks;
- assess those risks against an appropriate standard of acceptability; and
- where appropriate, consider a cost-benefit assessment of risk reducing measures.

Tor Bay Harbour Committee has undertaken a formal safety assessment of its harbour operations to insure that a systematic approach was taken to the identification and the management of risks. The level of risk was determined after considering the risk to Life, to the Environment, to Port Operations and to Port Users.

There is a preferred hierarchy of risk control principles :-

- eliminate risks - by avoiding a hazardous procedure, or substituting a less dangerous one;
- combat risks - by taking protective measures to prevent risk;
- minimise risk - by suitable systems of working.

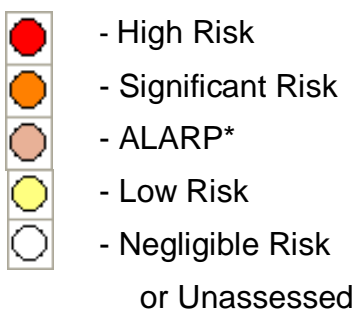
A set of risk assessments, Appendix 1, has been reviewed and signed off on various dates during 2015 and there is a ranked hazard list. The control measures emanating from the risk assessments are listed in Appendix 2 and the Standard Safe Operating Procedures used by staff to minimise their risks are listed in Appendix 3.

These are the checks to identify new hazards, review risks and see that controls are implemented to bring the risks down to 'As Low As Reasonably Practicable', as defined in the following diagram.

### MarNIS Risk Assessment Matrix Grid and Calculation

The matrix grid allows the user to select a grid cell matching frequency and consequence descriptors.

Symbol showing the level of each hazard:



\* ALARP stands for :-  
'As Low As Reasonably Practicable'.

Risk matrix for the consequences to PROPERTY resulting from a PORT EFFICIENCY incident					
Major ( > €10,000,000)	Cat 4				
Serious ( € 500,000 - 10,000,000)	Cat 3				
Moderate ( € 50,000 - 500,000)	Cat 2				
Minor ( € 3000 - 50,000)	Cat 1				
Negligible ( < € 3000)	Cat 0				
Consequences		Once every 10 years	Every year	Every month	Every week
		Frequency			
		Every day			

The following matrix values are loaded into the MarNIS software.

Category	People	Property	Planet	Port Business
0	None	Negligible (£0 - £2,000)	None	None
1	Minor (Single slight injury)	Minor (£2,000 - £10,000)	Tier 1 (No outside assistance, no Harbour Authority response necessary)	Minor (£0 - £2,000 - Little local publicity. Minor damage to reputation. Minor loss of revenue)
2	Moderate (Multiple slight or single major injury)	Moderate (£10,000 - £100,000)	Tier 1 (Limited outside assistance, oil spill manageable with own means)	Moderate (£2,000 - £20,000 - Negative local publicity. Moderate damage to reputation. Moderate loss of revenue)
3	Serious (Multiple major injuries)	Serious (£100,000 - £1,000,000)	Tier 2 (Regional assistance needed, large oil spill, several amenities impaired)	Serious (£20,000 - £200,000 - Negative national publicity. Serious damage to reputation. Serious loss of revenue)
4	Major (One or more fatalities)	Major (> £1,000,000)	Tier 3 (National disaster, massive oil spill, widespread and/or extensive damage to amenities)	Major (> £2,000,000 - Negative national and international publicity. Major damage to reputation. Major loss of revenue)

Using the matrix, values for Frequency of Occurrence and Consequence can be selected for each of the four groups in both the Worst Credible and Most Likely scenarios. Each group has three cells associated with it, the first shows the selected frequency of occurrence, the second shows the consequence and the third is the matrix score. The values from the matrix are then used to arrive at the Overall Risk Score.

The following calculation is used to determine the Overall Score.

- Matrix Score from Worst Credible:  $\text{People} + \text{Property} + \text{Planet} + \text{Port} \div 4 = \text{Average Worst Credible Value}$ ;
- Matrix Score from Most Likely:  $\text{People} + \text{Property} + \text{Planet} + \text{Port} \div 4 = \text{Average Most Likely Value}$ ;
- Maximum score from the Worst Credible Scenario;
- Maximum score from the Most Likely Scenario;
- $= \text{Average Worst Credible} + \text{Average Most Likely} + \text{Max Worst Credible} + \text{Max Most Likely} \div 4 = \text{Overall Score}$ .

## **3.2 Tor Bay Harbour Committee Risk Control Procedures**

**3.2.1 Emergency plans**

**3.2.2 Conservancy**

**3.2.3 Environment**

**3.2.4 Management of Navigation**

**3.2.5 Pilotage**

**3.2.6 Marine Services**

### 3.2.1 Emergency plans

#### Emergency Policy:

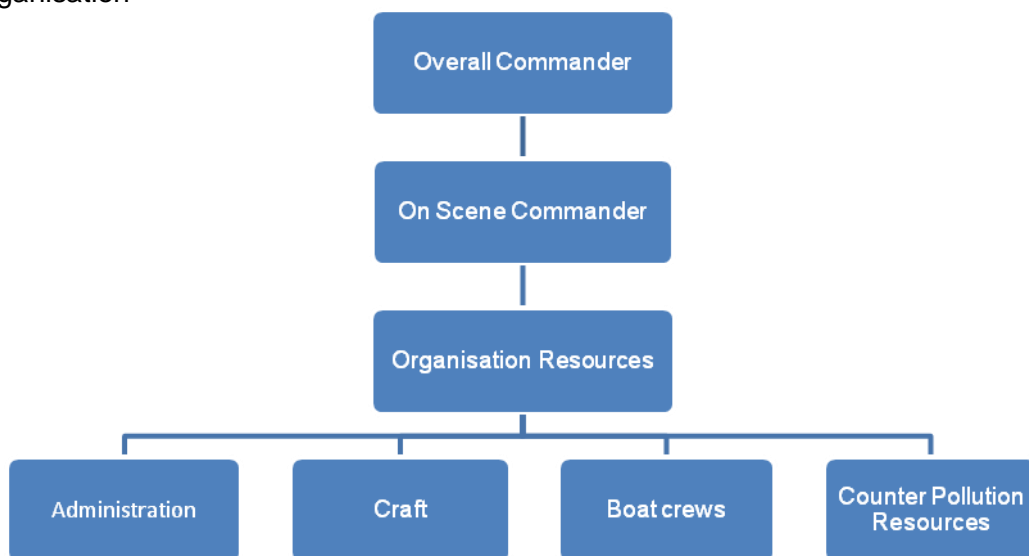
The safety management system shall include preparations for emergencies – and these should be identified as far as practicable from the formal risk assessment. Emergency plans need to be published and exercised.

#### Emergency Organisation and Management Responsibility

Review of Emergency and Oil Pollution Plans

Harbour Master

Emergency Organisation



#### Emergency Plans and Procedures

Tor Bay Harbour Emergency Plan – Oct 2015

The Tor Bay Oil Spill and Contingency Plan – redrafted in June 2015

National Contingency Plan for Marine Pollution

Standard Operating Procedure 22 – Harbour Emergency

All officers trained to Tier 2 Response

Planning exercises are undertaken to see that the procedures would be followed.

The MAIB web site is used to see if lessons can be learnt from accidents investigated at other harbours.

## 3.2.2 Conservancy

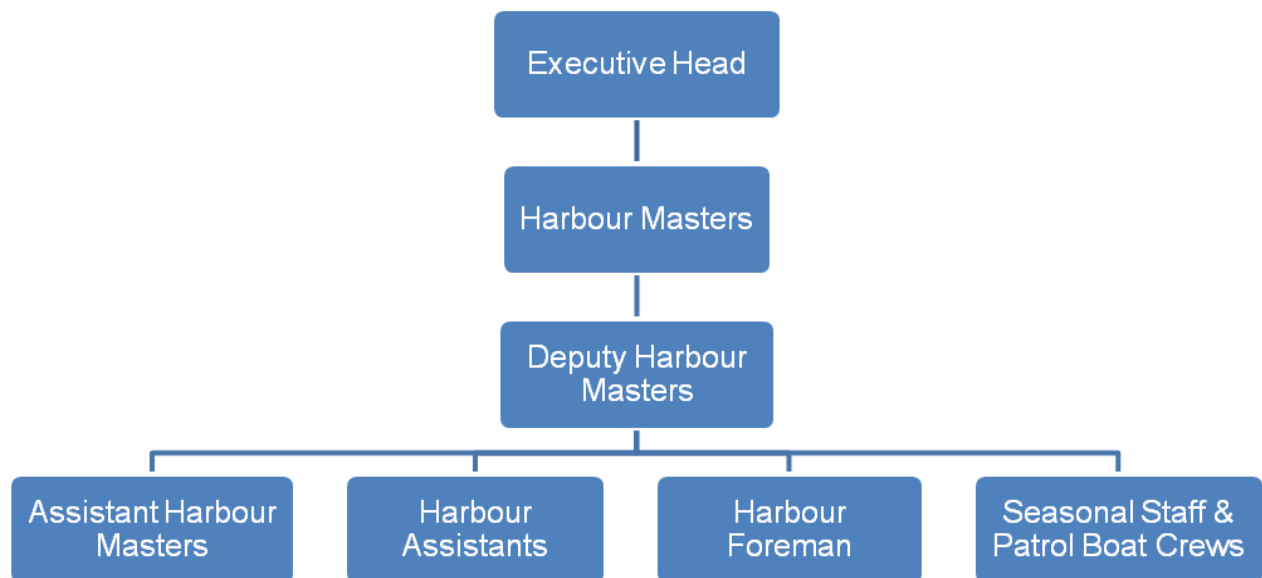
### Conservancy Policy:

Torbay Council recognises it's a duty of conservancy the harbour so that it is fit for use as a harbour, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it.

The aim to provide users with adequate information about conditions in the harbour.

Torbay Council recognises the extent of its duty and powers as local lighthouse authority; and specific powers in relation to wrecks.

### Conservancy Organisation and Management Responsibility



### Conservancy Procedures

#### Hydrography

TBHC follows the code of practice for UK ports and harbours, developed by the Hydrographic Office.

#### Dredging

Tor Bay Harbour Committee does not maintain a maintenance dredging disposal licence.

Any capital dredging that might take place is subject to statutory consent and TBHC is a priority consultee when such applications are considered.

#### Buoyage and Navigational Aids

The provision of aids to navigation is based on risk assessment.

Trinity House has issued standards for reliability and maintenance of navigation aids and reserves the right to undertake inspections to ensure that these are met.

PANAR reports are submitted quarterly.

#### Wreck Removal

The procedure is to buoy and/or light a wreck as appropriate, issue a notice to mariners and, if necessary, use TBHC's authority to remove the wreck.

#### Licensing of Work

TBHC is a statutory consultee for proposed work affecting navigation or the environment within the harbour limits.

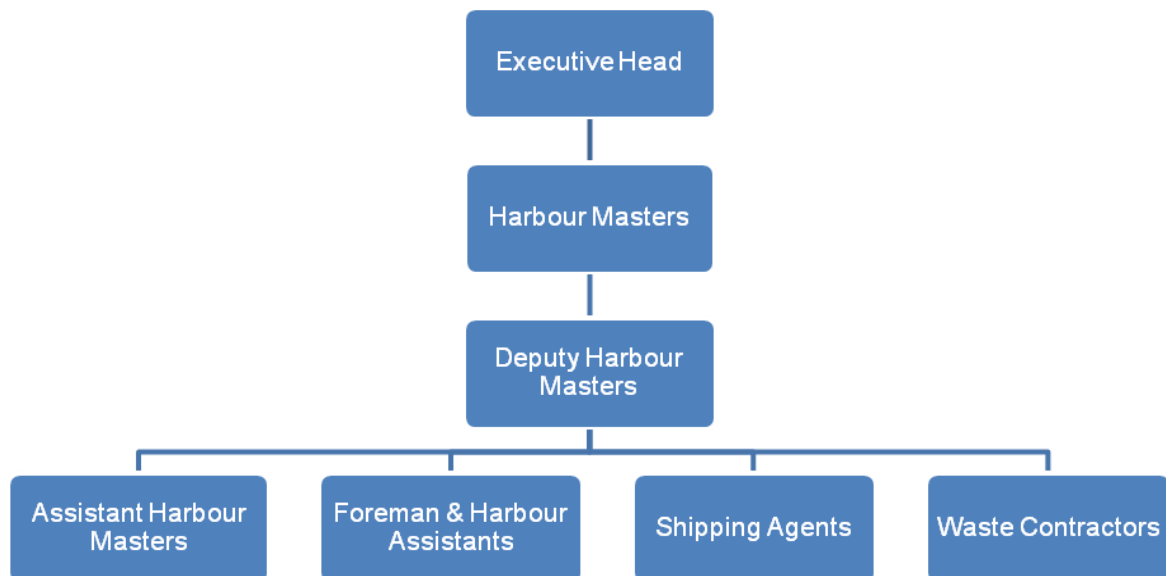
### 3.2.3 Environment

#### Environment Policy:

Torbay Council has a general duty to exercise its functions with regard to nature conservation and other related environmental considerations.

Special Area of Conservation status now applies to parts of Tor Bay Harbour

#### Environment and Port Waste Management Plan Organisation and Responsibility



#### Environment Policies, Plans & Procedures

Tor Bay Harbour Environmental Policy Statement – Sept 2014

Port Waste Management Plan – Oct 2011 (Under review)

Port Marine Safety Code – A Guide to Good Practice on Port Marine Operations

Natural England's Advice

SeaTorbay Membership (Coastal Partnership)

Standard Operating Procedure 46 – Oil Pollution

Standard Operating Procedure 30 – Surge Barriers & Flood Defence

### 3.2.4 Management of Navigation

#### Policy for Management of Navigation:

Torbay Council, through its TBHC, has rules in byelaws and directions, which every user must obey as a condition of his or her right to use the harbour.

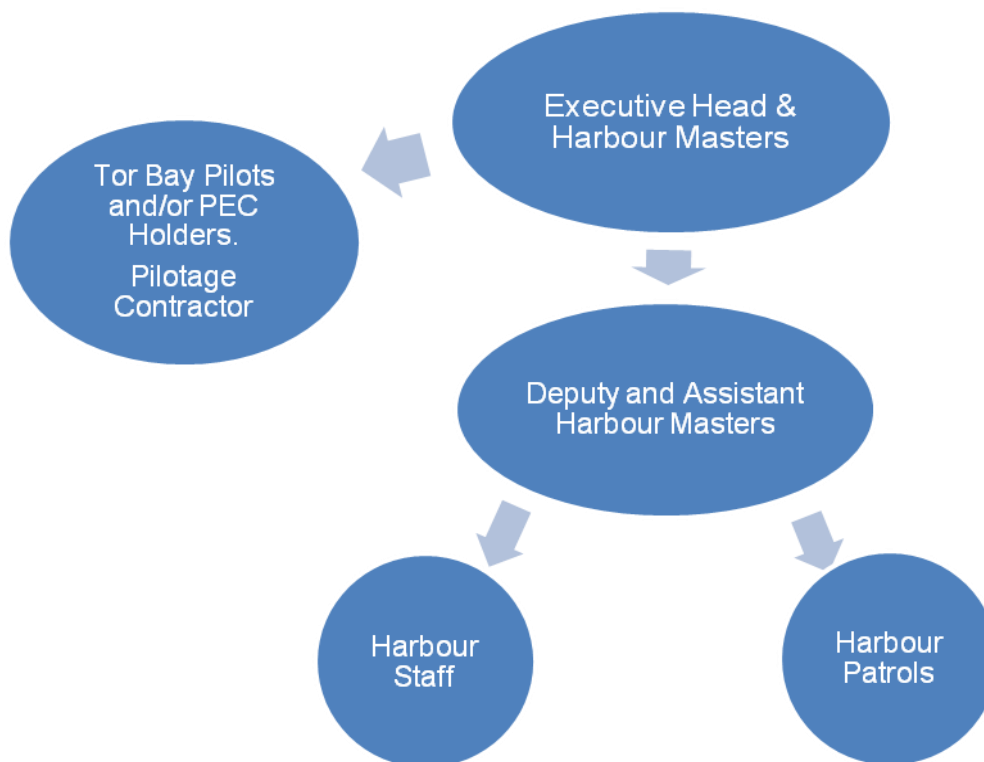
Torbay Council and its Harbour Master recognise their duty to assess risk and make proper use of powers to make byelaws, and to give directions (including pilotage directions), to regulate all vessel movements in their waters.

These powers shall be exercised in support of the policies and procedures developed in this safety management system, and should be used to manage the navigation of all vessels.

TBHC has clear policies on the enforcement of directions, and should monitor compliance.

Powers of direction shall be used to require the use of port passage plans in appropriate cases – whether vessels are piloted or not.

#### Management of Navigation Organisation and Management Responsibility



#### Procedures for Management of Commercial Navigation

##### Passage Plans

The passage plan is prepared on a standard form by the pilot and agreed with the master of the vessel. A copy is to be filed at the offices of the shipping agents.

##### Monitor

24-hour VHF cover is provided by the combined efforts of the Harbour Offices and the Pilot Station.

##### Reporting

Reporting is mandatory, as per Tor Bay Harbour Pilotage Directions.

### Control

Pilotage requirements are set in the Tor Bay Harbour Pilotage Directions and Pilotage Manual. SOP 28 – Pilotage & Defective Vessel Notification also applies.

### Access to Vessel Traffic Management System (VTS) data

After the assessment of risk it has not been considered necessary to have a VTS system & Local Port Services (LPS) are provided. The harbour authority has AIS monitoring software. To the extent that there are Local Port Services, these include information in the Admiralty Sailing Directions, Channel Pilot, in Reeds Almanac, in the Local Notices to Mariners and on the Tor Bay Harbour web site.

### Patrols

Standard instructions are issued to staff running patrol boats. Patrol boats enforce byelaws and assist visitors

### Bunkering

Other than at an approved harbour fuel station, the Harbour Master's approval is required before bunkering operations take place. The Harbour Authority issues procedures for bunkering. For any bunkering at anchor or cargo vessels alongside, or vessels taking bunkers direct from road tankers - there is a checklist.

### Cargo Transfer

The Harbour Authority has various procedures in the Oil Spill Response Plan to control any oil cargo transshipment, following submission of a risk assessment.

### Commercial Anchorages

Anchorages are specified for large vessels.

## **Procedures for Leisure Management**

### Zones

Controlled areas with a 5-knot speed limit are provided for swimmers. Water ski approach lanes have been established at Elberry Cove and Livermead Sands

### Events

Notices to Mariners and special directions are issued for events as required.

### Moorings

Moorings are allocated by TBHC.

### Marinas

There are two marinas in Tor Bay Harbour. It is considered that both these marinas are managed safely.

### Enclosed Harbours

The Harbour Masters and the Harbour Master manage the enclosed harbours of Torquay, Brixham and Paignton.

### Leisure Anchorages

Anchorages are specified for large vessels. Controlled areas with a 5-knot speed limit are provided to safeguard swimmers. Water ski approach lanes have been established at Elberry Cove and Livermead Sands.

## **Procedures & Plans**

Standard Operating Procedures - Appendix 3

Tor Bay Harbour Authority Emergency Plan – Sept 2014

### 3.2.5 Pilotage

#### Policy for Pilotage:

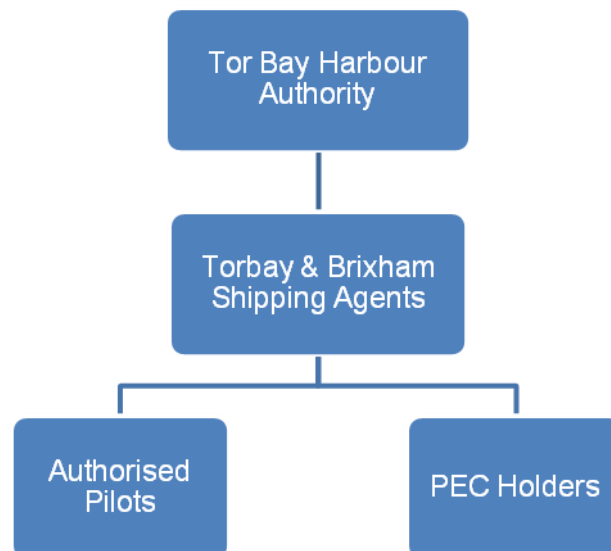
Torbay council, through its TBHC, is the competent harbour authority and accountable for the duty to provide a pilotage service; and for keeping the need for pilotage and the service provided under constant and formal review.

TBHC will therefore exercise control over the provision of the service, including the use of pilotage directions, and the recruitment, authorisation, examination, employment status, and training of pilots.

Pilotage shall be fully integrated with other harbour safety services under harbour Committee control.

Authorised pilots are accountable to their authorising authority for the use they make of their authorisations: TBHC shall have contracts with authorised pilots, regulating the conditions under which they work – including procedures for resolving disputes.

#### Pilotage Organisation and Management Responsibility



#### Procedures, Plans, Codes and Guides for Pilotage

Standard Operating Procedure 22 – Harbour Emergency

Standard Operating Procedure 28 – Pilotage & Defective Vessel Notification

Standard Operating Procedure 23 – Harbour Master's Directions

Standard Operating Procedure 47 – Security

Standard Operating Procedure 33 – Visiting Ships, Fishing Vessels, etc.

Tor Bay Harbour Emergency Plan – Oct 2015

The Port Marine Safety Code - A Guide to Good Practice on Port Marine Operations

### 3.2.6 Marine Services – Harbour Operations

#### Policy for Marine Services:

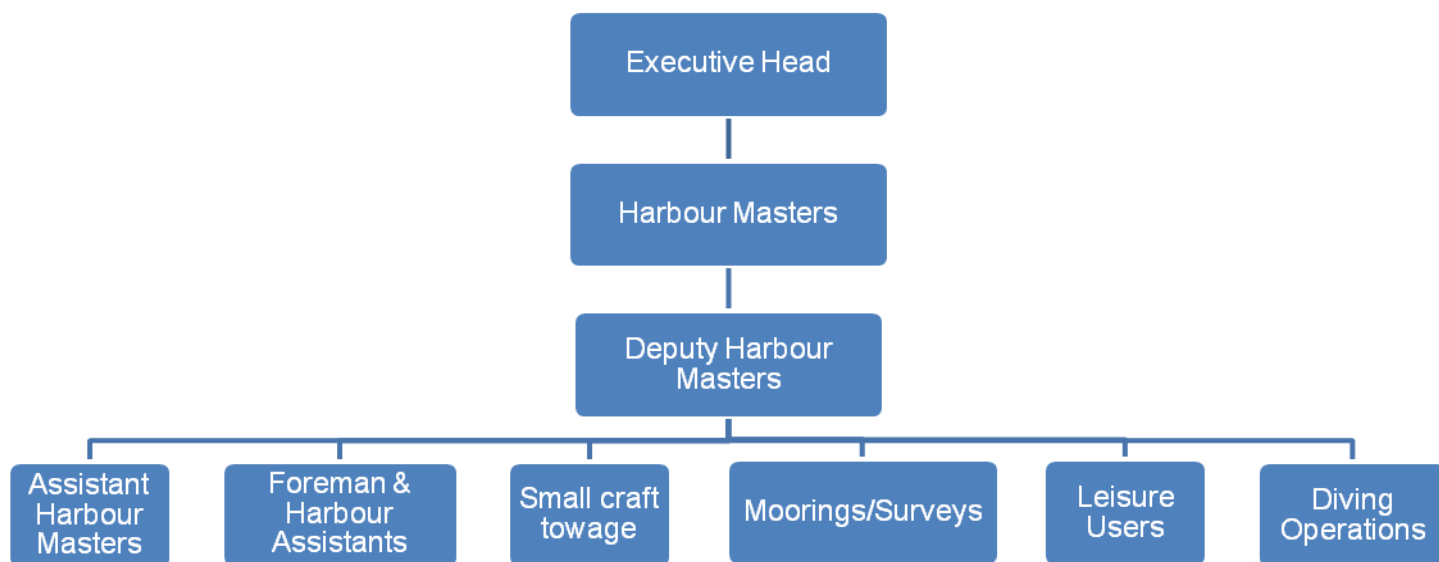
TBHC's safety management system shall cover the use of harbour craft and the provision of moorings.

The formal safety assessment shall be used to identify the need for, and potential benefits of use of harbour craft for safety management,

TBHC shall ensure that harbour vessels or craft, which are used in the harbour, are fit for purpose and that crew are appropriately trained and qualified for the tasks they are likely to perform.

Byelaws and the power to give directions are available for these purposes.

#### Harbour Operations Organisation and Management Responsibility



#### Marine Services Procedures

##### Bunkering

Other than at an approved harbour fuel station, the Harbour Master's approval is required before bunkering operations take place.

The Harbour Authority issues procedures for bunkering.

For any bunkering at anchor or cargo vessels alongside, or vessels taking bunkers direct from road tankers - there is a checklist.

##### Cargo Transfer

The Harbour Authority has various procedures in the Oil Spill Response Plan to control any oil cargo transhipment, following submission of a risk assessment.

##### Craft Regulation

For boats not subject to MCA licensing or coding conditions of operation are issued in accordance with the South West Regional Standing Committee on Safety of Small Craft.

Craft have to be surveyed, carry specific safety equipment and the boatman must be suitably qualified.

##### Towage

The staff operating harbour boats and pilot boats are experienced and suitably qualified to tow where and when necessary.

### Work Boats

Operating Code of Practice for relevant TBHC harbour craft.  
MCA and other relevant certification.

### Commercial Diving

TBHC contracts commercial divers to inspect moorings and provide maintenance as needed.  
A diving permit is required for all commercial diving operations - the operators' registration and safety policy are checked.

### Dredging

TBHC has inconsequential levels of maintenance dredging. Capital dredging is the responsibility of approved contractors.  
MFA licences are required for the disposal of dredged spoil. [See also Harbour Licences for Work]

### Moorings/Buoy Maintenance

Moorings/Buoys are inspected annually by divers and there is a maintenance programme.  
The adequacy of buoyage is regularly reviewed.  
Navigational buoy casualties are reported to Trinity House, who still undertake annual inspections / audits.

### Salvage

It is left to the owner to organise salvage of small craft except where safe navigation may be affected.  
In such cases, TBHC may use its powers to take possession of the vessel and arrange salvage. For large commercial vessels stranding or sinking within the harbour recovery measures will be supervised and approved as necessary.  
The necessary consultation with the owners and public interests would be undertaken.

### **Procedures**

Standard Operating Procedures - Appendix 3

## 4. MEASURING OF PERFORMANCE

### Measuring Policy

**TBHC will measure health and safety performance against predetermined standards.**

**Performance in complying with the TBHC safety management system will be required to meet the national standards as laid down in the Port Marine Safety Code.**

**Appropriate performance indicators will be set.**

**All accidents, incidents and near misses will be recorded and used to assist in assessment of the effectiveness of the Harbour Safety Management System.**

### Management of Standard Setting

**Standards will be set for operations in the following areas :-**

AREA	SET BY	REMARKS
Harbour Procedures & Operational Standards	Executive Head & Harbour Masters	PMSC Guide to Good Practice refers Internal Procedures
Pilot Boat Operations	Pilotage Contract	MCA Code of Practice. Torbay & Brixham Shipping Agents are the current service provider.
Harbour Launch Operations	Harbour Master	MCA Code of Practice. Internal Procedures
Maintenance of Infrastructure	Harbour Master	Internal Procedures
Hydrographic Surveys	Harbour Master	UKHO
Procedures	Executive Head	Part of Safety Management System
Financial Procedures	Torbay Council	Subject to Internal Audit

**Performance indicators are to include the following :-**

AREA	SET BY	REMARKS
Navigation Lights Availability	Trinity House	Records kept on the Trinity House software "PANAR" system. Also, on "SPAR.Net" – Torbay Council's Performance Management System ~ reviewed quarterly
Harbour Users Survey	Executive Head	On "SPAR.Net" – Torbay Council's Performance Management System ~ reviewed annually
Reduce the number of reportable accidents including RIDDOR	Executive Head	On "SPAR.Net" – Torbay Council's Performance Management System ~ reviewed quarterly
Implement the Safety Management System Improvement Plan	Harbour Committee	On "SPAR.Net" – Torbay Council's Performance Management System ~ reviewed annually
Incident Investigation	Executive Head	Data recorded and details reviewed bi-monthly
Response to Complaints	Torbay Council	Corporate complaints procedure
Enforcement Activity	Executive Head	Data recorded and details reviewed bi-monthly – no targets currently set

## 5. REVIEWING

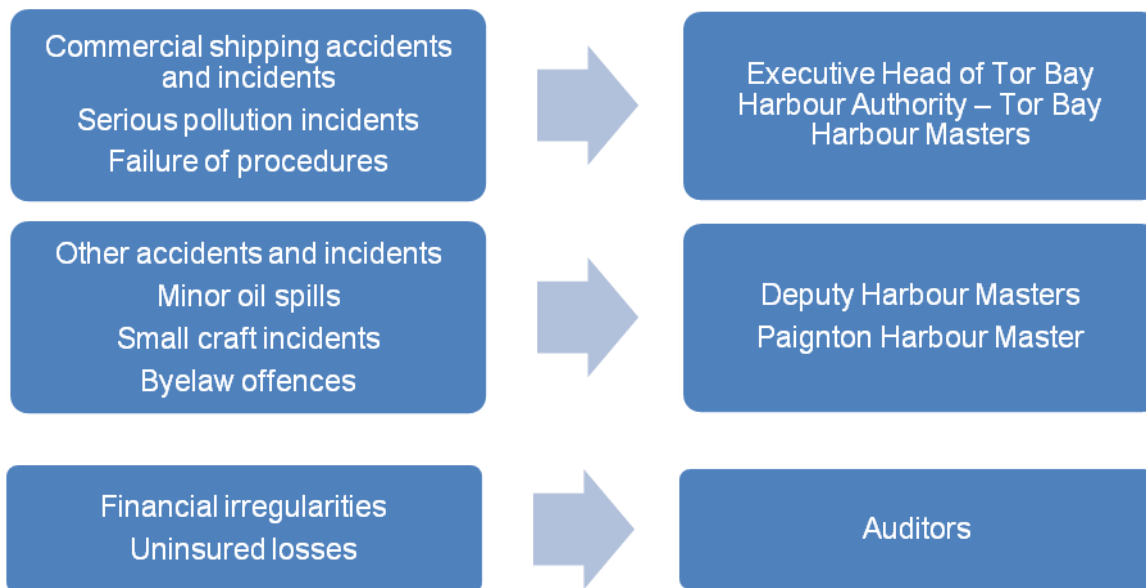
### Reviewing Policy

TBHC will monitor, review and audit the marine safety management system on a regular basis so that lessons are learned from all the relevant experience and such lessons are effectively applied.

Performance of the system shall be assessed against internal performance indicators and where appropriate, by benchmarking against other ports that have adopted good practice.

In light of these reports, the Executive Head of Business Services and the TBHC will consider whether their rules or working practices require amendment and will submit recommendations to Torbay Council.

### The responsibility for investigations and reports is assigned as follows:



### Procedure for Reviews

The Executive Head of Business Services will include in his bimonthly meeting of Harbour Masters a review of any accidents, incidents or near misses.

Investigations by the Harbour Master of marine incidents have two essential purposes :-

- a) to determine the cause of the incident, with a view to preventing a recurrence of that incident (or similar); and
- b) to determine if an offence has been committed: if so, there may be the need on the part of the harbour authority to initiate enforcement action that may lead to prosecution in our own right or through an agency of another authority such as the Police or the MCA.

By ensuring that a robust, rigorous, independent investigation has been carried out, the TBHC and the duty holder can be assured that their obligations for compliance have been addressed.

Any conclusions from investigations or lessons learned will be included in the minutes together with measures being taken to prevent a recurrence. If appropriate, a more detailed report will be submitted to the Harbour Committee, the Councils Health and Safety Officer and/or the MAIB, to the Chief Police Inspector and any other appropriate authorities, by the quickest means available.

Where necessary the MCA may undertake a verification visit. These verification visits are usually arranged following an MAIB investigation into an incident, but could also be triggered by other indicators of non-compliance.

Further reviews are undertaken in the meetings of the Harbour Liaison Forums.

Once every three years, the MCA will ask the “duty holder” to confirm in writing if their harbour authority is complying with the Code.

Every year the Designated Person will be asked to audit this Safety Management System and Tor Bay Harbour Authority’s compliance with the PMSC. Arising out of the most recent compliance audit and as part of the policy of continuous improvement, the following actions have commenced and/or are ongoing :-

1. The PMSC should be a standing agenda item on the Harbour Committee meetings.
2. The Tor Bay Harbour Committee should review the powers they have and assess whether they are sufficient to meet current need. If it is determined they are insufficient then they should apply to the DfT to be designated with powers of Harbour Direction.
3. Once the power of Harbour Directions has been obtained, Harbour Directions should be issued for new activities.
4. To ensure maximum notification to all harbour users / visitors Harbour Notices should be put on the various social media platforms that the Tor Bay Harbour Authority subscribes to.
5. Tor Bay Harbour Authority should continue to liaise with APBmer to ensure that the system access issue is resolved, thus ensuring that access can be appropriately apportioned.
6. We would recommend continual inspections to this area to establish levels of deterioration and if deemed necessary, consideration should be given to the closure of this area to the public if found unsafe.
7. We would recommend regular inspections of public walkways to ensure that they are kept clear at all times or diversion signs erected.
8. The aids to navigation should be subject to a formal risk assessment.
9. The contract for Pilotage services should be completed as soon as possible. Furthermore, the contract should include the requirement for ensuring staff are adequately qualified / trained; risk assessments are undertaken and regularly reviewed; and reference made to the requirements to comply with the PMSC and legislation / local byelaws.
10. Towage guidelines should be reviewed and made comprehensive.
11. The risk assessments for moorings maintenance should be reviewed to ensure it covers all three areas and if needed a SOP should be drawn up to cover the Torquay Inner Harbour and Town Dock thus ensuring there are no gaps
12. The training matrix should be reviewed and updated to reflect all current qualifications, furthermore the dates the qualifications need to be renewed should be entered thus ensuring that dates are not missed and qualifications have not lapsed.
13. A SOP should be drawn up to cover the maintenance / inspection of navigational aids. A full review of the training matrix for each area should be undertaken to ensure that all statutory courses for Torbay Council have been completed, courses renewed where applicable and that all staff listed are still current.
14. As reported above in (8), once the SOP is completed, a risk assessment should then be undertaken and demonstrate a link to the SOP.
15. The sufficiency of security and safety arrangements given recent reductions should be subject to monitoring in relation to increases in security and safety incidents.

## 6. RECORDING

### **Recording Policy**

**TBHC will maintain records of what has been done**

- Safety controls and responsibilities
- Maintaining a record of due diligence

### **Publication of Plans and Reports**

To demonstrate the authority's commitment to maritime safety and ensure the involvement of harbour users, the safety plan for marine operations shall be published every year at a TBHC meeting open to the press and the public and be available from the Harbour's web site. The plan shall illustrate how the policies and procedures will be developed to satisfy the requirements under the Code. It shall commit the authority to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment. It shall refer to commercial activities in the harbour; the efficient provision of specified services and the effective regulation of shipping. It shall also explain how commercial pressures would be managed without undermining the safe provision of services and the efficient discharge of its duties.

The duty holder will also publish an assessment of the harbour authority's performance against the plan. Information gathered from the monitoring and auditing of the marine safety management system, shall be used to support the analysis and conclusions.

**Appendix 1****RISK ASSESSMENTS - MarNIS Hazard List**

<b>ID</b>	<b>Scenario Name</b>	<b>Risk Score</b>
PE0028	Port infrastructure delay: Fishing Industry	
PE0029	Port infrastructure delay: Torquay Bridge & Cill	
PE0031	Road traffic congestion	
EP0032	Air pollution	
EP0033	Ballast water discharge	
EP0034	Other environmental: Hull Cleaning	
EP0036	Illegal waste discharge	
EP0041	Bunkering: and Fuelling	
CM0044	Natural Emergency: Storm event - surge and wave	
CM0045	Terrorist threat: Bomb Threat	
EP0072	Pollution in water	
NS0067	Other nautical safety: Diving commercial	2.5
NS0063	Fire/Explosion: Berthed	3.06
NS0003	Fire/Explosion: Anchored or Underway	3.44
NS0006	Capsizing/Listing: Large Vessels	3.94
NS0008	Collision - Multiple underway: Large Vessels - Underway and-or Anchor	3.94
NS0064	Vessel Wash: In harbours and shoreline	4.06
NS0062	Other nautical safety: Winter lift - towage and lifting	4.13
NS0009	Collision - Multiple underway: Small Vessels - Under 36m - Underway and-or Anchor	4.13
NS0001	Grounding/Stranding: Large vessels	4.19
NS0012	Contact - Floating object: Buoyage or Debris	4.19
NS0015	Equipment failure (Port): Cill Failure	4.44
NS0071	Flooding/Foundering: Large vessel	4.5
NS0065	Other nautical safety: Swimmers - In harbour and shoreline	4.81
NS0007	Capsizing/Listing: Small Vessels - under 36m	4.81
NS0014	Contact - Fixed object: Heavy berthing - All vessel types	4.81
NS0024	Salvage	5.06
NS0002	Grounding/Stranding: Small vessels - under 36m	5.56
NS0070	Flooding/Foundering: Small Vessels - under 36m	5.56
NS0069	Other nautical safety: Towage	5.81
NS0068	Other nautical safety: Event management - maritime	6
NS0066	Other nautical safety: Diving recreation	6.25

**Number of Hazards listed = 32****Average Risk Assessment Score = 4.53**

## RISK ASSESSMENTS - not listed on MarNIS

ID	Name	Date	Review Date	Status	Department
2	Angling	10/11/2010	9/10/17	Active	Marine
3	Boatyard Working	17/02/2010	28/4/16	Active	Marine
4	Car Parks & Boat Parks	17/02/2010	5/1/16	Active	Marine
5	Cranes (Mobile, Static & Hoists)	10/11/2010	10/11/16	Active	Marine
6	Harbour Events	17/02/2010	16/4/16	Active	Marine
7	Harbour Office	27/10/2014	1/2/16	Active	Admin
8	Harbour Workboats	17/02/2010	28/4/16	Active	Marine
9	Licensed Works (e.g. Dredging, Sea Defences)	14/11/2010	22/4/16	Active	Marine
10	Marina Working	17/02/2010	28/4/16	Active	Marine
12	Mooring & Unberthing	10/11/2010	10/11/16	Active	Marine
11	Mooring Maintenance	10/11/2010	13/11/16	Active	Marine
13	Public Access to Quays	16/11/2010	16/11/16	Active	Marine
14	Public Slipways & Launching Hards	17/02/2010	19/1/16	Active	Marine
15	Scrubbing Grids	10/11/2010	13/11/16	Active	Marine
16	Workshops	16/11/2010	28/4/16	Active	Marine

## Appendix 2

### RISK CONTROLS

- 1) Accurate tidal information - published & on internet
- 2) Aids to navigation, provision & maintenance - Trinity House inspected & audited, SMS 3.2.4
- 3) AIS coverage - public, on internet
- 4) Anchorage positions, designated – as per chart
- 5) Arrival/Departure, advance notice - AIS, CERS – SOP 33
- 6) Availability of latest hydrographic information - Hydrographic Office, SMS 3.2.2
- 7) Availability of pollution response equipment - Tier 1 onsite, Tier 2 contracted – SOP 46
- 8) Availability of suitably qualified workboat skippers - as recorded training
- 9) BSAC & PADI training schemes - public, SOP 50 Diving Permit
- 10) Bunkering areas, restricted - directions
- 11) Bunkering vessel checklist – SOP 31
- 12) Byelaws - 1994, and General Directions, SMS 2 – SOP 52
- 13) CCTV coverage - Council policy and guidance
- 14) Codes of practice - use of gill nets
- 15) Codes of practice - Yacht Harbours Association
- 16) COLREGS, applied within port/harbour - public
- 17) Communications - Dock/Jetty and all traffic - voice & VHF
- 18) Communications - Port and Agents - phone & email
- 19) Communications – Stakeholder - consultancy, SMS 5
- 20) Communications equipment - radios, walky-talky, VHF and emails
- 21) Contingency plan exercises - Emergency, Oil Spill & Resuscitation , SMS 3.2.1
- 22) Contractors Pass – provides access to work on the harbour estate
- 23) Diving at work regulations, HSE - public
- 24) Diving permit – SOP 50
- 25) Draught, accurate declared and within max limits - passage plans – SOP 33
- 26) Dredging programme – 3 yearly surveys, SMS 3.2.6
- 27) Emergency Plan (Council/Regional) – Torbay Council & Devon County Council
- 28) Emergency power supply - for Cill – SOP 17
- 29) Emergency services/ shoreside equipment – SMS 3.2.1
- 30) Environmental policy - SMS 3.2.3
- 31) Fatigue & health monitoring - as per Torbay Council Policy
- 32) General directions – Tor Bay Harbour Act 1970
- 33) Guidance for small craft - Stay Safe leaflet & Maritime Guide
- 34) Harbour Emergency Plan (local) - SMS 3.2.1
- 35) Harbour Master's powers of direction (Special Direction) – Tor Bay Harbour Act 1970
- 36) Hazardous cargoes, advance notice - CERS – SOP 53
- 37) Health & Safety policy - SMS 1

- 38) Hot works permit – SOP 24
- 39) Hydrocarbon tankers certified gas free – via ship's Agents
- 40) Hydrographic surveying program - SMS 3.2.2
- 41) Illness on board ship – SOP 25
- 42) Injurious vessel notice (Sec.23 Tor Bay Harbour Act)
- 43) Lifting operations & lifting equipment regs 1998 (LOLA) - SOPs 19 & 42
- 44) Local authority petroleum licence – required for South Pier, Torquay
- 45) Local Port Services – SMS 3.2.4 - SOP 33
- 46) LPS broadcast – VHF Radio Ch 14
- 47) Marine engineering support - public
- 48) Marine guidance notes (MCA MGNs) - public
- 49) Marine Safety Management System - SMS
- 50) MCA certificates of competency – training/manning requirement
- 51) MCA harmonised code of practice for commercial vessels - public document
- 52) MCA passenger vessel certification
- 53) Merchant shipping notices (MCA MSNs)
- 54) Monthly safety equipment checklist – internal control
- 55) Mooring plans - charted and as directed
- 56) Notices to Mariners - emailed & social media - SOP 51
- 57) Official warning - Enforcement Policy and SOP
- 58) Oil spill contingency plans – SMS 3.2.1 - SOP 46
- 59) PANAR Trinity House reports - online
- 60) Passage planning (Pilot/PEC) - Pilotage Manual, SMS 3.2.5
- 61) Passenger numbers declared - ferry operator MCA requirement
- 62) Patrol vessel – reactive, SOP 53
- 63) PECs, authorisation and control of - Pilotage Manual, SMS 3.2.5
- 64) Personal protective equipment – SOP 27
- 65) Personal safety risk assessment - Safety Policy SMS 1
- 66) Personal watercraft registration
- 67) Pilot boarding point, designated – marked on Chart 26
- 68) Pilot launch - licensed to contractor
- 69) Pilotage & Navigation procedure - Pilotage Manual, SMS 3.2.5
- 70) Pilotage directions - SMS 3.2.5
- 71) Pilotage service - SMS 3.2.5
- 72) PMSC compliance – Safety Management System (SMS) throughout.
- 73) Policy – Conservancy - SMS 3.2.2
- 74) Policy - Operational Moorings and Facilities - published annually
- 75) Port Equipment - SOPS 17 & 19
- 76) Port state control inspection by MCA
- 77) Port waste management plan - SMS 3.2.3
- 78) Portable appliance testing records – covered by SLA with the TDA

- 79) Prohibited anchorage areas - as Byelaws and directions
- 80) Proof of third party liability insurance – Contractors pass/competence, SOP 21
- 81) Provision & use of work equipment regs 1998 (PUWER)
- 82) Public access to working quays procedure - SOP 29
- 83) Requirement for notification of vessel defects - CERS – SOP 33
- 84) Risk based monitoring and assessment - SMS 3.1
- 85) Safe allocation of berths (depth, available, suitable) – SOP 33
- 86) Scrubbing grid/repair berth booking form - at Brixham, SOP 51
- 87) Shoreside facility maintenance programme - planned maintenance
- 88) Standard Safe Operating Procedures – covering a range of activities
- 89) Tor Bay Harbour website – useful information & external links
- 90) Towage guidelines - SOP 53
- 91) Towage, appropriate and available - by coded boats – SOP 53
- 92) Towage SMS – third party operators
- 93) Training & authorisation of harbour personnel - SMS 2
- 94) Training & authorisation of pilots - Pilotage Manual, SMS 3.2.5
- 95) Training of pollution response personnel - SOP 46
- 96) Weather forecast - public, on internet & posted in window
- 97) Weekly lifebuoy inspection – internal control
- 98) Workboats - maintained to certification standard – SOP 53

## Appendix 3

### STANDARD SAFE OPERATING PROCEURES

ID	Name
43	Abrasive Wheels
54	Boat Haul Out and Storage
17	Bridge & Cill
52	Bye Law Enforcement
21	Contractors & Construction
18	Control of Substances Hazardous to Health (COSHH)
19	Crane and Davit Operations
50	Diving Permit
48	Entering or Moving Vessels
20	Facility Audits
22	Harbour Emergency
45	Harbour Events
23	Harbour Master's Directions
24	Hot Work
25	Illness On Board Ship
44	Induction
56	International Catering Waste
26	Lone Working
42	Manual Handling
49	Mooring Maintenance
51	Office Procedures
46	Oil Pollution
27	Personal Protective Equipment (PPE)
28	Pilotage & Defective Vessel Notification
29	Public Access in Adverse Weather Conditions
47	Security
30	Surge Barriers & Flood Defence
31	Taking on Fuel
55	Unexploded Ordinance
32	Vehicles on Harbour Estates
34	Working at Height
53	Working on Workboats
33	Visiting Ships, Fishing Vessels etc

# Agenda Item 11



**Meeting: Harbour Committee**

**Date: 21<sup>st</sup> December 2015**

**Wards Affected: All wards in Torbay**


**Report Title: Review of Tor Bay Harbour Legislation**

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

**Supporting Officer Contact Details: Kevin Mowat**

**Executive Head of Business Services**

**Tor Bay Harbour Master**

 **Telephone: 01803 292429**

 **E.mail: [Kevin.Mowat@torbay.gov.uk](mailto:Kevin.Mowat@torbay.gov.uk)**

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## **1. Purpose**

- 1.1 In order to comply with the Port Marine Safety Code, the Harbour Committee, as the duty holder, on behalf of the harbour authority must review and be aware of their existing powers based on local and national legislation.

## **2. Proposed Decision**

- 2.1 **That, the contents of the report entitled 'Overview of Key Statutory Harbour Powers' for Tor Bay Harbour Authority, contained in Appendix 1, is noted.**
- 2.2 **That, the Executive Head of Business Services and Tor Bay Harbour Master, is authorised to apply to the Secretary of State for Transport, for Torbay Council (Tor Bay Harbour Authority) to be designated as a designated harbour authority for the purposes of section 40A of the Harbour Act 1964.**
- 2.3 **That, the harbour authority has had regard to the content of and agrees to comply with the Code of Conduct on Harbour Directions, in particular :-**
- a) To maintain a Port User Group and to apply a dispute resolution procedure such as is set out in the Code of Conduct when required; and**
  - b) To have regard to supplementary guidance issued from time to time by the National Directions Panel on the subject of harbour directions.**

## **3. Action Needed**

- 3.1 The Committee is asked to note that a review of Tor Bay Harbour's legislation, including byelaws and directions, has been concluded and that it remains mainly fit for purpose, with no need to dispense with redundant or obsolete legal functions.

- 3.2 As a result of the review of Tor Bay Harbour's legislation, it is recommended that the authority should seek additional powers that are deemed both necessary and desirable. Subject to approval of the recommendation set out in 2.2 above, the Executive Head of Business Services and Tor Bay Harbour Master will need to apply for such powers.

#### 4. **Summary**

- 4.1 In Order to comply with the Port Marine Safety Code, the Port Marine Safety Code Guide to Good Practice on Port Marine Operations (March 2015) ('**Guide to Good Practice**') states at paragraph 1.5 that :-

*"All legislation, including byelaws and directions, should be reviewed on a regular basis, preferably annually, to ensure that it remains fit for purpose in changing circumstances. The Code provides that the requirements for marine safety will be determined by risk assessment. If the legal responsibilities cannot be discharged effectively using available powers and other measures, and that authority does not have the powers to rectify the situation, then it should seek the necessary additional powers. In addition, it is good practice to dispense with redundant or obsolete legal functions."*

- 4.2 Having carried out a review of statutory harbour powers, it has been confirmed that the Authority currently only has very limited powers of general direction. As the Authority only has very limited powers of general direction, it should consider the guidance given in paragraphs 1.11 and 1.12 of the Guide to Good Practice with regard to general and harbour directions. This is particularly pertinent because the Department for Transport has currently opened a second round of applications for harbour authorities wishing to be designated with powers of harbour direction. The closing date for expressions of interest is 31 January 2016.
- 4.3 The decision as to whether to apply to be designated with powers of harbour direction should be taken on a risk based approach. The first step of which involves ascertaining whether there are any risks within the harbour (or any foreseeable future risks), which the Authority considers they do not have adequate current enforcement powers to deal with. In particular, given that powers of harbour direction relate to directing the movement, mooring, equipment and manning of ships, this area should be considered closely.

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#### **Supporting Information**

##### 5. **Position**

- 5.1 All legislation, including byelaws and directions, should be reviewed on a regular basis, preferably annually, to ensure that it remains fit for purpose in changing circumstances. The Code provides that the requirements for marine safety will be determined by risk assessment. If the legal responsibilities cannot be discharged effectively using available powers and other measures, and that authority does not have the powers to rectify the situation, then it should seek the necessary additional powers. In addition, it is good practice to dispense with redundant or obsolete legal functions.

- 5.2 It is essential that all harbour authorities are aware of their local duties and powers, and are well versed in all local legislation. Harbour authority boards and managers must understand clearly the meaning of all the relevant legislation which affects their harbour in order to avoid failing to discharge their duties or exceeding their powers.
- 5.3 Marine Enforcement Limited formally undertook a review of existing legislation in October 2002 and this was followed by a further internal review in 2010. The 2010 review reflected the extent to which appropriate systems were already in place, but it was also shaped by the level of ongoing stakeholder consultation, industry networking and the annual publication of Tor Bay Harbour's various safety policies. It is a requirement of the Code that each authority's policies and procedures should demonstrate that they are based upon a full assessment of the hazards, which have to be managed to ensure the safety of the harbour and its users.
- 5.4 In November 2015, Ashfords LLP were instructed to review the Authority's existing statutory powers and duties, including those related to the making of byelaws, directions or regulations (rather than the byelaws or directions themselves). The Ashfords report an 'Overview of Key Statutory Harbour Powers' is attached as Appendix 1.
- 5.5 Since the reviews of legislation in 2002 and 2010, the Harbours Act 1964 has been amended by the Marine Navigation Act 2013, and a new 'power of harbour direction' has been introduced. As part of its compliance with the Port Marine Safety Code, the Authority needs to consider whether to apply for powers of harbour direction.
- 5.6 Having carried out a review of statutory harbour powers, it has been confirmed that the Authority currently only has very limited powers of general direction. As the Authority only has very limited powers of general direction, it should consider the guidance given in paragraphs 1.11 and 1.12 of the Guide to Good Practice with regard to general and harbour directions.
- 5.7 In relation to general directions and harbour directions, the Guide to Good Practice (paragraphs 1.10 - 1.12) states :-

***"General Directions and Harbour Directions***

*1.10. Some harbour authorities have powers, through their local enabling legislation, to give 'general directions' to enable a harbour authority, after due consultation, to lay down general rules for navigation (subject to certain constraints) and regulate the berthing and movements of ships. These carry the force of law, but are often easier to achieve and amend than using byelaws, and thus act as a useful mechanism for managing navigation and furthering safety.*

*1.11. Harbour authorities would be well advised to secure these powers, by using a harbour revision order, to support the effective management of vessels in their harbour waters.*

*1.12. Alternatively harbour authorities may apply for designation with the power to give 'harbour directions'. Designation is a simpler process than obtaining a harbour revision order and the power of harbour directions is similar in relation directing the movement, mooring, equipment and manning of ships. A non- statutory Code of*

*Conduct on the use of this power has been agreed between representatives of the ports, commercial shipping and recreational sailing sectors."*

- 5.8 As the Authority only has very limited powers of general direction, it should consider the guidance given in paragraphs 1.11 and 1.12 of the Guide to Good Practice with regard to general and harbour directions.

## **6. Possibilities and Options**

- 6.1 The Harbour Authority could elect not to apply for Harbour Direction powers but this would not be in line with good practice.

## **7. Preferred Solution/Option**

- 7.1 For the Harbour Committee to note the contents of the review of existing legislation and to authorise the application for the additional powers of harbour directions.

## **8. Consultation**

- 8.1 This issue has been discussed with the two Harbour Liaison Forums. If the authority is successful in obtaining these additional powers it will need to maintain a Port User Group (Harbour Liaison Forums) and to apply a dispute resolution procedure such as is set out in the Code of Conduct when required. Furthermore, it will have to have regard to supplementary guidance issued from time to time by the National Directions Panel on the subject of harbour directions.

## **9. Risks**

- 9.1 If the authority does not seek these powers of harbour directions, it will not have at its disposal the full range of legislative options to safely manage the harbour. Such a decision could attract criticism from the Department for Transport, the Maritime & Coastguard Agency or the Marine Accident Investigation Branch.
- 9.2 A minor reputational risk exists if the authority does nothing.

## **Appendices**

Appendix 1 Tor Bay Harbour Authority – Overview of Key Statutory Harbour Powers (Ashfords LLP, 25<sup>th</sup> November 2015)

## **Additional Information**

The Port Marine Safety Code – March 2015 (DfT)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415007/Port\\_marine\\_Safety\\_Code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415007/Port_marine_Safety_Code.pdf)

A Guide to Good Practice on Port Marine Operations – March 2015 (DfT)

<https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations>

National Directions Panel – Supplementary Guidance: Code of Conduct on Harbour Directions



**Meeting: Harbour Committee**

**Date: 1<sup>st</sup> December 2015**

**Wards Affected: All wards in Torbay**


**Report Title: Man & Boy Statue Brixham Harbour**

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

**Supporting Officer Contact Details: Kevin Mowat**

**Executive Head of Business Services**

**Tor Bay Harbour Master**

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## 1. Purpose

- 1.1 This report provides information to the Harbour Committee on the “Man and Boy” memorial statue. The Brixham Town Council has been working on this project in conjunction with English Heritage and they would like to locate the statue on Kings Quay.
- 1.2 The Committee are asked to note that because Kings Quay is on the harbour estate, the Executive Head of Business Services will exercise his delegated authority to agree the location of the statue, in his capacity as Harbour Master and property owner representative, for and on behalf of the harbour authority (Torbay Council).

## 2. Summary

- 2.1 Campaigners hope that the life size “Man and Boy” statue will be placed on Kings Quay and unveiled to mark the 150<sup>th</sup> anniversary of the port’s lifeboat station.

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## Supporting Information

### 3. History & Funding Information

- 3.1 The Fishermen’s Mission noted several years ago that Brixham harbour was one of a very few major fishing port without a memorial statue dedicated to fishermen who had been lost at sea. A funding task force was subsequently developed to raise the necessary funds for such a statue.

- 3.2 The fundraising task force known as 'Fishermen in Sculptural Heritage' (FISH) was first formed in 2007 with the aim of commissioning the statue, to date it has raised £30,000. A further £30,000 is required by August 2016 so that the bronzing of the statue can be undertaken to complete the project.
- 3.3 The design is based on the etching "The Wheel", by the late local artist Arthur Briscoe. A Brixham based sculptor Elisabeth Hadley is creating the statue.

## **Appendices**

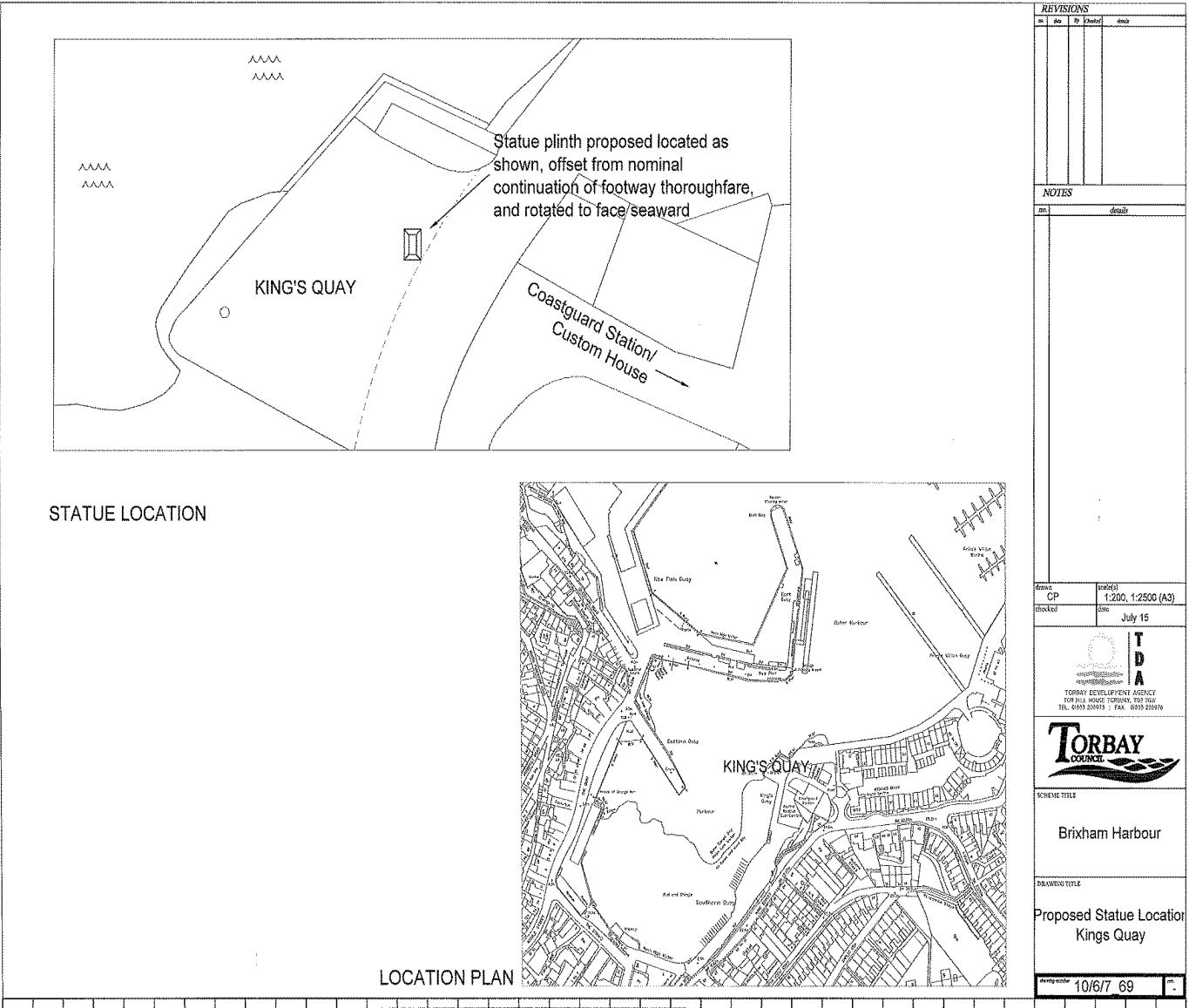
Appendix 1 – Man and Boy Statue

Appendix 2 – Proposed Statue Location

Appendix 1 – Man and Boy Statue



# Appendix 2 – Proposed Statue Location





**Meeting: Harbour Committee**

**Date: 21<sup>st</sup> December 2015**

**Wards Affected: All wards in Torbay**


**Report Title: Annual Tor Bay Harbour User Survey 2015**

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

**Supporting Officer Contact Details: Kevin Mowat**

**Executive Head of Business Services**

**Tor Bay Harbour Master**

 **Telephone: 01803 292429**

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## **1. Purpose**

- 1.1 This report provides Members with the detailed results of the Tor Bay Harbour Users Survey 2015.

## **2. Summary**

- 2.1 Every other year Tor Bay Harbour Authority aim to undertake a Customer Survey as part of an ongoing review of the services provided in Tor Bay Harbour.
- 2.2 The users survey coupled with the complaints and compliments feedback system, gives us a good indication of which of our services are meeting the customers' expectations and which are below the quality expected, and this enables the development of improvement actions.
- 2.3 All of the 2015 survey results are shown in Appendix 1 but a summary is set out below :-
- 83% of respondents feel that Tor Bay Harbour Authority properly manages safety in Tor Bay Harbour. (88% in 2013)
  - The majority of respondents that had used the facilities rated most of them very good or good.
    - As in previous years, the mooring facilities had the highest percentage of very good or good ratings at 51.5%.
    - The Tender Rack, Boat Park and Inner Dock (Torquay) were the least used facilities.

- Most respondents to the survey judge the overall quality of service within Tor Bay Harbour as either good or very good (76%). This was 81% in 2013.
  - Customer Service was rated the highest (89.7%) very good or good. (88% in 2013)
- 48% of respondents thought the quality of service had stayed the same in comparison with last year, compared with 60% in 2013. However, 41% thought it was slightly or much better; this figure was only 29% in 2013. 8% felt it was slightly or much worse.
- Nearly half of respondents (46%, same as in 2013) felt that the charges in Tor Bay Harbour compare favourably with other harbours but 38% answered they did not know. (37% in 2013)
- 55% of respondents choose to pay their account at the Harbour Office. 13.4% paid online with the majority of these finding it fairly easy to pay. In 2013, 54.6% said they would use the option to pay their account online.

#### 2.4 The respondent profile summary is as follows :-

- The majority of the respondents were male (91%) (92% in 2013). The largest age group was 65-74 (29%) (40% in 2013) followed closely by 55-64 (27%).
- Most home postcodes of respondents were from the areas TQ1, TQ2, TQ3, TQ4 and TQ5 totalling 66% of the responses given.
- Torquay enclosed harbour was the most used home port of respondents (61%) followed by Paignton and then Brixham.

#### 2.5 The information collected from the survey results will be used to make improvements to the provision of services provide by Tor Bay Harbour Authority.

## Appendices

### Appendix 1                      Annual Tor Bay Harbour User Survey Results – September 2015



Appendix 1

# Annual Tor Bay Harbour User Survey 2015

## Results September 2015

Method	Number of questionnaires returned
Online	202

This survey was open between 1<sup>st</sup> July and 31<sup>st</sup> August 2015

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# 1 Introduction

The PPR team conducted a survey on behalf of the Tor Bay Harbour Authority. This is an annual survey and is the first year that the survey has been made available online only opposed to previous years when paper questionnaires were distributed. The previous survey received 119 responses this year 202 have been received.

## 2 Methodology

The survey was open online from 1<sup>st</sup> July to 31<sup>st</sup> August 2015. Tables were constructed and percentages calculated using the overall number of questionnaires received (202) as the denominator unless otherwise stated.

## 3 Summary of results

- 83% of respondents feel the Tor Bay Harbour Authority properly manages safety in Tor Bay Harbour.
- The majority of respondents that had used the facilities rated most of them very good or good.
  - As in previous years surveys Mooring had the highest percentage of very good or good ratings at 51.5%.
  - The Tender Rack, Boat Park and Inner Dock (Torquay) were the least used facilities.
- Most respondents to the survey judge the overall quality of service within Tor Bay Harbour as either good or very good (76%).
  - Customer Service was rated the highest (89.7%) very good or good.
- 48% of respondents thought the quality of service had stayed the same in comparison with last year. However 41% thought it was slightly or much better, 8% felt it was slightly or much worse.
- Nearly half of respondents (46%) felt that the charges in Tor Bay Harbour compare favourably with other harbours but 38% answered they did not know.
- 55% of respondents choose to pay their account at the Harbour Office. 13.4% paid online with the majority of these finding it fairly easy to pay.

## **Respondent Profile Summary**

- The majority of the respondents were male (91%). The largest age group was 65-74 (29%) followed closely by 55-64 (27%).
- Most home postcodes of respondents were from the areas TQ1, TQ2, TQ3, TQ4 and TQ5 totalling 66% of the responses given.
- Torquay enclosed harbour was the most used home port of respondents (61%) followed by Paignton and then Brixham.

## 4 Results

### Facilities and Infrastructure

**Q1) Do you believe Tor Bay Harbour Authority are properly managing safety in Tor Bay Harbour?**

	Number	Percent
Yes	168	83.2%
No	17	8.4%
No response	17	8.4%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Q2) Please rate the following facilities and infrastructure:**

**Mooring:**

	Number	Percent
Very good	58	28.7%
Good	46	22.8%
Average	20	9.9%
Poor	3	1.5%
Very poor	2	0.9%
Not used / available	50	24.8%
No response	23	11.4%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Town Dock (Torquay):**

	Number	Percent
Very good	49	24.3%
Good	48	23.8%
Average	12	6.1%
Poor	3	1.4%
Very poor	1	0.4%
Not used / available	62	30.6%
No response	27	13.4%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Inner Dock (Torquay):**

	Number	Percent
Very good	46	22.9%
Good	30	14.8%
Average	8	3.9%
Poor	3	1.4%
Very poor	1	0.4%
Not used / available	90	44.7%
No response	24	11.9%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Quayside Berth:**

	Number	Percent
Very good	19	9.4%
Good	28	13.9%
Average	29	14.3%
Poor	6	3.0%
Very poor	0	0.0%
Not used / available	87	43.0%
No response	33	16.4%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Boat Park:**

	Number	Percent
Very good	9	4.6%
Good	19	9.5%
Average	28	13.8%
Poor	4	1.9%
Very poor	0	0.0%
Not used / available	104	51.4%
No response	38	18.8%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Tender Rack:**

	Number	Percent
Very Good	14	7.0%
Good	15	7.6%
Average	22	10.9%
Poor	4	2.0%
Very poor	0	0.0%
Not used / available	111	54.8%
No response	36	17.7%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Slipway:**

	Number	Percent
Very good	45	22.3%
Good	56	27.7%
Average	29	14.4%
Poor	7	3.4%
Very poor	2	1.0%
Not used / available	46	22.7%
No response	17	8.5%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Electricity:**

	Number	Percent
Very good	27	13.4%
Good	38	18.8%
Average	30	14.9%
Poor	24	11.9%
Very poor	6	3.1%
Not used / available	62	30.5%
No response	15	7.4%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Water:**

	Number	Percent
Very good	39	19.3%
Good	56	27.7%
Average	39	19.3%
Poor	14	7.0%
Very poor	9	4.5%
Not used / available	35	17.3%
No response	10	4.9%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Water Reception Facilities:**

	Number	Percent
Very good	17	8.5%
Good	33	16.4%
Average	20	9.9%
Poor	12	5.9%
Very poor	4	2.0%
Not used / available	86	42.4%
No response	30	14.9%
<b>Total</b>	<b>202</b>	<b>100%</b>

## General Service Provision

**Q3) How would you judge the overall quality of service within Tor Bay Harbour?**

	Number	Percent
Very good	74	36.6%
Good	79	39.2%
Average	28	13.9%
Poor	3	1.4%
Very poor	0	0.0%
No response	18	8.9%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Q4) In addition, please rate the following individual services:**

**Customer service:**

	Number	Percent
Very good	103	50.8%
Good	79	38.9%
Average	15	7.6%
Poor	2	1.1%
Very poor	1	0.5%
No response	2	1.1%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Publications / Noticeboard:**

	Number	Percent
Very good	65	32.2%
Good	93	45.9%
Average	38	18.8%
Poor	2	1.1%
Very poor	1	0.5%
No response	3	1.5%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Safety information / Signage:**

	Number	Percent
Very good	68	33.7%
Good	98	48.4%
Average	30	14.9%
Poor	3	1.5%
Very poor	1	0.5%
No response	2	1.0%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Events information:**

	Number	Percent
Very good	68	33.6%
Good	90	44.5%
Average	31	15.5%
Poor	8	3.9%
Very poor	3	1.5%
No response	1	1.0%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Administration:**

	Number	Percent
Very good	82	40.6%
Good	83	41.0%
Average	29	14.4%
Poor	4	2.0%
Very poor	2	1.0%
No response	2	1.0%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Q5) Would you say that in comparison to last year the quality of service provided in Tor Bay Harbour is:**

	Number	Percent
Much better	21	10.3%
Slightly better	62	30.7%
The same	96	47.6%
Slightly worse	13	6.4%
Much worse	3	1.5%
No response	7	3.5%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Q6) Do you believe the charges in Tor Bay Harbour compare favourably with those for other harbours?**

	Number	Percent
Yes	92	45.6%
No	32	15.8%
Don't Know	77	38.2%
No response	1	0.4%
<b>Total</b>	<b>202</b>	<b>100%</b>

## Payment Methods

**Q7) What method of payment did you choose to pay your harbour account with?**

	Number	Percent
Online	27	13.4%
Direct Debit	35	17.4%
Installments	11	5.4%
Harbour Office	111	54.9%
No response	18	8.9%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Q8) How easy did you find it to pay your harbour account online through the Torbay Council website? (On a scale of 1 to 10, 1 being very easy 10 being very difficult.)**

*This question was only asked to those respondents who answered online payment method.*

	Number
1 (Very easy)	7
2	3
3	4
4	4
5	3
6	2
7	2
8	2
9	0
10 (very difficult)	0
<b>Total</b>	<b>27</b>

**Q9) What if anything would make it easier to pay online?**

**Examples of comments made by respondents**

- *"Dedicated "Harbour" category rather than "miscellaneous"*
- *"it was not very clear what to do next"*
- *"For a while the harbour were unable to check if we had paid or not but we did however have an emailed receipt. Other than this slight niggle, no problems. Most people bank on line these days so it proved an easy transaction. It was unclear at the time which reference number we were meant to use whilst paying online."*
- *"Direct link from the Harbour website and language that makes sense."*
- *"I would prefer to pay by direct debit instalments but not when you penalise by charging for this facility."*
- *"Make the process more intuitive."*
- *"I tried to pay online via the Torbay Council Website but it would not recognise my given customer ref number despite repeated attempts to pay my two separate invoices. It proved easier in the end to call my local harbour office (Brixham) on the phone and pay by debit card! The 'Sundry Debtors' system does not give confidence that the online payments system recognises you as an individual customer/mooring holder and also that it can draw together all the aspects of your 'facility' so that you only make a single payment for your mooring & tender rack for example."*

**Q10) Are there any other comments you wish to make:**

*The most popular themes mentioned by respondents have been categorised below a full list of comments received can be found at appendix1.*

Category	Comments made by respondents
<b>Electricity</b>	<p><i>"Install power and water on each aisle"</i></p> <p><i>"The inner dock needs more power points, the service moorings are nearly always occupied, even after harbour office notices are dispatched asking for these mornings to be vacated. Clearly in the biggest majority of case no work is being carried out on vessels....."</i></p> <p><i>"More electricity points in the inner harbour."</i></p>
<b>Staff</b>	<p><i>"Really friendly helpful staff"</i></p> <p><i>"Very happy with the service provided at Brixham Harbour. Staff very good and accommodating. Couldn't ask for better....but please don't put the fees up!!"</i></p> <p><i>"Having moved our boat from Teignmouth 18 months ago we are still spell bound by the level of customer service we receive from the team. Well done to you all and please keep it up. You take customer service to the next level and we are very pleased to be your customers."</i></p>
<b>Washroom facilities</b>	<p><i>"Torquay harbour Toilets and washroom facility's are disgusting dirty and outdated. Should not be public."</i></p> <p><i>"Toilets and showers are poor and not cleaned regularly or well enough, they let the harbour down."</i></p> <p><i>"Toilet and shower facilities for harbour users only would be a tremendous benefit. If this cannot be achieved then the current facilities should be updated to include mirrors in the shower area and perhaps shaving facilities/power supplies for hairdryers etc."</i></p>
<b>Litter</b>	<p><i>"The inner harbour is a mess, Unlicensed broken tenders and broken electric points on the heritage pontoon."</i></p> <p><i>"Litter reduction in the inner harbour would help keep locals in favour as it's full of rubbish at the moment. Not great if you are an inner harbour user. I understand it's difficult to keep rubbish out but it looks a mess and this adds weight to the naysayers moans! Not sure what can be done to reduce litter from Boats maybe an email reminder? As an inner harbour user I am mindful of keeping rubbish to a minimum and using bins The cill issue was handled very well."</i></p>

	<p><i>"There is an awful amount of debris in the inner harbour and it mostly collects around the slipway and scruffy looking pontoons. I would suggest it needs a clean up."</i></p>
<p><b>Parking</b></p>	<p><i>....."Would it be possible to mark parking bays at drop off point to inner harbour so people do not park across three parking spaces eating there ice creams or waiting for Daisy or Fred to finish work and not giving a stuff about anyone else."</i></p> <p><i>. .... "As a person with disabilities as in an arthritic condition, I need to be able to park to drop off or pick up goods and this one bay needs to be restricted for our use rather than delivery vehicles and holiday makers just sitting in their cars to eat an ice cream or others visiting a cafe opposite. It seems ok to take our harbour dues and mooring fees but for us to do necessary work on our boats there is very little in the way of facilities where we as boat owners can do the work ourselves to keep costs down."</i></p>

## About you

**Q10) Are you Male or Female:**

	Number	Percent
Male	184	91.0%
Female	16	8.0%
No response	2	1.0%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Q11) Which of the following groups apply:**

	Number	Percent
0-15	0	0.0%
16-24	2	1.0%
25-34	7	3.6%
34-44	15	7.6%
45-54	47	23.4%
55-64	56	27.3%
65-74	58	28.7%
75-84	13	6.4%
85+	0	0.0%
No response	4	2.0%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Q12) Do you consider yourself to be disabled in any way?**

	Number	Percent
Yes	17	8.6%
No	181	89.4%
No response	4	2.0%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Q13) What is your home postcode?**

	Number	Percent
TQ1	37	18.3%
TQ2	34	16.8%
TQ5	25	12.3%
TQ4	20	9.9%
TQ3	18	8.9%
BS	6	2.9%
EX	3	1.4%
TQ14	2	0.9%
BA	2	0.9%
GL	2	0.9%
SL	2	0.9%
WV	2	0.9%
TA	2	0.9%
HP	1	0.5%
HR	1	0.5%
LE	1	0.5%
NP	1	0.5%
PL	1	0.5%
ST	1	0.5%
TQ13	1	0.5%
TQ9	1	0.5%
YQ	1	0.5%
No response	38	18.8%
<b>Total</b>	<b>202</b>	<b>100%</b>

**Q14) Which enclosed harbour is your home port?**

	Number	Percent
Brixham	41	20.3%
Paignton	31	15.4%
Torquay	124	61.4%
No response	6	2.9%
<b>Total</b>	<b>202</b>	<b>100%</b>

## **Appendix 1 – Q10 Full comments made by respondents.**

**Several pages of detailed comments were submitted by customers and these will be used to target specific areas of service improvement.**

For further information please contact the Policy Performance and Review team on 01803 207227 or email [consultation@torbay.gov.uk](mailto:consultation@torbay.gov.uk)

The information used to collate this report has been collected and processed in accordance with the Data Protection Act, 1998.

# Agenda Item 14



**Meeting: Harbour Committee**

**Date: 21<sup>st</sup> December 2015**

**Wards Affected: All wards in Torbay**


**Report Title: Internal Audit Report – Risk Management**

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

**Supporting Officer Contact Details: Kevin Mowat**

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## **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 Risk Management, which was concluded in June 2015.
- 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 approach to Risk Management 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 particular audit is from the rolling plan and focuses on risk management.
- 2.2 The audit scope had previously been agreed for 2015/16, as taken to Harbour Committee in June 2014; hence, this audit focussed on risk management and its associated controls. The audit was undertaken based on the following key risks areas bulleted below, following discussions with Harbour staff and Internal Audit's view on risk within the function :-
  - Risks not identified and managed;
  - H&S risks not identified and managed;
  - Failure to respond in an emergency;
  - Failure in Business Continuity and Service Delivery.

- 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 a good standard has been achieved. The opinion states that 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.
- 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 Business Services to enhance the internal control framework and mitigate identified risks where agreed. The Tor Bay Harbour Authority service has 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.

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## 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	Risks not identified and managed	Good Standard
2	H&S risks not identified and managed	Improvements Required
3	Failure to respond in an emergency	Good Standard
4	Failure in Business Continuity and Service Delivery	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.
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.
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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 23 recommendations of which 5 are 'High', 10 are 'Medium' and 8 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 December 2015.

## Appendices

Appendix 1            Devon Audit Partnership Internal Audit Report – Tor Bay Harbour Authority ~ Risk Management (June 2015) – Executive Summary

## Additional Information

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

Devon Audit Partnership Internal Audit Report – Tor Bay Harbour Authority ~ Risk Management (June 2015) RESTRICTED



Appendix 1

## Internal Audit Report

Tor Bay Harbour Authority  
- Risk Management

Torbay Council

*June 2015*

**OFFICIAL**



## Devon Audit Partnership

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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](mailto:robert.hutchins@devonaudit.gov.uk)

## Confidentiality and Disclosure Clause

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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 the organisation, 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

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The Tor Bay Harbour Authority is required to follow the corporate expectations in relation to risk management, health and safety, business continuity and emergency planning. However due to the specialist nature of the service provision, there is an additional requirement to meet the expectations and practices set out in the Port Marine Safety Code (PMSC) and a need for a specific emergency plan.

The Tor Bay Harbour Committee has adopted a health and safety management system in compliance with the principles set out in the Port Marine Safety Code (PMSC). The health and safety management system includes policies for emergency plans, conservancy, environment, management of navigation, pilotage and marine services.

The PMSC applies to all harbour authorities in the UK that have statutory powers and duties. It establishes the principle of a national standard for every aspect of port marine safety and aims to enhance safety for those who use or work in ports, their ships, passengers and the environment. It applies the principles of risk assessment and safety management systems to port marine operations. It provides a measure by which harbour authorities can be accountable for the legal powers and duties which they have to run their harbours safely and help to discharge their obligations effectively.

## 2 Audit Opinion

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**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.

## 3 Executive Summary

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Processes are established to identify and manage risks, and the Tor Bay Harbour Authority has been separately assessed as compliant with the Port Marine Safety Code. A specific Tor Bay Harbour Authority Emergency Plan is established and has been subject to testing through desk top exercises and a multi-agency exercise. In terms of business continuity, a plan exists but was not current at the time of the audit.

Recommendations have been made to ensure that risk areas identified in the emergency plan are risk assessed, to complete the standard operating procedures that support risk mitigation and to maintain the currency of risk assessments through ensuring that there are sufficient trained risk assessors, and that appropriate H&S training is completed by all staff in order to minimise the risk to personal and public health. The need for consistent recording of incidents / accidents was also identified along with the need to test the business continuity arrangements.

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

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The following table summarises our assurance opinions on each of the areas 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	Risks not identified and managed	Good Standard
2	H&S risks not identified and managed	Improvements Required.
3	Failure to respond in an emergency	Good Standard
4	Failure in Business Continuity and Service Delivery	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.

## 5 Issues for the Annual Governance Statement

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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

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The audit for 2014-15 has been undertaken based on key risks based on discussions with the department and Internal Audit's view on risk within the function. The key risks are:

- Risks not identified and managed
- H&S risks not identified and managed
- Failure to respond in an emergency
- Failure in Business Continuity and Service Delivery

## **7 Inherent Limitations**

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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**

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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**

