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Date: Friday, 10 September 2021

Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

HARBOUR COMMITTEE - THURSDAY, 16 SEPTEMBER 2021

I am now able to enclose, for consideration at the Thursday, 16 September 2021 meeting of the Harbour Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
4.	Tor Bay Harbour Budget Monitoring 2020-21	(Pages 2 - 8)
5.	Performance of the Tor Bay Harbour Authority Business Unit	(Pages 9 - 17)
6.	Town Dock Infrastructure Improvements	(Pages 18 - 26)
7.	Port Marine Safety Code and Health and Safety Matters	(Page 27)

Yours sincerely

Amanda Coote
Clerk

Meeting: Harbour Committee **Date:** 16th September 2021

Wards affected: All wards

Report Title: Tor Bay Harbour Budget Monitoring 2021 - 22

Cabinet Member Contact Details: Not a Cabinet function

Harbour Committee Member Details: Councillor Nicole Amil, Chair of the Harbour Committee,
Nicole.Amil@torbay.gov.uk

Director/Assistant Director Contact Details

Kevin Mowat, Director of Place 01803 208433, kevin.mowat@torbay.gov.uk

Pete Truman, Principal Accountant, 01803 207302, pete.truman@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 of August 2021 compared against the budget approved on 21st December 2020.

2. Reason for Proposal and its benefits

- 2.1 As a standing agenda item, this report is presented to each Committee meeting to enable appropriate oversight and action to contain expenditure and maintain the harbour reserve fund at an appropriate level.

3. Recommendation(s) / Proposed Decision

The Committee is asked to note:

- i. the amended outturn projections and adjustments to the Reserve Fund set out in Appendix 1;
- ii. the low level of the harbour Reserve Fund in 2021;
- iii. the Head of Tor Bay Harbour Authority's' use of delegated powers to make decisions in relation to the harbour budget;
- iv. the Harbour Master's use of delegated powers to waive certain harbour charges, which to date amounts to £1,042.06

Appendices

Appendix 1: Harbour Revenue Account 2021 - 22

Background Documents

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

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

1. Introduction

- 1.1 The 2021/22 Tor Bay Harbour Authority budget was approved by the Harbour Committee on 21st December 2020. This is the second monitoring report for the 2021/22 financial year.

2. Options under consideration

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

3. Financial Opportunities and Implications

- 3.1 The original budget approved by the Harbour Committee included a proposed £200k reduction in the contribution to the General Fund. The overall Council budget approved on 11th February provided a £100k reduction and the funding of a health & safety salary post directly from the General Fund.
- 3.2 The planned borrowing of £150k for dredging at Brixham Harbour will now be funded via a contribution from the General Fund. In July the Council also approved the transfer of a corporate outturn 2020/21 balance of £122,000 to the Harbour Reserve Fund.
- 3.3 Repair & maintenance pressures are likely to overspend the forecast budget. Moorings income is down from reduced outer harbour mooring facilities at Brixham but mitigated by increased expectations for property rents.
- 3.4 The harbour revenue account is now projected to make a deficit at year end:

	Original Budget £000	Revised Budget £000	Projected Outturn £000
Operational surplus	45	14	(26)

3.5 Prudential Borrowing

The Harbour's outstanding borrowing liability is:

Capital Scheme	Amount Borrowed	Start of Repayments	Principal outstanding
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£420,898
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£782,094
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£3,555,897
Torquay Inner Harbour pontoons (Inner Dock)	£800,000	2014/15	£632,985
Brixham Harbour Jetty	£840,000	2020/21	£818,611
TOTAL			£6,210,485

3.6 Debt Position

The aged debt position is set out below. The outstanding Harbour Charges debt largely reflects payment of user charges by instalments and the overall figure will reduce throughout the year.

	Corporate Debtor System		Harbour Charges	
	< 60 days	> 60 days	< 60 days	> 60 days
Debt outstanding	£373k*	£109k	£27k	£116k
Bad Debt Provision	£13k			

*Includes marina turnover rent invoices raised during August 2021.

4. Legal Implications

- 4.1 The Harbour finances are currently not being run in accordance with the DfT's Ports Good Governance Guidance (March 2018). While not a statutory publication this is considered national 'best practice' for the ports industry.

5. Engagement and Consultation

5.1 Feedback from harbour users and liaison forums

Feedback from Committee members

Feedback from fishing industry leaders

Previous Harbour Committee reports

6. Purchasing or Hiring of Goods and/or Services

6.1 Not applicable

7. Tackling Climate Change

7.1 Not applicable

8. Associated Risks

8.1 With the harbour reserve fund at a low level there is a risk that the Harbour Authority will require a General Fund precept to retain a balanced budget.

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

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

9.1 Not applicable

10. Cumulative Council Impact

10.1 Not applicable

11. Cumulative Community Impacts

11.1 Not applicable

HARBOUR REVENUE ACCOUNTS 2021/22 - BUDGET MONITORING

TOR BAY HARBOUR AUTHORITY

Expenditure	2021/22	2021/22	2021/22	Notes		2021/22	2021/22	2021/22	Notes
	Original Budget	Current Budget	Projected Outturn			Original Budget	Current Budget	Projected Outturn	
	£ ,000	£ ,000	£ ,000			£ ,000	£ ,000	£ ,000	
Harbour Employee Costs	731	677	647	1					
Premises Costs:-									
Repairs and Maintenance	303	303	343	2	Expenditure brought forward	3,413	3,466	3,751	
Energy & Water	245	245	245		Income				
Cleaning & Waste	99	70	70	3	Rents and Rights :-				
Other Premises & Insurance costs	126	135	135	4	Property and Other Rents/Rights	603	625	648	9
Operational Costs:-					Marina Rental	462	464	476	10
Security Services including CCTV	144	147	147		Operating Income :-				
Professional Services	60	60	60		Harbour Dues	158	158	337	11
Equipment and V&P	49	49	53		Visitor and Slipway	67	67	67	11
Other Services	112	112	112		Mooring fees	210	210	154	11
General & administration expenses	60	75	80	5	Pontoon Berths	613	613	452	11
Internal Support Services	244	244	244		Fish Toll Income	1,000	1,000	1,000	
User Charges Concessions	11	11	14		Recharged Services	163	163	142	
Capital Charges	547	552	552	6	Harbour Facilities charges	78	73	66	
Contribution to Multi-Agency funding	5	9	0	7	Licences & Contractor passes	35	38	41	
Contribution to the Harbour reserve	0	0	272	8	Reserved Car Parking	40	40	40	
Contribution to General Fund - EHO	25	25	25		Miscellaneous & Administration charges	29	29	30	
Contribution to General Fund	652	752	752		Contribution from General Fund	0	0	272	12
	3,413	3,466	3,751			3,458	3,480	3,725	
					Operating Surplus /(Deficit)	45	14	(26)	

RESERVE FUND

Opening Balance as at 1st April	38
Contribution from Harbour revenue account	122
Earmarked contrbn re: Brixham dredging works	150
Net Surplus / (Deficit) from Revenue Account	(26)
Capital Funding	0
Expected Closing Balance as at 31st March	284

Note: In line with Harbour Committee minute 398 (5) December 2011 the minimum Reserve level at year end 2020/21 is £675k based on 20% of budgeted turnover to meet any deficit in the revenue budget or winter storm damage. The balance is earmarked for harbour related capital projects.

HARBOUR REVENUE ACCOUNTS 2020/21 - BUDGET MONITORING

NOTES

- 1 A new Health & Safety designated post included in the original 2021/22 committee budget is now being funded directly from the corporate Council budget. There will be in-year savings during temporary arrangements for the vacant Head of Tor Bay Harbours post.
- 2 Budget pressures have arisen from the Torquay bridge & cill and dredging works and traffic barrier at Paignton.
- 3 Fish Market cleaning costs are expected to transfer to the lessee
- 4 Increased premium costs on marine insurance cover
- 5 The projected outturn reflects costs of improved broadband facilities at all three harbours.

	Budget	Projected
	2021/22	outturn
	£k	£k
Torquay Town Dock	81	81
Torquay Inner Harbour Pontoons	54	54
Torquay Haldon Pier	81	81
Brixham Harbour Regeneration	282	282
Brixham Harbour Jetty	38	38
Harbour Light (interest only)		16
Dredging works (now funded from Gen Fund)	11	
	<u>547</u>	<u>552</u>

- 7 The pilot arrangement for a dedicated police presence is being re-assessed and the budget has been withdrawn at this time.
- 8 Transfer of the contributions from the General Fund to Reserve (see note 12). The Brixham dredging works may not be implemented within the current year and will be earmarked specifically within the Reserve balance.
- 9 Revised rental expectations include the new Brixham Fish Market lease and the full rent from the Harbour Light restaurant (offsetting capital charges now at note 6).
- 10 The revised projection for turnover rents is based on the actual levels for 2019/20.
- 11 Budget projections are now apportioned to reflect the charging structure approved by Harbour Committee in December 2021
- 12 Council approved contribution of £122,000 to the Harbour account from 2020/21 outturn balances together with funding of dredging works at Brixham Harbour of £150,000. These amounts have been transferred to the Harbour reserve at note 8.

Agenda Item 5

Tor Bay Harbour Authority Risks 2021/22

Annual report for 2020/21 and 2021

No headings

Filtered by Folder: Tor Bay Harbour Authority - Tor Bay Harbour Authority (Risks)

Key to Performance Status:

Risks: No Data (0+) High (16+) Medium to High (10+) Medium (4+) Low (1+)

Tor Bay Harbour Authority Risks 2021/22

Risks									
Score	Code	Title	Description	Last Review Date	Probability Score	Impact Score	Risk Status	Reviewed By	Risk Owner
Medium (6)	BURHMS-02	<u>Accountability and Transparency</u>	If we fail to consult and engage appropriately with all relevant harbour users, groups and stakeholders; Then we will be unable to provide accountable and transparent management of Tor Bay Harbour; So we may be accused of failing to accurately meet the needs of our customers and stakeholders resulting in a loss of revenue streams and damage to our reputation.	08/09/2021	3 - Possible	2 - Minor	Accepted	Capt. Kevin Mowat ph 292429	Kevin Mowat
Medium to High (10)	BURHMS-10	<u>BREXIT</u>	IF Brexit causes disruption to the fishing and recreational marine industries THEN our fish toll and other harbour incomes may adversely affect budgeted incomes SO placing financial pressures on our legal and regulatory obligations to operate a safe and efficient	08/09/2021	5 - Almost certain	2 - Minor	Accepted	Capt. Kevin Mowat ph 292429	Kevin Mowat

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Tor Bay Harbour Authority Risks 2021/22									
Risks									
Score	Code	Title	Description	Last Review Date	Probability Score	Impact Score	Risk Status	Reviewed By	Risk Owner
			harbour, leading to increased risk of damage or injury to personnel, infrastructure, operations and reputation						
Medium to High (15)	SARHMS-01	<u>Climate Change</u>	IF we do not adapt our infrastructure and operations to take account of the reasonably foreseeable effects of climate change; THEN the ability to operate a safe and efficient harbour will increasingly become compromised; SO leading to loss of operational capacity, potential loss, damage or injury to the natural and built environments, and to personnel or equipment, adverse financial position (loss of income but increased expenditure on repairs and maintenance) and loss of reputation	08/09/2021	5 - Almost certain	3 - Moderate	Accepted	Capt. Kevin Mowat ph 292429	Kevin Mowat
Medium (9)	BURHMS-05	<u>Effective Management of Risk and Health & Safety</u>	IF we do not have a robust Risk Management and Health & Safety Culture in place and exercised by all stakeholders; THEN there is a risk of incidents and accidents	08/09/2021	3 - Possible	3 - Moderate	Reduced	Simon Pinder	Simon Pinder

Tor Bay Harbour Authority Risks 2021/22

Risks									
Score	Code	Title	Description	Last Review Date	Probability Score	Impact Score	Risk Status	Reviewed By	Risk Owner
			resulting in harm, injury or death of personnel, and damage to infrastructure and/or the environment; SO we could lose legal and/or moral standing and reputation and face individual or collective censure or prosecution as well as the temporary or permanent loss, damage or death of personnel						
Medium (4)	BURHMS-09	<u>Effective Workforce Planning</u>	IF we lack effective workforce planning; THEN we may fail to offer appropriate learning and development opportunities to all staff; SO this may lead to insufficient staff to fulfil obligations, incompetent staff, deterioration of safety standards which has the potential to lead to personal injury, financial loss and/or reputational damage.	27/01/2021	2 - Unlikely	2 - Minor		Adam Parnell	Karen Annis
Medium to High (12)	BURHMS-01	<u>Encourage Local Prosperity</u>	IF we fail to invest in supporting a robust and sustainable maritime industry in Torbay Then we will not have the revenue	27/01/2021	4 - Likely	3 - Moderate		Adam Parnell	Kevin Mowat

Tor Bay Harbour Authority Risks 2021/22

Risks									
Score	Code	Title	Description	Last Review Date	Probability Score	Impact Score	Risk Status	Reviewed By	Risk Owner
			to maintain or develop our infrastructure & facilities to meet future requirements, or remain a safe and attractive Bay for visitors; So we will have difficulty in meeting our legal and regulatory obligations to maintain a safe and efficient harbour, remain financially viable as Harbour Authority, witness loss of tourist income to the Bay, reduced employment opportunities and social deprivation						
Medium (4)	BURHMS-06	<u>Ensuring Equality and Diversity in Service Delivery Together with Equality of Opportunity</u>	If we fail to provide a fair, equitable and diverse service; Then we may unknowingly discriminate against staff and/or other stakeholders; So this may result in legal action, insufficient staff levels, drop in service delivery and damage to our reputation.	27/01/2021	2 - Unlikely	2 - Minor		Adam Parnell	Simon Pinder
Medium to High (15)	BURHMS-04	<u>Financial Sustainability</u>	IF: forecast incomes are not achieved, expected expenditure exceeded or contributions to General Fund become too onerous; THEN: Harbour reserves will be	08/09/2021	5 - Almost certain	3 - Moderate	Accepted	Karen Annis	Karen Annis

Tor Bay Harbour Authority Risks 2021/22

Risks									
Score	Code	Title	Description	Last Review Date	Probability Score	Impact Score	Risk Status	Reviewed By	Risk Owner
			depleted/drained, we will not be able to maintain existing infrastructure or services, investment opportunities will be lost; some services may be discontinued; SO: the Harbour could cease to be self-financing and become a net burden on the Council; Harbour infrastructure or services could fail; the reputation of the Harbour could fail and lose custom.						
Medium (6)	BURHMS-07	<u>Improve and Maintain the Customer Experience</u>	IF we do not provide a high quality harbour service that accurately meets the needs of our customers; THEN we will not be providing a professional and equitable service; SO this may result in a loss of demand for harbour services, loss of revenue streams and damage to our reputation.	27/01/2021	2 - Unlikely	3 - Moderate	Accepted	Adam Parnell	Karen Annis
Medium (9)	BURHMS-11	<u>Loss of IT</u>	IF there is loss of IT THEN this will result in disruption to our management of safe and efficient harbour operations SO marine safety and security,	27/01/2021	3 - Possible	3 - Moderate	Accepted	Adam Parnell	Karen Annis

Tor Bay Harbour Authority Risks 2021/22

Risks									
Score	Code	Title	Description	Last Review Date	Probability Score	Impact Score	Risk Status	Reviewed By	Risk Owner
			personnel welfare, administrative functions and financial management could be adversely affected						
Medium (8)	BURHMS-08	<u>Maintain Operational Safety</u>	If we fail to fulfil our obligations as a statutory and competent Harbour Authority, by not enforcing all applicable statutes, bye-laws and legislation; Then we will not be providing a safe haven for vessels or a safe Harbour estate for users and visitors; So we may fail to accurately respond to legislative changes resulting in a financial penalty and we may face deterioration of our built infrastructure, a major emergency and severe damage to our reputation.	27/01/2021	2 - Unlikely	4 - Major	Reduced	Adam Parnell	Nick Burns
Medium (6)	BURHMS-03	<u>Stewardship of the Harbour's Built and Natural Environment</u>	IF we fail to implement a sustainable approach to harbour management in respect to present and future climatic, environmental and economic changes; THEN we will also be unable to	27/01/2021	2 - Unlikely	3 - Moderate	Accepted	Adam Parnell	Nick Burns

Tor Bay Harbour Authority Risks 2021/22

Risks									
Score	Code	Title	Description	Last Review Date	Probability Score	Impact Score	Risk Status	Reviewed By	Risk Owner
			increase public awareness of the maritime environment as a valuable social and economic asset; SO harbour activities or development could have a negative impact on the natural environment resulting in possible prosecution, loss of revenues and damage to our reputation.						

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Agenda Item 5

Appendix 2

Detailed Report 2021/22

Quarterly report for 2021/22 and 2021

No headings

Filtered by Flag: Include: Tor Bay Harbour Authority

Exclude: Archive

Key to Performance Status:

Projects:	No Data available	Milestone Missed	On Hold	On Target	Well Below Target	Behind Target	Ahead of Target	Well Ahead of Target	Completed	Terminated
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Performance Indicators:	No Data	Well Below Target	Below Target	On Target	Above Target	Well Above Target
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Key to +/- Column:

+	Higher figures are better	-	Lower figures are better	OFF	Direction cannot be determined
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Detailed Report 2021/22

Performance Indicators

Status	Code	Title	+/-	Prev Year End	Annual Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
On Target	TBHPP28	<u>Review Business Risks</u>	+	Yes	Yes	n/a	n/a	n/a	Yes
Data not due	TBHPP33	<u>Port Marine Safety Code Compliance Statement</u>	+	n/a	Yes	n/a	n/a	n/a	
On Target	TDAMS01	<u>TDAMS01 Harbour estate lettings occupancy</u>	+	100%	100%	96%			
On Target	TDAMS04	<u>TDAMS04 Navigation Lights availability</u>	+	100.00%	100.00%	100.00%			
Well Below Target	TDAMS07	<u>TDAMS07 Brixham Harbour Fish Tolls</u>	+	£861,809.85	£1,000,000.00	£139,973.72			
Above Target	THARB26	<u>% Variation on Budgeted Income - Tor</u>	+	0.06%	0.00%	0.60%	7.70%		

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Detailed Report 2021/22

Performance Indicators

Status	Code	Title	+/-	Prev Year End	Annual Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
		<u>Bay Harbour Authority</u>							
Below Target	THARB27	<u>% Variation on Budgeted Expenditure - Tor Bay Harbour Authority</u>	-	5.57%	0.00%	1.50%	9.90%		
Data not due	THARB70	<u>Annual audit/inspection from Trinity House</u>	+	Yes	Yes	n/a	n/a	n/a	

Projects

Project Status	Code	Title	Project End	Last Review Date	Achieved	Missed	Arising
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Meeting: Harbour Committee
Cabinet
Council

Dates: 16th September 2021

Wards Affected: All Wards

Report Title: Torquay Town Dock Infrastructure Improvements

Harbour Committee Member Details: Councillor Nicole Amil, Chair of the Harbour Committee, Nicole.Amil@torbay.gov.uk

Cabinet Member Contact Details: Councillor Darren Cowell, Cabinet Member for Finance, Darren.cowell@torbay.gov.uk

Director/Assistant Director Contact Details: Kevin Mowat, Director of Place, 01803 208433, Kevin.Mowat@torbay.gov.uk

1. Purpose of Report

- 1.1 This report provides Members with the opportunity to consider the approval of a capital spend not exceeding £1.2m required for Torquay harbour to carry out urgent & essential pontoon replacement and repair works to the Torquay Town Dock (see layout in Appendix 1). If approved the project works would commence in the winter of 2021/22.

2. Reason for Proposal and its benefits

- 2.1 The current pontoons used for annual customer berthing on the Town Dock were installed in 2007 by Solent Marine Ltd. Some fourteen years later they are now exhibiting signs that they are coming to the end of their useful life. The piles are still in good condition but the steel work that make up the floating pontoon sections is corroded to an extent that they are starting to lose their structural integrity. We have recently had to replace two sections as they were becoming unsafe. The floats that support the pontoons have also deteriorated to an extent that several are starting to fail, and many have required temporary fixes to keep them serviceable. Although we have replaced two sections and carried out several patched repairs to a number of the floats, it is an expensive and labour-intensive solution and considered to be emergency maintenance to keep this berthing facility open. The preferred option is to replace all the floating pontoon sections for the entire Town Dock.
- 2.2 If the deterioration in usefulness is allowed to continue it would impact on the income from the sale of Town Dock berths. Although the current infrastructure is still useable it could take three years to completely replace all the pontoons and more serious deterioration is likely to occur over this timescale, so we need to

start this project as soon as possible to prevent having to close sections of the Town Dock and lose income.

- 2.3 New pontoons would also provide a fair justification for an increase in Town Dock charges above the standard inflationary increases once the works are completed.
- 2.4 The proposal is to carry out an annual phased replacement of each leg of the existing pontoons. Each phase of the work would be carried out over a winter period (October to March) with the first phase being a repair and refurbishment to the existing wave-screen and the access bridge in the winter of 2021/22.
- 2.5 Phase two would be the entire replacement of one of the three pontoon legs and associated fingers the following winter (2022/23), then a leg each winter until the works are completed. The Town Dock would need to remain operational and open to customers throughout the various phases of the project.
- 2.6 On completion of this project in 2023/24 the following outcomes will have been achieved :-
 - Refurbished wave-screen to cure the issue with the connecting joints (requires dismantling and transporting off site for works to be completed). A temporary wave-screen will need to be installed during this phase.
 - Refurbishment of the access bridge to the Town Dock (a temporary access bridge from the ferry pontoon will need to be put in place while the main bridge is taken off site).
 - Replacement and fitting of new pontoons and berthing fingers for legs X, Y, Z (see Appendix 1) and the access pontoon from the legs to the bridge. All services (water & power) and service pillars to be taken off the old infrastructure and refitted to the new pontoons.

3. Recommendation(s) / Proposed Decision

Harbour Committee

- 3.1 That the Harbour Committee recommend to full Council that borrowing is approved for up to £1.2m for the Torquay Town Dock infrastructure improvements, as set out in this report, and that the Harbour budget will meet the additional borrowing costs, expected to be £115,500 per annum, from increased revenue, commencing in 2024/25.
- 3.2 That the Torquay Town Dock Infrastructure Improvements Project be added to the Council's Capital Programme.

Cabinet

- 3.3 That Cabinet recommend to full Council that borrowing is approved for up to £1.2m for the Torquay Town Dock infrastructure improvements, as set out in this report, and that the Harbour budget will meet the additional borrowing costs,

expected to be £115,500 per annum, from increased revenue, commencing in 2024/25.

- 3.4** That the Torquay Town Dock Infrastructure Improvements Project be added to the Council's Capital Programme.

Council

- 3.5** That, following recommendations from the Harbour Committee and Cabinet, the Council approve borrowing of up to £1.2m for the Torquay Town Dock infrastructure improvements, as set out in this report, and that the Harbour budget will meet the additional borrowing costs, expected to be £115,500 per annum, from increased revenue, commencing in 2024/25.
- 3.6** That, following recommendations from the Harbour Committee and Cabinet, the Council add the Torquay Town Dock Infrastructure Improvements Project to the Council's Capital Programme.

Appendices

Appendix 1: Torquay Town Dock Pontoon Layout

Supporting Information

1. Introduction

- 1.1 The Town Dock at Torquay harbour was installed in 2007 at a cost of £1.1m and was funded by prudential borrowing supported via the harbour revenue account. It was built to accommodate 175 berths for vessels ranging from 6 metres to 13 metres in length.
- 1.2 Income generated from this facility was £334,000 in 2020/21. It provides affordable berthing opportunities for local boat owners as well as supporting maritime events and accommodating visiting recreational craft. The dedicated visitor berthing ('V' – pontoon ~ marked as 'A' in the attached Appendix 1) is approximately 135 metres in length and provides safe berthing along with access to fresh water and electricity services. This area is exceptionally busy in the summer season and has an excellent record of visitor berthing from early April through to the end of October each year. Visiting vessels therefore generate a steady income in addition to the resident berth holders within the dock.
- 1.3 The Town Dock also has disabled access and is home to vessels owned by the Disabled Sailing Association, Torbay British Sub Aqua Club, and the Royal Torbay Yacht Club. The local Sea Scouts and Rowing Club also make use of the dock to berth their safety boats.
- 1.4 The design, construction and installation of the Town Dock pontoon system was completed by Solent Marine in 2007. The design comprises of a steel structure supported by a series of floats that have a plastic skin. The design characteristics of this float can be simplified as a large plastic container filled with polystyrene beads. The float is then injected from two filling ports with steam to fuse the beads together into one large solid block of polystyrene. Once the beads are fused together the ports are sealed to make a watertight unit. The filled floats are then fixed at each corner to the underside of the steel framed walkway or finger pontoon.
- 1.5 Experience gained in working with this product has shown that the design and methodology is not 100% effective in this location. The wave climate in this area of the outer harbour puts sufficient pressure on the floats to cause the plastic to split in the corners at the fixing points, which then allows water into the plastic casing. Once the casing starts to slowly fill with water the beads can be seen floating out of the cracked casing and the remaining void is replaced with more water. The additional weight of this fluid then enhances the problem as it flows around the inside of the casing until there can be a catastrophic failure of the float.
- 1.6 The area of the harbour where the Town Dock is located will sometimes experience excessive wave action, which also puts severe pressure on the steel frames of the walkway pontoons. As a consequence, the existing infrastructure suffers from occasional cracking to the steel, including the welded joints, and in extreme circumstances the bolts connecting the walkway units and finger pontoons can sometimes shear.

1.7 As a temporary measure the harbour staff have been modifying some of the damaged floats before recycling them back into the facility. The top of the floats are cut open so that the soaked polystyrene beads can be removed before the void is backfilled with expanding foam that is impervious to salt water. These works are completed by the harbour maintenance team. The floats changed so far have only been fitted to finger berths and to date no attempts have been made to replace floats on the visitor's area because the floats are still likely to crack due to the wave climate. Some of the main walkway sections also require attention where the buoyancy is deficient.

2. Options under consideration

2.1 No other options are under consideration.

3. Financial Opportunities and Implications

3.1 If we had to close parts or all of the Town Dock due to safety concerns with the existing infrastructure the loss of revenue and reputation will be severe. The annual income from the Town Dock is £334,000 and it is the centre piece of Torquay Harbour.

3.2 The replacement of the pontoons will give us the opportunity to increase some of the berthing finger lengths so that we can put larger vessel on dock, where appropriate and increase the overall income. The refurbishment would also provide a fair justification for an increase in Town Dock charges above the standard inflationary increases once the works are completed. Demand for this facility remains very high.

3.3 The life expectancy of the new installation will be better than that of the current infrastructure. This has been demonstrated by MDL who operate the marina adjacent to the Town Dock and who are just about to replace their pontoons after the initial install 30 years ago.

3.4 At the end of the Town Dock infrastructure improvement works, which will take two years and three winters to complete, there will remain a residual debt from the original loan in 2007 of £292k. The Director of Finance has agreed an accounting procedure via the General Fund to clear the asset balance and allow the Harbour account to make good the liability by way of an annual contribution over the life of the new borrowing.

3.5 The new debt of £1.2m will be repaid over 15 years commencing 2024/25 at a cost of £95k per annum, this cost to be met from the harbour revenue account. The total annual impact on the harbour revenue account will therefore be:

	Annual Cost
	£
New loan repayment, £1.2m over 15 years	96,000
Contribution to General Fund re: old debt, £292k over 15 years	19,500
Total cost	<u>115,500</u>

4. Legal Implications

- 4.1 We are currently at risk of some pontoons failing in bad weather which could lead to legal claims from owners of vessels who may get injured, or their vessels damaged because of failing or unsafe infrastructure.

5. Engagement and Consultation

- 5.1 The TDA have been engaged to project manage this replacement and refurbishment work but due to procurement rules we are not yet able to engage with potential contractors who would carry out the works. We have however engaged with structural engineers and organisations such as the Yacht Harbours Association to establish current best practice and designs for floating infrastructure.
- 5.2 If the works are approved the Harbour staff will create a consultation and communication programme to inform existing customers of the project and how it will affect them. The aim is to keep the Town Dock open throughout the project.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable.

7. Tackling Climate Change

- 7.1 When considering the products and materials being used for this project the Council will consider all relevant opportunities to make a positive impact on the climate and to reduce carbon wherever possible.

8. Associated Risks

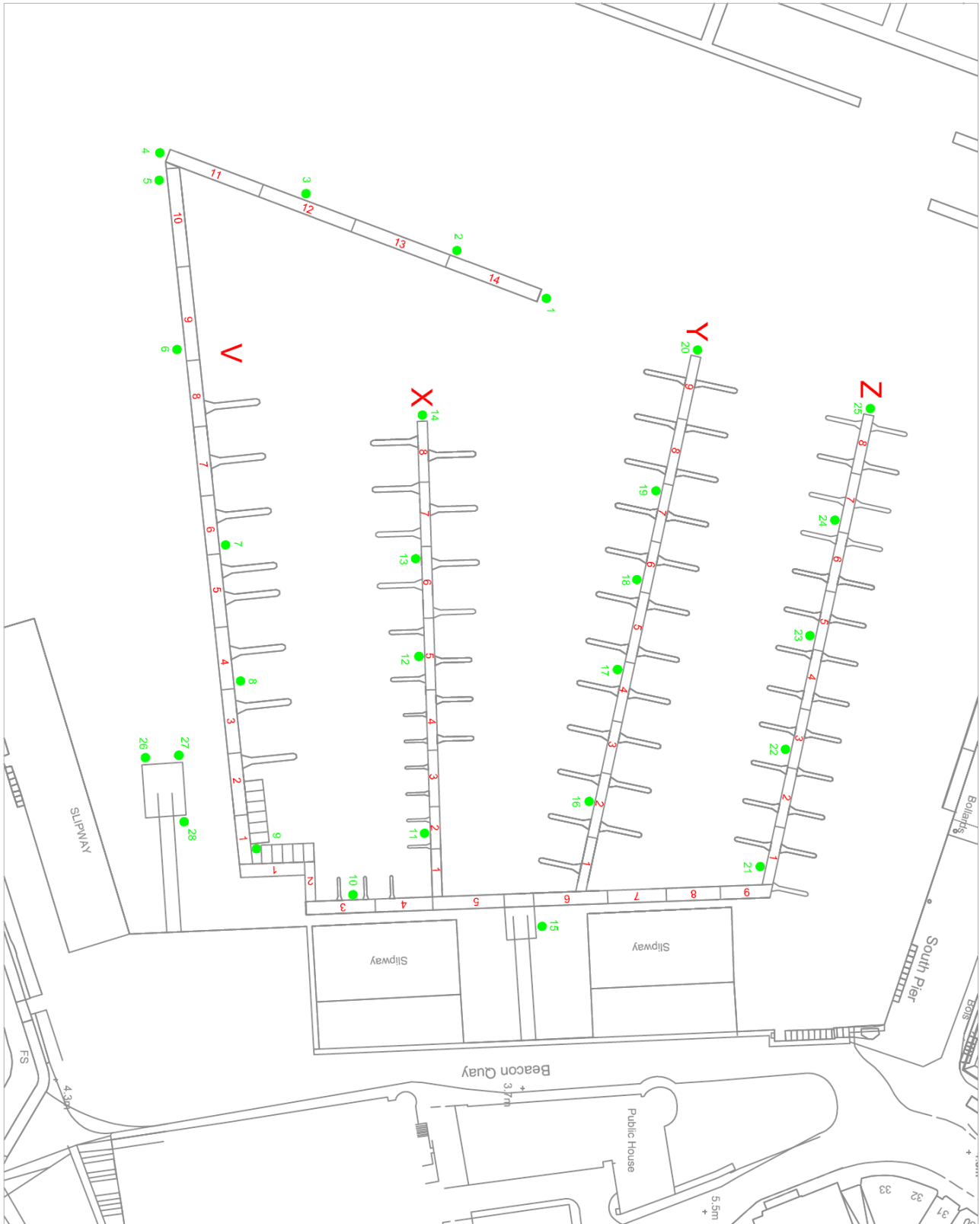
- 8.1 If the capital work is not approved there is a very real risk that certain facilities will need to be closed due to the unacceptable health and safety risks that could occur.
- 8.2 Any pontoon closures will result in lost income and reputational damage.

Equality Impacts

9.	Identify the potential positive and negative impacts on specific groups		
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact
People with caring Responsibilities			There is no differential impact
People with a disability			There is no differential impact
Women or men			There is no differential impact
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact
Religion or belief (including lack of belief)			There is no differential impact
People who are lesbian, gay or bisexual			There is no differential impact
People who are transgendered			There is no differential impact
People who are in a marriage or civil partnership			There is no differential impact
Women who are pregnant / on maternity leave			There is no differential impact

	Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact
10..	Cumulative Council Impact (proposed changes elsewhere which might worsen the impacts identified above)	None		
11.	Cumulative Community Impacts (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	None		

Appendix 1 – Torquay Town Dock Pontoon Layout



Agenda Item 7



Tor Bay Accident / Incident List

	Date	ID Code	Accident Category	Name			
	30/08/2021	TOR0931INV	Pollution - Water	Kelly Marina pollution			
	19/08/2021	TOR0930INV	Near miss	Raptor near miss with swimmer Hollicombe			
	14/08/2021	TOR0929INV	Dangerous occurrence	Swimmers in ski-lane at Elberry			
	24/07/2021	TOR0926INV	Dangerous occurrence	Jetski and swimmers in ski lane Elberry Cove			
	18/07/2021	TOR0928REP	Vessel Wash	Jet Ski Elbury Cove			
	16/07/2021	TOR0927REP	Near miss	Jetski Near Miss			
	03/07/2021	TOR0925INV	Near miss	Dart Venturer / TYST fleet			
	15/06/2021	TOR0924INV	Near miss	Queen Victoria / Vigilance			
	19/05/2021	TOR0917REP	Contact - Floating object	ISHIKAWA hit by adjacent vessel			
	19/05/2021	TOR0918REP	Contact - Floating object	Vessel GINA hitting adjacent mooring buoy			
	18/05/2021	TOR0915CLO	Near miss	Raptor 1 Brandy Cove report			
	17/05/2021	TOR0920CLO	UXO landed ashore	UXO landed to North Side landing berth Brixham			
	14/05/2021	TOR0916INV	Near miss	Raptor 1 Hopes Nose			
	14/05/2021	TOR0914CLO	Flooding/Foundering	TIKI Sinking			
	02/05/2021	TOR0921INV	Near miss	Raptor 1 / OCRDA			
	01/05/2021	TOR0922INV	Near miss	Raptor 1 / Cruise Ship			
	27/04/2021	TOR0913INV	Collision - Not underway	Chloe of Ladrum Tow and Jade star			
	14/04/2021	TOR0919REP	Contact - Floating object	Vessel Breaking Blues hitting adjacent mooring buoy			
	14/04/2021	TOR0910CLO	Flooding/Foundering	Sunken Vessel - Courageous Spirit			
	08/04/2021	TOR0912CLO	Near miss	Raptor Goodrington (close to shore)			
	06/04/2021	TOR0909CLO	Pollution - Water	Cill hydraulic failure			
	04/04/2021	TOR0911CLO	Near miss	Jet ski and hover boards Torre Abbey			
	16/03/2021	TOR0908CLO	Fire/Explosion	Fire MTS Valonea			
	25/02/2021	TOR0907CLO	Pollution - Water	Oil slick reported on MDL Brixham wave screen			
	17/02/2021	TOR0906CLO	Equipment failure (Vessel)	MV Marella Explorer 2 loss of port anchor			
	30/01/2021	TOR0905IVD	Hull failure	Sea Beast			
	24/01/2021	TOR0904CLO	Equipment failure (Vessel)	MV Marella Explorer 2 loss of port anchor			
	19/01/2021	TOR0903CLO	Equipment failure (Vessel)	MV Marella Explorer 2 loss of anchor and chain			

Number of Accidents listed = 28

Incident report status as follows;

Reported = 5; Investigating = 10; Investigation Complete = 1; Actioned-Closed = 12

Key	
Symbol showing the record type:	Symbol showing the record status:
- Incident	- Reported
- Potential Incident	- Investigating
- Details not yet completed	- Investigation Complete
	- Actioned-Closed