

## Appendix 1

### Review of Delegated Powers

	Description	Responsibility delegated by
8.	<b>Delegations to the Executive Head Tor Bay Harbour Authority</b>	
8.1	To serve or receive notices, make orders, authorise any action or the institution, defence or conduct of proceedings and appeals and authorise named employees to enforce specific powers.	
8.2	The following powers in this paragraph are statutory powers which cannot be exercised by any officer other than the Executive Head of Tor Bay Harbour Authority, his/her Deputy or appointed assistants (such appointments being specifically referred to in their job description). Likewise they cannot be withdrawn by the Chief Executive or any other officer.	Statutory delegation
8.2.1	To give general directions to regulate the movement and berthing of ships and the safety of navigation.	
8.2.2	To give directions prohibiting the entry into, or requiring the removal from, the Harbour of any dangerous vessels.	
8.2.3	To prohibit the entry into the Harbour, and to regulate the movement, of any vessel carrying dangerous substances and to control similarly the entry onto the Harbour estate of dangerous substances brought from inland.	
8.2.4	To detain a vessel, if the Executive Head of Tor Bay Harbour Authority has reason to believe that it has committed an offence by discharging oil, or a mixture containing oil, into the waters of the Harbour.	
8.2.5	Only in relation to property forming part of the Harbour Estate and always having first obtained the approval of a fellow or member of the Royal Institute of Charter Surveyors (RICS) as to the value and terms of such disposal :-	

	<b>Description</b>	<b>Responsibility delegated by</b>
8.2.5 Cont.	<ul style="list-style-type: none"> <li>(a) to grant or enter into the terms of leases, sub leases, or licences where the consideration does not exceed £25,000 per annum on any single transaction (or series of linked transactions);</li> <li>(b) To grant or enter into easements, licences, agreements, restrictive covenants or other rights or obligations where the consideration does not exceed £20,000 on any single transaction (or series of linked transactions);</li> <li>(c) To effect freehold disposals of land not required for operational purposes up to £100,000 in value;</li> <li>(d) To renew leases (regardless of the level of rent payable), licences and undertake a review of rents and licence fees when necessary and to agree surrenders, sub-letting and approve assignments;</li> <li>(e) To approve variations to (including the release of) restrictive and other covenants</li> </ul>	
8.2.6	To regulate the time and manner of a ship's entry into, departure from and movement within the Harbour waters and related purposes.	
8.3	<p>To vary (by addition or waiver (in full or as to part)) the approved Schedule of Harbour Charges in such manner as the Executive Head Tor Bay Harbour Authority shall consider reasonable; including for example (without restricting the generality of this power) where:</p> <ul style="list-style-type: none"> <li>(i) the Executive Head Tor Bay Harbour Authority considers the variation to be in the best interest of the Harbour Authority and/or local people;</li> <li>(ii) the Executive Head Tor Bay Harbour Authority considers the variation would fairly reflect actual or part-year usage;</li> </ul>	Council (as part of the budget)

	<b>Description</b>	<b>Responsibility delegated by</b>
8.3 Cont.	<p>(iii) the Executive Head Tor Bay Harbour Authority considers that it would be appropriate where a vessel owner/operator has made use of a facility as a result of what the Executive Head Tor Bay Harbour Authority considers to be extreme or unusual weather conditions, an accident at sea, or other emergency; and</p> <p>(iv) the Executive Head Tor Bay Harbour Authority considers it appropriate to levy a charge above or in addition to those matters contained within the approved Schedule of Charges for 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.</p>	Council (as part of the budget)

PROVIDED THAT the Executive Head Tor Bay Harbour Authority shall maintain a proper written record of all variations approved under this paragraph 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 under this paragraph.

**Updated and published on 22 February 2013**