

Friday, 14 March 2025

HARBOUR COMMITTEE

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

Monday, 24 March 2025

commencing at **5.30 pm**

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

Members of the Committee

Councillor Strang

Councillor Strang

Councillor Carter

Councillor Fellows

Councillor Fox

Councillor Penny

Councillor Twelves

External Advisor

Mr Day

A Healthy, Happy and Prosperous Torbay

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

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

HARBOUR COMMITTEE AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 5 - 6)
To confirm as a correct record the Minutes of the meeting of the Committee held on 2 December 2024.
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. **Port Marine Safety Code** (Pages 7 - 36)
For members to note the Audit that was undertaken by the Maritime and Coastguard Agency (MCA) of Tor Bay Harbour Authority against the Port Marine Safety Code (PMSC) and the associated action plan.
5. **Tor Bay Harbour Masters Safety and Management Report** (Pages 37 - 46)
To note a report on the above.
6. **Budget Monitoring 2024/2025** (Pages 47 - 58)
To consider a report on the above.
7. **Review of Delegated Authority** (Pages 59 - 66)
To consider a report on the above.
8. **Torquay/Paignton and Brixham Harbour Liaison Forums** (Pages 67 -

To note the minutes of the above Harbour Liaison Forums.

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Minutes of the Harbour Committee

2 December 2024

-: Present :-

Councillor Strang (Chairman)

Councillors Carter, Fox, Penny, Twelves (Vice-Chairwoman) and Foster

7. Apologies

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

8. Minutes

The Minutes of the meeting of the Harbour Committee held on 9 September 2024 were confirmed as a correct record and signed by the Chairman.

9. Harbour Committee Work Programme 2025/2026

Members noted the Work Programme for 2025/2026.

10. Tor Bay Harbour Budget Monitoring 2024-2025

Members received a report which provided an update on the overall budgetary position for Tor Bay Harbour Authority as at September 2024 compared against the budget approved at Council on 22 February 2024.

11. Harbour Budget 2025/2026 and Schedule of Fees and Charges

The Harbour Committee considered a report which set out the Tor Bay Harbour Authority Budget for 2025/2026 and the Schedule of Fees and Charges.

Members noted that the Interim Director of Tor Bay Harbour Authority would be completing a full review and inspection of the Harbour assets, infrastructure and operating procedure in early 2025, to inform a costed 10 year maintenance and replacement programme and future budgeting strategy for Tor Bay Harbour Authority.

Members requested that the Deputy Director of Finance provide a breakdown of the General Fund Contribution in future budget monitoring reports.

Resolved:

That the Cabinet be recommended to include the proposed balanced budget for the Harbour Authority 2025/26 and the associated Schedule of charges, dues and fees 2025/26, as set out at Appendices 1 and 2 of the submitted report, in its draft budget proposals to Council.

12. Tor Bay Harbour Operational Moorings Policy 2025/2026

The Committee received the submitted report on annual the review of the Tor Bay Harbour Operational Moorings Policy 2025/2026. It was noted that there were no changes to the previous year's Policy 2024/25, that had been approved at the Harbour Committee on 4 December 2023.

13. Torquay/Paignton and Brixham Harbour Liaison Forums

The Minutes of the meetings of the Torquay, Paignton and Brixham Harbour Liaison Forums held on 21 November 2024 and 22 November 2024 respectively were noted.

Chairman

Meeting: Harbour Committee

Date: 24 March 2025

Wards affected: All wards

Report Title: Port and Marine Safety Code Audit Report and Action Plan

When does the decision need to be implemented?

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

1. Purpose of Report

- 1.1. This report provides the Committee with an overview of the Audit that was undertaken by the Maritime and Coastguard Agency of Torbay Harbour Authority against the Port Marine Safety Code (June to August 2024) and the associated Action Plan

2. Reason for Proposal and its benefits

- 2.1 The Port and Marine Safety Code sets out a national standard for every aspect of marine safety and is applicable to Statutory Harbour Authorities.
- 2.2 The main objective of a health check is to measure the ports compliance with the Code and, where appropriate, identify ways in which compliance can be enhanced

3. Recommendation(s) / Proposed Decision

- 3.1 The results of the audit have been collated into an action plan which ensures Torbay Harbour remains legally compliant and safe. The action plan is presented to Members of the Harbour Committee for consideration and approval.

4. Appendices

- 4.1 Appendix 1: Port and Marine Safety Code: Health Check Report. Torbay. 9th July 2024
- 4.2 Appendix 2: Port and Marine Safety Code: Action Plan

5. Equality Impact Assessment

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

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

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

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

6. Cumulative Council Impact

6.1. None.

7. Cumulative Community Impacts

7.1. None.



Maritime &
Coastguard
Agency

Port Marine Safety Code: Health Check Report

Torbay

Date conducted: 3 July 2024

Report date: 9 July 2024

Issued by: Bill Bennett and Danny Hawkins



Introduction and background

The Port Marine Safety Code (“the Code”) sets out a national standard for every aspect of port marine safety.

Its aim is to enhance safety for everyone who uses or works in the UK port marine environment. It is endorsed by the UK Government, the devolved administrations, and representatives from across the maritime sector and, while the Code is not mandatory, these bodies have a strong expectation that all harbour authorities will comply.

The Code is intended to be flexible enough that any size or type of harbour or marine facility will be able to apply its principles in a way that is appropriate and proportionate to local requirements.

Who is the code for?

The Code is applicable both to SHA’s and to other marine facilities which may not have statutory powers and duties.

These are collectively referred to throughout the Code as ‘organisations’ and may include, but are not limited to, the following:

- competent harbour authorities (authorities with statutory pilotage duties)
- municipal port or harbour authorities
- trust port or harbour authorities
- private port or harbour authorities
- marine berths, terminals or jetties

Many of the organisations to which this Code applies will have important legal duties relating to the safety of people who work at, or use, their harbours or facilities, and to the wellbeing of the port marine environment and community.

The responsibility for maintaining port marine safety is governed not only by marine legislation, such as the Pilotage Act 1987 and Merchant Shipping Act 1995 referred to in the Code, but also by general legislation, such as the Health and Safety at Work Act 1974 and the Corporate Manslaughter and Corporate Homicide Act 2007.

The Code covers responsibilities for port marine safety but does not purport to cover all the legal duties or responsibilities of organisations or all their safety responsibilities. The Code does not, for example, relate to duties and responsibilities deriving from health and safety legislation, and (with some exceptions) those relating to the safety of vessels under the Merchant Shipping Acts. However, it has been designed so that compliance with the good practice guidance in the Code should be fully compatible with other duties and responsibilities.

Maritime and Coastguard Agency's responsibility

The Maritime and Coastguard Agency (MCA) is generally responsible for supporting DfT in developing and implementing the Government's maritime safety and environmental protection strategy.

The MCA is responsible to the Secretary of State for Transport in advising on the composition and application of this Code to all ports in the UK. This includes but is not limited to:

- the conducting of health checks (see below)
- monitoring the compliance of harbour authorities against the Code
- the facilitation of regular meetings between port authorities, related to maritime industries operating within ports and government within the context of this Code in order to exchange opinions and developments which may have a bearing on the content of the Code and the way in which it is applied
- the production of an annual report highlighting emerging trends identified during health checks
- other technical assistance which may be required by the DfT

Health check visits

Health check visits are intelligence led and may be triggered for a variety of reasons ranging from reports, which suggests a failure in a port's Marine Safety Management System (MSMS) to a Marine Accident Investigation Branch (MAIB) recommendation.

Ports may also wish to volunteer for a health check.

The main objective of a health check is to measure the ports compliance with the Code and, where appropriate, identify ways in which compliance can be enhanced.

It will also aim to identify and share any best practice.

Visits are managed by authorised MCA personnel.

Health check report

This report is based on the finding of the health check visit.

The report is broken down into the 10 areas of the Code that are required to meet full compliance.

It is important to note that some of these areas will not be required for non-statutory port and marine facilities.

This will be reflected in the health check report on a case-by-case bases; and a notation will be made in the report to reflect this.

Observations and non-compliance will be noted in the comments sections and an indication of status on compliance will be marked in the status box.

Non-conformity

- Corrective action required

Observation

- Requires review

No non-conformities

- No non-conformities/observations found during health check

This report covers what was observed within the scope and time available of the health check visit only.

It remains the responsibility of the Duty Holder to ensure full and ongoing compliance with the Port Marine Safety Code.

Report categories

The following is a list of the elements of this report. Each area will reflect the sub-category as outlined in the Code.

1. Duty Holder

Formally identify and designate the DH, whose members are individually and collectively accountable for compliance with the Code, and their performance in ensuring safe marine operations in the harbour and its approaches.

2. Designated Person

A 'DP' must be appointed to provide independent assurance about the operation of the marine safety management system. **The DP must have direct access to the duty holder.**

3. Legislation

The DH must review and be aware of their existing powers based on local and national legislation, seeking additional powers if required to promote safe navigation.

4. Duties and powers

Comply with the duties and powers under existing legislation, as appropriate.

5. Risk assessment

Ensure that marine risks are formally assessed and are eliminated or reduced to the lowest possible level, so far as is reasonably practicable, in accordance with good practice.

6. Marine Safety Management System (MSMS)

Operate an effective MSMS which has been developed after consultation, is based on formal risk assessment, and refers to an appropriate approach to incident investigation.

7. Review and audit

Monitor, review and audit the risk assessment and MSMS on a regular basis – the DP has a key role in providing assurance for the duty holder.

8. Competence

Use competent, trained, qualified and experienced people in positions or responsibility for managing marine and navigation safety.

9. Plan

Publish a safety plan showing how the standards in the Code will be met and produce a report assessing performance against that plan at least every 3 years.

10. Aids to navigation

Comply with directions from the GLA's and supply information and returns as required.

Report

Present at health check

Name	Organisation	Position
Bill Bennett	MCA	Principal Surveyor
Danny Hawkins	MCA	Nautical Surveyor
Rob Parsons	Torbay Harbour	Harbour Master & Divisional Director
Andrew Strang	Torbay Council	Chairman of Torbay Harbour Committee and Duty Holder

Port facility information

Torbay Harbour includes all of the area contained within a line half a mile seaward of a line from Sharkam Point to a position approximately 2.5 miles north of Hope's Nose. Within this large area are the harbour facilities at Brixham, Paignton and Torquay. Brixham is the most significant of the three as a major fishing port in the South West of England with busy ferry services to and from Dartmouth and to the other ports of Torbay. In addition all three provide facilities for inshore fishing and code vessels. Torbay is also a destination for visiting cruise liners which anchor in the bay and land their passengers by tender at Torquay.

Torquay and Brixham have large marinas which are independently managed by MDL and are separately PMSC compliant. They are not included in this health check although, because of their close proximity, the associated marine traffic is considered.

Torbay Council are the established CHA under the terms of the Torbay Harbour Act 1970, The Torbay Harbour Bye-Laws were constituted under sections 45 and 48.

1. Duty holder

The DH is responsible for ensuring that the organisation complies with the code.

To effectively undertake this role, they should:

- be aware of the organisation's powers and duties related to marine safety
- ensure that a suitable MSMS, which follows formal safety techniques, is in place
- appoint a suitable DP to monitor and report the effectiveness of the MSMS and provide independent advice on matters of marine safety
- employ competent people to manage marine safety
- ensure that the management of marine safety continuously improves by publishing a marine safety plan and reporting performance against the objectives and targets set
- report compliance with code to the MCA every 3 years

MCA comments:

- The overall responsibility for the port lies with Torbay Council however the DH responsibility has been delegated to the Torbay Harbour Committee. The MCA Team were very grateful for the attendance of the Committee Chairman, Councillor Strang, during the health check. Councillor Strang and his Committee are fully committed to the implementation of the PMSC.
- The ability for the HM to report directly and routinely to the DH on port safety matters is crucial to compliance with the PMSC. The Harbour Committee meets quarterly, however there is no specific PMSC item on their agenda.
- A recent fire on a large pleasure craft berthed in Torquay led to a multi-agency response and was declared a 'major incident' by the Emergency Services. This incident demonstrates the potential for a serious accident within the Port's jurisdiction. It is important the DH has the confidence that there are sufficient qualified personnel across all three ports to deal with these situations. Although there was a follow up by the MAIB this incident would be worthy of an independent investigation by the DP.

Compliance status:

Non-conformity

- Corrective action required

2. Designated Person

Each organisation must appointment an individual as the DP to provide independent assurance directly to the duty holder that the MSMS (for which the duty holder is responsible for) is working effectively.

Their main responsibility is to determine, through assessment and audit, the effectiveness of the MSMS in ensuring compliance with the code.

To fulfil this function, the designated person must have a thorough knowledge and understanding of the requirements of this code (and supporting guide to good practice) and associated port and marine legislation.

This role does not obscure the accountability of the organisation's DH.

MCA comment

- The responsibility for appointing the DP lies with the DH. The HM of the nearby Harbour of Teignmouth was appointed DP on a reciprocal arrangement with the HM of Torbay. Due to changes in key personnel this arrangement has broken down and there is currently no active DP involvement. It is important a DP is appointed asap.
- Please see comment at item 1. The ability of the DP to provide an independent report to the DH on serious incidents is key to PMSC compliance.

Compliance status:

Non-conformity

- Corrective action required

3. Legislation

The DH must review and be aware of the organisation's powers based on local and national legislation, seeking additional powers if required in order to promote safe navigation.

Organisations must ensure that all policies and procedures are properly and effectively enforced and that adequate resources are available for this purpose. Byelaws and directions adopted in order to manage identified marine risks must be backed by an appropriate policy on enforcement. Organisations should have a clear policy on prosecution which is consistent with the risk assessment on which its direction is based.

MCA comments:

- The Torbay Harbour Act 1970 applies and has been regularly reviewed.

Compliance status:

No non-conformities

- No non-conformities/observations found during health check

4. Duties and powers

General duty and powers: for the purpose of the code, the DH should ensure that the harbour authority or the organisation discharges its responsibilities for:

- safe and efficient port marine operations
- open port duty
- conservancy duty
- revising duties and powers
- environmental duty
- civil contingencies duty
- harbour authority powers
- power of direction – powers to direct vessels are available and should be used where appropriate to support safe navigation
- regulation of dangerous vessels and substances – dangerous vessels and dangerous substances (including pollution) must be effectively managed
- pilotage – a pilotage service must be provided if required in the interest of safety as determined by risk assessment

MCA comments:

- Torbay is a CHA providing a compulsory pilotage service for vessels over 80m in length. There are approximately only 4 acts of pilotage annually. This is not sufficient to support an independent validation process. The pilotage service is provided through Brixham Shipping Agency relying on 3 qualified pilots made available from adjacent ports. It is important that the Torbay HM has oversight of their validation process.
- There are numerous domestic passenger vessels operating in Torbay. In Brixham there is one landing stage for small passenger vessels. The berthing schedule is at the discretion of the Boatmasters involved. It is important the HM has confidence that this operation is managed safely. At a previous HC it was suggested that one option was to introduce a PEC requirement for these Boatmasters as a way of improving the safety of the operation. This recommendation still stands.

Compliance status:

Observation

- Requires review

5. Risk assessment

The risks associated with marine operations need to be assessed and a means of controlling them needs to be deployed. The aim of this process is to eliminate the risk or, failing that, to reduce risks as low as reasonably practicable. Formal risk assessments should be used to:

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

MCA comments:

- Regularly reviewed RAs are available. It is important the Marine RAs are separately identified from other risks found within the port.

Compliance status:

No non-conformities

- No non-conformities/observations found during health check

6. Marine Safety Management System (MSMS)

The MSMS should incorporate safety policies and procedures to:

- ensure there is proper control of vessel movements by regulating the safe arrival, departure and movement within the harbour/port for all vessels
- protect the general public from dangers arising from marine activities within the harbour/port
- allow functions to be carried out with special regard to the possible environmental impact
- prevent acts or omissions that may cause personal injury to employees or others

The MSMS should also:

- confirm the roles and responsibilities of key personnel at the organisation
- outline present procedures for marine safety within the harbour or facility (including the approaches)
- measure performance against targets (organisation must have a database or system to record incidents or near misses)
- refer to emergency plans that would need to be exercised
- be audited internally on an annual basis

MCA comments:

- There currently 3 large marinas managed by MDL. These facilities have separately declared compliance with the PMSC, however it is important that the Torbay HM, with the overall SHA responsibility, is confident that the MSMS of each marina is compatible with that of the SHA. This exercise has yet to be undertaken.
- The port has a significant number of small commercial vessels from FVs, DPVs to Code Vessels. It is recommended that a record of these vessels is maintained to give the HM the confidence that all vessels based in the port are operating legally.
- The MSMS does not contain any weather criteria for operation. Each facility is conflicted by weather conditions differently depending mostly on the wind direction. It may be worthwhile considering introducing weather related operating protocols particularly in relation to the domestic passenger vessels. The assessment of visibility would be an important risk factor.

Compliance status:

Non-conformity

- Corrective action required

7. Review and audit

The MSMS must incorporate a regular and systematic review of its performance. This should be based on information from monitoring the system itself and from independent audits of the whole system. Performance of the MSMS should be assessed against the internal performance indicators and where appropriate, by benchmarking against other similar organisations that have adopted good practice.

The DH must also publish an assessment of the organisation's performance against the plan.

Information gathered from the monitoring and auditing of the MSMS should be used to support the analysis and conclusions.

Under the code, all persons involved in the management and execution of marine services should be qualified and trained to the appropriate national standard.

Organisations must assess the fitness and competence of all persons appointed to positions with responsibility and navigation safety. A policy on revalidation or maintenance of qualifications should also be considered.

Achieving port marine safety is a team operation and people in these roles must be competent and adequately trained, qualified and experienced.

MCA comments:

- The HM has recently completed a review of the MSMS followed by a comprehensive report.

Compliance status:

No non-conformities

- No non-conformities/observations found during health check

8. Competence

Use competent, trained, qualified, and experienced people in positions of responsibility for managing marine and navigation safety.

MCA comments:

- The HM has completed the Lloyds HM Diploma and has aspirations to complete the UKHMA Certificate. There is currently a Deputy HM and two assistants who may benefit from a similar opportunity.

Compliance status:

No non-conformities

- No non-conformities/observations found during health check

9. Plan

To demonstrate the organisations commitment to marine safety and to ensure the involvement of harbour users, a safety plan for marine operations should be published at least once every three years.

The plan should illustrate how the policies and procedures will be developed to satisfy the requirements under the code. It should commit the organisation to undertake and regulate marine operations in a way that safeguards the harbour/facility, its users, the public and the environment.

It should refer to its commercial activities, the efficient provision of specified services and the effective regulation of vessels including near miss reporting.

It should explain how commercial pressures would be managed without undermining the safe provision of services and the efficient discharge of its duties.

The DH must also publish an assessment of the organisation's performance against the plan.

Information gathered from the monitoring and auditing of the MSMS should be used to support the analysis and conclusions.

The DH must report compliance with the code to the MCA every three years.

MCA comments:

- The elements of a Marine Safety Plan lie within a general Council document. It is recommended that a 3 yearly Marine Safety Plan, specific to the harbour operations, is produced for the review and comment of DP.

Compliance status:

Non-conformity

- Corrective action required

10. Aids to Navigation

All aids to navigation must be maintained by the harbour authorities and any other existing local lighthouse authorities must be maintained in accordance with the availability criteria laid down by the GLA's and must be subject to periodic review.

The characteristics of these aids to navigation must comply with the 'International Association of Lighthouse Authorities Guidelines and Recommendations'

Information and periodic returns must be supplied, when required, to the appropriate GLA's.

MCA comments:

- A to N are regularly serviced. The GLA has completed an inspection within the past 12 months.

Compliance status:

No non-conformities

- No non-conformities/observations found during health check

Summary of findings and recommendations

No.	Category	Compliance status
1	Duty Holder	
2	Designated Person	
3	Legislation	
4	Duties and powers	
5	Risk assessment	
6	Marine Safety Management System	
7	Review and audit	
8	Competence	
9	Plan	
10	Aids to Navigation	

Glossary

ALARP	As Low As Reasonably Practical
CHA	Competent Harbour Authority
CPD	Continuing professional development
DfT	Department for Transport
DH	Duty Holder
DP	Designated Person
HM	Harbour Master
GLA	General Lighthouse Authority
GTGP	Guide to Good Practice
KPI	Key Performance Indicator
MAIB	Marine Accident Investigation Branch
MCA	Maritime & Coastguard Agency
MPX	Master/Pilot exchange
PMSC	Port Marine Safety Code
PEC	Pilot Exemption Certificate
MAIB	Marine Accident and Investigation Branch
MSMS	Marine Safety Management System
NRA	Navigational Risk Assessment
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation
(F) RA	(Formal) Risk Assessment
SHA	Statutory Harbour Authority
VTS	Vessel Traffic Service
LPS	Local Port Services

Further information

Maritime and Coastguard Agency

Spring Place
105 Commercial Road
Southampton SO15 1EG

Safer lives, safer ships, cleaner seas

www.gov.uk/mca

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Tor Bay Harbour Authority Port Marine Safety Code Action Plan

March 2025

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

1. Introduction and Background

The Port Marine Safety Code (“the Code”) sets out a national standard for every aspect of Port Marine safety. The Code is not mandatory and intended to be flexible enough to apply its principles in a way that is appropriate to local requirements,

This Action Plan has been written in response to the Port Marine Safety Code (PMSC), Health Check Report issued 9 July 2024 by the Maritime and Coastguard Agency.

The Health Check is broken down into ten categories which reflect the contents of the Code, and the action plan will reflect the recommendations of the report against only those categories which require action.

2. Action Plan

Category: Duty Holder

Compliance Status: Non-Conformity

Action Required:

- 1) Standing agenda item at Harbour Committee for Harbour Master to update Harbour Committee (Duty Holder) on Safety and Management Issues [COMPLETE]
- 2) Ensure that there are suitably qualified staff available across the Harbour Estate. [ONGOING]

Category: Designated Person

Compliance Status: Non-Conformity

Action Required:

- 1) Independent and suitably qualified Designated Person be appointed to provide independent assurance directly to the Harbour Master and Duty Holder [COMPLETE – ABP Mer]

Category: Duties and Powers

Compliance Status: Observation

Action Required:

- 1) Harbour Master to review and validate Pilot Licenses and Pilotage Acts. [COMPLETE]
- 2) Only MCA Coded vessels with suitably qualified boat master or equivalent certificate to be authorised to operate domestic passenger services with the Authority area. [ONGOING]
- 3) Harbour Master to spot check MCA coded vessels and certification relating to Domestic Passenger Vessels (DPV's) operating within the Harbour. [ONGOING]

Category: Marine Safety Management System (MSMS)

Compliance Status: Non-Conformity

Action Required:

- 1) Harbour Master to meet with MDL to review and assess compatibility of MSMS systems [COMPLETE]
- 2) MSMS is regularly reviewed to ensure all vessels operating in Tor Bay Harbour are doing so legally and in compliance with the MSMS [ONGOING]
- 3) Consideration is given to produce weather related operating protocols [Considered by Harbour Master - All DPV's have qualified Skippers that are certificated by the MCA. The vessel's skipper is ultimately responsible for the safety of his passengers and vessel and will be the most qualified as to the limits of his vessel, which would be dependent on the size, power, navigation equipment including radar etc. As all vessels are different, setting weather parameters is inappropriate and un-enforceable.]

Category: Plan

Compliance Status: Non-Conformity

Action Required:

- 1) A 3-year Marine Safety Plan, specific to Harbour operations is produced. [Following initial audit by newly appointed Designated Person plan will be completed – September 2025.]

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Meeting: Harbour Committee

Date: 24 March 2025

Wards affected: All wards

Report Title: Harbour Masters Safety and Management Report

When does the decision need to be implemented?

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

1. Purpose of Report

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

2. Reason for Proposal and its benefits

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

3. Recommendation(s) / Proposed Decision

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

4. Appendices

- 4.1 None.

5. Background Documents

- 5.1 None.

Supporting Information

6. Safety.

- 6.1 Storm Darragh caused some major problems in Brixham Harbour with the damage to the “cuttle Market” roof; yachts in the outer mooring going adrift and sinking; and quay bollard

ripped out. The market roof has been repaired, and the yachts have all been recovered and disposed of. Storm Darragh highlighted the need to make an amendment to the Harbours Moorings Policy with the addition in the terms and conditions of compulsory wreck recovery for all vessels except jet skis and dinghies. Ongoing discussions with relevant insurance companies are taking place regarding recovery costs.

- 6.2 A significant pollution incident in Brixham Inner Harbour required implementation of our OPRC plan and the attendance of our Tier 2 responder. The MCA counter pollution officer visited the port several days later for a briefing on the incident and especially our response. The Officer was very satisfied with all aspects of the actions taken and agreed to allow this incident to be counted as the tri annual OPRC exercise which was due in May 2025. All costs for the clean-up were recovered from the polluter.
- 6.3 A fishing vessel caused damage to the Ferry pontoon in Brixham causing damage to the pontoon decking and navigation light. All fishing vessels have now been banned from berthing on this pontoon unless authorised by the Harbour Authority and only for critical need.
- 6.4 A motor vessel launch sunk in MDL's Torquay Marina which the Harbour Authority team were required to assist with for refloat and eventual disposal. All costs were recovered from the vessel's insurance.
- 6.5 A large-scale clean-up of all the Brixham fish quays were completed over two weekends at the end of January with the much-appreciated help of "Swisco". Torquay and Paignton Harbours have been maintained to a satisfactory condition throughout.
- 6.6 Temporary concrete repairs have been made and are ongoing to the Brixham Breakwater slipway.
- 6.7 Refurbishment to Storeroom number 10, in Torquay to permit storage of flammable materials and allow the extraction of fumes from paint and fuel etc, and to contain spills.
- 6.8 New concrete permanent steps constructed to allow waste oil to be decanted into bund on Haldon Pier, these replace ageing wooden steps in poor condition.
- 6.9 Pot hole/trip hazard repaired on Paignton South Quay entrance
- 6.10 'Toolbox talk' refresher training for forklift operations
- 6.11 Improvements to security fencing on derelict fuel jetty
- 6.12 2 x minor staff injuries. Bumps and scrapes, no time lost.
- 6.13 'Prince William Walkway' vehicle restrictions implemented to improve pedestrian safety
- 6.14 Contractor onboard fishing vessel injured when lifting wire parted removing generator. Attended by air and road ambulances, and Maritime and Coastguard Agency (MCA).

7. Regulatory

- 7.1 An independent and suitably qualified Designated Person (DP) has been contracted from ABP Mer. The DP will visit the site in April 2025 to undertake an initial review and audit.
- 7.2 Recruitment for a new Tor Bay Harbour Master was underway
- 7.3 The Department for Transport (DfT) visited Torquay Harbour in January 2025 to complete a spot check on the Harbour's Port facility security arrangements and to discuss the proposal for a Cruise Vessel Temporary Restricted Area (TRA) in Brixham. The check was completed with no issues other than one Port Facility security officers' certificate had expired. The security plan is due for re-validation and a formal inspection by the DfT will be required.
- 7.4 The proposal for a TRA in Brixham was rejected due to lack of space on the ferry pontoon to permit the Cruise Vessel tenders and the regular Harbour ferries to operate with the required segregation.
- 7.5 The Tor Bay Emergency Plan was reviewed and amended as necessary.
- 7.6 Two Harbour Authority approvals have been granted this year. The first one was for the re-location of the mussel farm seed collection area located 1 NM northeast of Watcombe Head to a position approximately 0.5 NM to the southeast. The second was for the "Torbay Coast and Countryside Trust" to place buoys along the boundary line of the Guillemot area of special protection south of Berry Head from March to July.

8. Engagement and Consultation

- 8.1 A fishermen's forum was held in Brixham that was well attended mainly by vessel owners and Brixham Trawler Agents (BTA). This was an opportunity to advise the fish quay users of the ports intentions with regard to the quay clean up; fish market parking and new barrier system; accident and near miss reporting (PMSC) requirement; and the reporting of pollution and/or port infrastructure damage. It also allowed feedback for potential areas of improvement in the port and any problems areas. It was agreed that the meeting was very positive and should be held at regular six monthly intervals.
- 8.2 A Sea Safety Forum was held in Torquay which was extremely well attended and will continue as a regular six-monthly gathering at the beginning and end of seasons.
- 8.3 The quarterly Brixham and Torquay/Paignton Liaison Forums were held in February 2025. The meetings were held in the Brixham Yacht Club and Torquay Harbour Office meeting room. There was very good attendance at both meetings mainly because at the last meeting held via Teams it was agreed that face to face meetings were the preferred option. The salient points from these meetings were:
 - Breakwater slipway pontoon;

- Misuse and trespass on the dis-used Brixham fuel jetty;
- Port Master Plan Northern Arm;
- Injurious/abandoned boats and their disposal; and
- The scheduled events for 2025.

9. Asset and Plant

- 9.1 The bridge and cill in Torquay harbour was inoperable during the Christmas break in December 2024 due to a technical fault. The inability of our contracted maintenance provider to attend and rectify the problem has meant a new provider has been appointed to conduct servicing and repairs.
- 9.2 Signal 2 (Brixham work boat) was also out of action for a period in December 2024 due to mechanical failure. This highlighted the need for a more robust servicing schedule which has now been implemented for all craft.
- 9.3 Romeo 4 (old Oscar 4) is planned for reintroduction into the fleet late April, ready for the summer season and will be based in Brixham.
- 9.4 Reports on all three Harbours have now been compiled highlighting areas of quays, facilities, vehicles and plant that require works and/or further in-depth examination. These reports will be reviewed and costed and are intended to allow for a planned maintenance and budgeting system to be introduced that will reduce the need for emergency repairs and prevent down time on port operations.

10. Forthcoming Actions

- 10.1 Subsequent to Storm Darragh, it has highlighted the number of injurious, neglected or abandoned vessels that were moored in the three Harbours, which are of a serious liability. Stickers have been printed to place on these vessels to request that the owners contact the relevant Harbour office. In all cases the relevant Harbour office has already attempted to contact the owner without success due to no response or unknown address.
- 10.2 Brixham Inner Harbour is particularly congested with injurious, neglected or abandoned vessels and a more robust policy will be implemented to deal with these vessels, which will allow for less upheaval for the installation of the new mooring chains.
- 10.3 A floating pontoon is being planned for the Brixham Breakwater slipway. As the slipway is a grade 2 listed structure, the plans are not permitted to install fixing to the slip, therefore the pontoon will be positioned alongside the quay wall and steps to allow ease of access/egress.
- 10.4 Notices will be issued to any vehicles parked in breach of Byelaws in any Harbour advising the owner of the offence.

10.5 Work will commence to install a new barrier and gate system at the entrance to Brixham Harbour to secure the port area and increase pedestrian safety through the provision of robust traffic control.

11. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age Page 42	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	There is no differential impact.		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact.		
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by	There is no differential impact.		

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

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

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

12. Cumulative Council Impact

12.1. None.

13. Cumulative Community Impacts

13.1. None.

Meeting: Harbour Committee

Date: 24 March 2025

Wards affected: All wards

Report Title: Tor Bay Harbour Authority Budget Monitoring 2024/25 – Quarter 3

When does the decision need to be implemented?

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

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

1. Purpose of Report

- 1.1. This report updates the Committee on the overall budgetary position for Tor Bay Harbour Authority as at end December 2024 compared against the annual budget approved on 4 December 2023.

2. Reason for Proposal and its benefits

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

3. Recommendation(s) / Proposed Decision

- 1.1 The Committee is asked to note:
- i. the latest revenue outturn projections and adjustments to the Reserve (Appendix 1);
 - ii. the projected level of the harbour reserves by end of 2024/25;
 - iii. the Head of Tor Bay Harbour Authority's' use of delegated powers to make decisions in relation to the harbour budget;
 - iv. the Head of Tor Bay Harbour Authority's' use of delegated powers to waive certain harbour charges (not exercised in the year to date)

4. Appendices

4.1 Appendix 1: Harbour Revenue Account 2024-25 – at end of December 2024

5. Background Documents

- DfT Ports Good Governance Guidance - [Good governance guidance for ports - GOV.UK](#)

Supporting Information

6. Introduction

6.1. The 2025/26 Tor Bay Harbour Authority budget was approved by the Committee on 4 December 2023. This is the third monitoring report for the 2025/26 financial year covering the period up to the end of December 2024.

7. Options under consideration

7.1. Appendix 1 to this report provides the Harbour revenue account statement with projected outturns and associated notes.

8. Financial Opportunities and Implications

8.1 An overspend of £116k is now being forecast in relation to premises cost budgets, which is mainly due to increased critical repairs & maintenance costs at Brixham Harbour, including replacement of the alarm system.

8.2 Fish toll levels are now projected to exceed the levels of income budgeted by £200k due to higher than estimated volumes. Income from marina rentals is also expected to exceed budget due to higher than anticipated levels from previous years.

8.3 The harbour revenue account is now projected to make a small surplus at year end of £39k, an improved position against the budgeted deficit of £109k and the forecast at quarter 2 of £79k deficit. This is mainly due to the additional fish toll income, which is offsetting the forecast overspend on repairs and maintenance.

8.4 The Harbours contribution to Torbay Council's general fund continues to be at £652k, which has not increased in 24/25 and is the same in the 2025/26. There is a general understanding (supported by previous reports and minutes) that this figure represents both a cash dividend and asset rental fee, but further detail on this has been requested. Further work is taking place to review this contribution and provide more detail to the Committee.

8.5 The Harbour Reserve balance at the start of the year was £1,311k and whilst it is still expected to reduce, the balance is now only projected to fall by £24k to £1,287k by year end. The table below summarises the estimated movement.

Commitments from Reserve	£k
Projected Outturn surplus in 24/25	(39)
Interest received	(40)
Planned contribution from reserves	0
Brixham Town Pontoon fendering	40
Brixham Offices Fire Alarm	63
Total commitment from reserves	24

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

Capital Scheme	Amount Borrowed	Start of Repayments	Principal outstanding 01/04/24	Principal outstanding 31/03/25
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£292,508	£273,007
Town Dock (Torquay Harbour) - replacement	£1,201,000	2024/25	£1,201,000	£1,132,797
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£688,639	£638,767
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£3,305,224	£3,171,404
Torquay Inner Harbour Pontoons (Inner Dock)	£800,000	2014/15	£581,012	£553,226
Brixham Harbour Jetty	£840,000	2020/21	£795,809	£783,850
TOTAL			£6,864,192	6,553,051

8.7 The Harbour's aged debt position is set out below. The reported figures for 0-60 days will vary between quarters depending on timing of invoices raised. The outstanding Harbour

Charges debt largely reflects payment of user charges by instalments and the overall figure should continue to reduce throughout the year.

	Corporate Debtor System		Harbour charges	
	<60 days	>60 days	<60 days	>60 days
Debt outstanding	£236k	£279k	£49k	£101k
Bad debt provision	£63k			

9. Legal Implications

9.1. Not applicable.

10. Engagement and Consultation

10.1 The service continues to listen to feedback from:

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

11. Procurement Implications

11.1. Not applicable.

12. Protecting our naturally inspiring Bay and tackling Climate Change

12.1. Not applicable.

13. Associated Risks

13.1 If there continues to be withdrawals from Harbour reserves without any top ups, we will see reserves reduce over the coming years to an unacceptable level. Further work is required

throughout 2025/26 to review expenditure and income budgets to provide confidence on financial sustainability.

- 13.2 There is a risk of further predicted expenditure relating to repairs and maintenance, which could impact further on the draw from reserves
- 13.3 If quayside facilities and services do not remain aligned with user need/requirements then there is a risk that income will decline.

14. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age Page 52	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	There is no differential impact.		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact.		
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by	There is no differential impact.		

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

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

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

15. Cumulative Council Impact

15.1. None.

16. Cumulative Community Impacts

16.1. None.

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Meeting: Harbour Committee

Date: 24 March 2025

Wards affected: All wards

Report Title: Review of Delegated Powers of the Tor Bay Harbour Master

When does the decision need to be implemented?

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

1. Purpose of Report

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

2. Reason for Proposal and its benefits

2.1 As required by the Port Marine Safety Code all duties and powers are to be reviewed and this requirement is as detailed within the Harbour Committee Work Programme.

2.2 The Terms of Reference for the Harbour Committee which form part of Torbay Council's Constitution require to review annually the powers delegated to the Tor Bay Harbour Master and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes.

3. Recommendation(s) / Proposed Decision

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

4. Appendices

4.1 None.

5. Background Documents

- [Port marine safety code - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Ports Good Governance Guidance - Department for Transport \(March 2018\)](#)
- [Good governance guidance for ports - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Torbay Council Constitution - Schedule 6 - Officer Scheme of Delegation](#)

Supporting Information

6. Introduction

6.1. As above.

7. Options under consideration

7.1. None

8. Financial Opportunities and Implications

8.1 None

9. Legal Implications

9.1. Not applicable.

10. Engagement and Consultation

10.1 The service continues to listen to feedback from:

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

11. Procurement Implications

11.1. Not applicable.

12. Protecting our naturally inspiring Bay and tackling Climate Change

12.1. Not applicable.

13. Associated Risks

13.1 None

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14. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age Page 62	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	There is no differential impact.		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact.		
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by	There is no differential impact.		

	a physical or mental health condition or illness.			
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact.		
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Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There is no differential impact.		
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Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact.		
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact.		
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,	There is no differential impact.		

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

15. Cumulative Council Impact

15.1. None.

16. Cumulative Community Impacts

16.1. None.

Meeting Title	Torquay & Paignton Liaison Forum
Venue	Microsoft Teams
Date	Friday 14 th February 2025

Present	Tim Jones (TJ)	Nick Ripley (NR)	Peter Bingle (PB)
	Jessica Marles (JM)	Vanessa Ripley (VR)	Nigel Penney (NP)
	Jason Bond (JB)	Tim Allen (TA)	Christine Carter (CC)
	Simon Pinder (SPi)	Max Bingle (MB)	Alex Pedley (AP)
	Sam Walker (SW)	Morgan Bingle (MB)	Steven Poulton (SP)
			Andrew Strang (AS)
		Bob Penfold (BP)	

Agenda Items	1. Welcome & Apologies	HM
	2. Minutes from the last meeting	HM
	3. Actions from minutes	HM
	4. Harbour Financial Update & Charges	HM
	5. Operational Update	HM/NB/SPo
	6. Health & Safety	HM/SW
	7. Staffing	NB/SP
	8. Events	SPo
	9. AOB	HM

1.	Welcome & Apologies (HM Introduction)	Action
	TJ welcomes all to the meeting, JM advised of the below apologies Tim Morris Yvonne Twelves Mike Fox	

2.	Minutes from the last meeting	Action
	Nothing raised. Events are currently not ready to be put on the website due to conflicting events and ongoing applications, will be updated when possible.	

3.	<p>Actions from minutes</p> <p>BP confirmed he had a conversation with NB reference the dingy park space but will need to meet again. Provisional possible plan to reconfigure the dinghy space to minimise effects from cruise ships. This will only require one row of dinghies to be moved.</p> <p>NP and AS confirmed accuracy of minutes.</p>	Action
4.	<p>Harbour Financial Updates & Charges</p> <p>Financial situation is currently positive, although there is and overspend within the R&M budget, this deficit could be covered by the increase in Fish Tolls. We should be on budget by the end of the year.</p>	Action
5.	<p>Operational update</p> <p>TJ gave an overview of operation updates.</p> <p>Department of Transport visited Torquay to discuss cruise ships, and we passed this as satisfactory. Discussion held over Brixham being a landing facility for passengers and confirmed this is not practical. Passengers wishing to visit Brixham will need to go via ferry or bus.</p> <p>There is funding available for Princess Pier seating as it is in very poor condition, funding may also be available for the inner harbour railings.</p> <p>Storm Darragh has highlighted the need for all vessels excluding Jet Skis and dinghies to have wreck recovery insurance from the 1st April. This is due to the high cost for recovering wrecks and also it is a minimum of £5k to dispose of a recovered vessel. This has also highlighted the number of injurious vessels across the Harbours. PB asked why we have such a problem with these vessels, they should be paying harbour dues for being within the harbours, TJ confirmed we do not have their details as they are usually sold and/or abandoned, without notifying the harbour authority. An audit will be going ahead on all vessels within the Harbours.</p> <p>Emergency plan and the Port Master Plan are currently being updated, TJ advised members that suggestions for the Master Plan can be made via the harbour authority Both plans can be found online.</p> <p>Papa 4 is in the process of being refurbished, it will be based in Brixham permanently and will provide Tor Bay with two fast patrol vessels. It is planned to increase water patrols with these craft throughout the season.</p> <p>The mussel farm (Offshore) will be moving slightly to the southeast no objections to this. BP confirmed he had not heard about this from Offshore.</p> <p>SPi gave an update on proposed plans for the guillemots in the area of special protection next to Berry Head, which has been in place since 1988. The trust has been monitoring the area on AIS and people have been abusing the area and purposely disturbing the guillemots. The plan is to have buoys like 5knt marker buoys approximately 60m apart from new stone to berry head. The buoys will have QR codes for people to scan so users can find out more information about the buoys. They will be in place from the end of March through to the end of July. PB questioned the area and it is an area they put crab pots down and they have been doing this for years. SPi confirmed the zone has been in place since the 1988 and this is just to put forward to stakeholders the buoys being put in place, it should not affect harbour</p>	Action

SW

	<p>users. MB advised that there is a document from IFCA stating the area is a potting area and they will find the document and send it in. SP advised that he would also contact IFCA to confirm the designation.</p> <p>AP gave an operational update on issues within Torquay.</p> <p>A vessel on MDL Marina sunk a few months ago, this caused little pollution, but work involved a few different parties to recover it. All costs were met by the vessel's insurance.</p> <p>A hydraulic pipe burst on the bridge over the Christmas period, we are having issues with the reliability of the contractors that maintain the bridge and looking at a local company taking over servicing and repair.</p> <p>We recently had a refit on the work boat and it was taken out of the water, this was useful as issues were found that would not have been found if it were not lifted out.</p> <p>Fenders have been knocked off Haldon Pier and we will be working with divers to recover and re-install them.</p> <p>SP gave an operational update on issues within Paignton.</p> <p>Recent conversation with Paignton Pleasure cruises confirmed the lift in will be on the 4th April. A request will be put to Nick for the pontoon to be back in Paignton Harbour before this date.</p> <p>Enigma Signs have been contacted to re quote for signage around Paignton Harbour.</p> <p>SP has been advised there is no funding for festoon lighting, we do not currently have a price for this. SPi advised there is paperwork saved to confirm this funding.</p>	
6.	Health and Safety	Action
	<p>SW gave an update on Health and Safety, confirming there has been no reportable incidents since the last Liaison Forum.</p> <p>The waste oil shelter on Haldon pier has been upgraded with the construction of concrete access steps.</p> <p>The rebuild to 10 Store in Torquay is now complete, It has been a big project to ensure the store is safe for the storage of flammable materials. The project was managed by council engineers.</p>	
7.	Staffing	Action
	<p>TJ advised operationally staffing is fine however the Administration side is suffering due resignation, retirement and maternity leave issues, which are all happening within the next few months. Recruitment planning has started and we are hopeful to be back up to full speed before the season starts.</p>	
8.	Events	Action
	<p>SP gave an update on the events situation, advising that the administration member who assists with the events will be moving into a new role to cover the recent leavers so he would be taking on more events work.</p> <p>Discussion held over events happening across the bay and conversation had about the dates for the Cowes event, JB to send email to SP with dates they have given him. No paperwork has been submitted to the Harbour Authority about this event.</p>	

	<p>BP confirmed there are two world championships in 2026 and 2027 so will ensure these events are submitted.</p> <p>This year is one of the busiest years we have had for events.</p>	
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9.	AOB	Action
	JM confirmed invoice run to go ahead hopefully W/C 24 th February.	

Meeting Title	Brixham Liaison Forum		
Venue	Brixham Yacht Club		
Date	Thursday 13 th February 2025		
Present	Tim Jones (TJ/HM) Sam Walker (SW/AHM) Susan Shaw (SS) Andrew Strang (AS) Nigel Penny (NP) Mike Fox (MF)	Christine Carter (CC) Clive Nicholls (CN) Peter Lytton (PL) Robbie Richardson (RR) David Faithful (DF) David Range (DR)	David Saunders (DS) George Holyard (GH) Neil Murray (NM)

Agenda		
1. Welcome & Apologies	HM	
2. Minutes from the last meeting	HM	
3. Actions from minutes	HM	
4. Harbour Financial Update & Charges	HM	
5. Operational Update	HM/NB/SW	
6. Health & Safety	HM/SW	
7. Staffing	NB/SW	
8. Events	SW	
9. AOB	HM	

1.	Welcome & Apologies	Action
	TJ welcomed all to the meeting. Attendees made introductions.	
	Apologies received from Jessica Marles	

2.	Minutes from the last meeting	Action
	Minutes from previous meeting received as accurate. The minutes were approved by AS and seconded by NP.	

3.	Actions from minutes	Action
3.	<p>2025 Events List is still being compiled and will be published on the website once confirmed.</p> <p>Future meeting dates have been confirmed, and will take place at Brixham Yacht Club, where parking is available.</p> <p>Dredging process is still ongoing. Awaiting results from recent survey to identify dredge areas for MMO sampling plan. This will determine the next step in the procedure.</p> <p>The Liaison group invitation has been expanded to include various commercial operators around the harbour, but there has been little take up. The HM is in communication with commercial groups and other interested parties around the harbour and can give feedback as required.</p> <p>SW informed the group about the issues with disposing of old fishing nets. In the past 'Keep Britain Tidy' has been part of the disposal project, but this is due to change over the coming months. Unfortunately, local community groups cannot be used due to H&S concerns. SW continues to look at various options of recycling under the Waste Management Plan for the Harbour.</p> <p>The possibility of cruise liners using Brixham for tendering has been considered by the DfT and decided not to be suitable. Torquay remains the landing point and there is the option to use local ferry companies to bring passengers across to Brixham.</p>	
4.	Harbour Financial Update & Charges	Action
	<p>TJ reported on Q3, stating that the harbour is currently overspent on repairs and maintenance. Fish Tolls are higher than budget, so should cover the necessary additional expenditure.</p> <p>TJ has completed infrastructure reports on all three Torbay Harbours, which identifies areas where future budgetary planning is necessary. Storm Darragh also caused additional repairs expenditure. AS also pointed out the Capital Projects that are underway outside of the Harbour Committee budget. The Northern Arm project was mentioned as a way forward for the future, which could provide a Council run marina and an option for cruise ships. MF informed the group of the Brixham Local Plan is currently being developed for the area.</p>	TJ
5.	Operational Update	Action
	<p>SW reported that the Harbour continues to be extremely busy. A major clean-up operation was recently completed with SWISCO over two weekends, removing old fishing gear. This had accumulated due to difficulties finding waste streams for some of the materials, trawls are usually mixed material and are labour intensive to break down into their component parts. The commercial fishing fleet were informed of this cleanup during a new 'Fishers Forum' meeting in January. Waste is being processed immediately upon landing or rejected back to fishing boats if it is hazardous or contaminated, to prevent it accumulating again.</p> <p>Repairs are being completed on the ferry pontoon after a recent collision involving a fishing vessel. A navigation light and a section of decking had to be repaired, and costs recovered from the vessel involved.</p> <p>Floor mounted flood lights have been installed on the Shellfish Jetty to replace lamp posts that were repeatedly being damaged by vessels coming alongside.</p> <p>MDL are currently refurbishing various aspects of the marina – e.g. pontoons, walkways and wave screen.</p>	<p>SW</p> <p>SW</p>

	<p>Fencing on the derelict Breakwater Fuel Jetty has been upgraded. The effectiveness will be monitored, and if necessary, anti-climb paint or redesign work will be considered.</p> <p>DS mentioned use of the abandoned fuel jetty. SW informed the group that H&S dictates that as a dangerous structure, it cannot be used. Unfortunately, it is too expensive to consider removing it in the current economic situation. GH suggested that enforcement should be looked into. SW told the group that enforcement around the harbour is being reviewed.</p> <p>TJ informed the group of recent storm damage to boats and the cuttle market roof in the harbour. This has resulted in an amendment to the Harbour Terms and Conditions for all owners of all vessels allocated to Tor Bay Harbour moorings to have wreck recovery insurance. This raised issues with abandoned/neglected boats in the harbour and an audit will be completed to identify these vessels. Boats can be arrested for nonpayment for dues but selling and disposal is a problem. AS questioned the use of eBay for possible boat sales. This is not currently available to the HM due to council policy. There has been an interest in Accumulate which could lead its removal. Joy Bell will be removed from the Inner harbour in March.</p> <p>The Port Emergency Plan is currently being updated and the Harbour Master Plan is due for review. The latter led to a discussion on the Northern Arm which TJ advised is again being investigated due to the effects of Storm Darragh all members stated that this proposal has been a desire for many years.</p> <p>A RIB is being refurbished for use in Brixham, but lack of funding is delaying completion until next financial year.</p> <p>GH told the group about the move of the existing mussel farm seed collection area located off Watcombe Head, to a position approximately half a mile to the southeast. The new position has half the area within Tor Bay harbour's jurisdiction. Consultation has been completed and the application currently awaiting official approval.</p> <p>A restricted area between Berry Head and the Mew Stone/Cod Rock is designated as a guillemot breeding area. Proposals are in place to position yellow, illuminated buoys across the bay from March to July, with warning signage on the cliff. Awaiting approval. Enforcement may be an issue. TJ suggested that the refurbished RIB may be able to provide support, as well as patrolling nearby areas across the Bay. This could also include monitoring of the fishing off Berry Head.</p> <p>A clean up of the inner harbour neglected/abandoned tenders and boats is planned within the next few weeks. Unidentified and unauthorised vessels will be removed. 2025/26 Stickers to be issued once dues paid. New mooring chains will be installed during 2025 for the fore and aft moorings.</p>	<p>SW</p> <p>AS</p> <p>TJ</p> <p>GH</p> <p>TJ</p>
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6.	<p>Health and Safety</p> <p>A recent H&S incident has been recorded following injuries incurred during repairs on a fishing boat. Now awaiting report from MAIB, but it stresses the need to monitor contractors working on site in the harbour.</p> <p>DS reported degrading concrete on the Breakwater wall. TJ advised that it was planned to do temporary repairs and reline an area for safe access and egress.</p> <p>Heritage sailing trawler Vigilance is due back in the harbour in April. They plan to use the Town Pontoon when available to finish refit, ultimately running trips and open days on board the vessel.</p>	<p>Action</p> <p>SW</p> <p>TJ / SW</p>
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	A new pontoon is being planned for the Breakwater area as part of the Brixham Harbour enhancements. Proposals are currently being consulted as part of the public realm project, to improve facilities for launch and recovery of vessels.	
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7.	Staffing	Action
	<p>The Harbour Ops Team are now well established and working well. However, the Admin Team are facing vacant positions with retirement, maternity and resignations on the horizon.</p> <p>The use of seasonal staff on Breakwater slipway was discussed, with suggestions for a coin/card operated barriers. Discussions were had over whether this was appropriate for the area concerned.</p>	

8.	Events	Action
	The 2025/26 Events Calendar is filling up. There are two events planned most weekends over the summer. There is still some admin work to be completed before the list can be published (e.g. conflicting events, collation of required documents, processing, etc).	

9.	AOB	Action
	The next Brixham Harbour Liaison Forum will be held on Thursday 8 May 2025 at Brixham Yacht Club. Parking will be available at the Club.	