

**BRISTOL CITY COUNCIL**

**Place Scrutiny Commission**

**23 October 2014**

**Report of:** Peter Mann - Service Director, Transport

**Title:** Ferry Operations

**Ward:** Citywide

**Officer Presenting Report:** Peter Mann

**Contact Telephone Number:** 0117 922 2947

**RECOMMENDATION**

Consider the issues and provide comments on the content of this report.

**Summary**

1. At present the City Council does not provide any revenue support to ferry services in the City Docks/Historic Harbour. Most services have operated on a commercial basis aimed at the tourism and leisure market. The Council does have a contractual arrangement with No7 Boats to operate the Cross Harbour ferry service but this does not require any financial subsidy from the Council.
2. For 9 years (2002 to 2011) the Council did provide revenue support to commuter journeys on the City Docks Service between Temple Meads and Hotwells and The Centre. Due to increasing costs and the need to make budgetary savings, the Temple Meads Commuter journeys were withdrawn in 2010 and the Hotwells journeys in 2011.
3. Since 2004 the Cross Harbour Ferry has operated between SS Great Britain and Capricorn Quay. This has gone from strength to strength with extended hours of operation (now operates all year). Since September 2012 it has no longer needed revenue support, although there is a contract in place for its operation. This contract is managed by the Sustainable Transport.
4. The Bristol Ferry Boat Company (BFBC) held the original contracts for both the City Docks Commuter Service and the Cross Harbour Ferry. However, following a competitive tendering process they lost the Cross Harbour to No7 Boats in 2007. The Bristol Ferry Company prematurely terminated the Commuter Service contract in 2010. For its final year to September 2011, the contract for a reduced service (Hotwells to the Centre only) was awarded to No7 Boats. The provision of services at commuting times was aimed at generating a level of demand and usage that would support a commercially provided operation. However, despite timetable iterations aimed at better connections to trains, the aspired patronage growth never materialised. Towards the end of its operation, the 2 combined commuter services provided 13,000 passenger journeys pa. With the costs of operation growing, the

Council could not continue its financial support. The fundamental demand for the service was undermined by lengthy journey times (governed by the speed limit in the Docks), the infrequent service and the alternatives available at similar or lesser cost. Whilst the non-commuter market remains, and the Cross Harbour service is thriving, we do not currently see other commuter ferries fulfilling a significant role in transport service provision in Bristol.

5. November 2012 the BFBC went into liquidation with debts of £10,943.54 to BCC for commercial rent for its offices at 44 The Grove and navigation and mooring fees for their ferries.
6. The vessels were bought by a group of investors in December 2012 from the liquidation company Harrisons Business Recovery who contracted AMS Auctions Ltd to dispose of the assets. An application was made to the Harbour Authority to commence services previously run by the liquidated BFBC. This was only approved after the new company completed their Maritime and Coastguard Agency certification and a stipulation was that the new company- Ferry Boats of Bristol (FBOB) had a signed agreement with No7 regarding their conduct within the harbour and the willingness to operate with what was now the “established operator” (No7). This was duly done and a copy was held at the Harbour Office. FBOB commenced services early Jan 2013.
7. Issues arose regarding timetabling by Feb 2013 (including the questioning of the legitimacy of the Cross Harbour tender held by No7 since September 2012). The Harbour Authority engaged in mediation between both companies to come to an agreement on timetabling and conduct of both companies for the common good of the City. At the beginning of this process it was agreed by all parties that if an agreement could not be reached that the Harbour Authority under the harbour Masters Powers of the Harbour, Docks and Piers Act (1847) would come up with a timetable of which both companies would abide by.
8. May 2013 FBOB was changed to a Community Interest Company which comprised of over 800 investors (each investing £100 per share) in the company, the company was renamed Bristol Community Ferry Boats (BCFB). This company carried on with FBOB routes and timetables.
9. March 2014 both companies could not come to an agreement so a timetable was produced, which split the two routes equally comprising of 4 slots on Hotwells and Temple Meads (8 slots) and giving each company 4 slots each (2 slots on each route). This was accepted by No7 but BCFB insisted that the timetable proposed by BCFB was better for the City and therefore refused to take up the timetable as agreed back in Feb 2012. This was eventually followed after the intervention of the Strategic Director (Place) after threats of removal of the Passenger carrying licence (which is issued for the use of picking up and dropping off passenger at public landing stages within Bristol City Docks). An agreement that a live trial of the timetables be carried out for a 12 month period with quarterly meeting between all parties to discuss any issues, trial to end March 2015.
10. A sustained negative press campaign commenced against BCC and the Harbour Authority and in particular the Harbour Master regarding the “enforced timetable” by BCFB and in particular the previous owner of the now liquidated BFBC, Rob Salvidge.

## **Brief History of the Supported Services**

## City Docks

11. Services operated for many years by Bristol Ferry Company (BFBC) and other commercial operators, eg No7 Boats. Mainly tourist orientated and without Council subsidy. BFBC included journeys timed for commuters from Temple Meads and Hotwells
12. October 2001. BFBC notified BCC that commuter journeys were no longer viable and would be withdrawn in 2002 at the end of the winter timetable. Single lump sum provided by BCC to retain operation until the spring 2002.
13. April 2002. Following tender, contract awarded to BFBC to retain the commuter journeys with a small enhancement. Contract commences 1st May & ends 31st March 2004. Cost £14,375pa. Over the winter BFBC ownership changed from Ian Bungard to Jane & Rob Salvidge. Use fell below projections resulting in BFBC wishing to terminate 10 weeks early. In the event BCC paid an additional £4k to keep it operating until end of March.
14. April 2004. Commuter journey contract renewed for 2 years to BFBC until 31st March 2006 following retender. £42,983pa. Subsequently extended to October 2006 at the same price.
15. 2 October 2006. Commuter Journey contract renewed for 5 years to BFBC until Sept 2011 following retender. £47,281pa.
16. Summer 2010. BFBC gives notice to terminate early from 29 October 2010 citing inadequate returns.
17. November 2010. Commuter journey contract awarded to No7 Boats for the Hotwells to Centre section only. £37,000pa (Temple Meads leg withdrawn due to low use).
18. September 2011. Hotwells to Centre commuter journeys withdrawn as part of the cuts required to achieve the Medium Term Financial Plan savings of £1m pa over 2010/11 & 2011/12.

## Cross Harbour (SS Great Britain to Capricorn Quay)

19. July 2004. Commenced as part of EU funded VIVALDI Project. Vessel provided by SS Great Britain Trust. Operated by BFBC (no BCC financial involvement).
20. Oct 2007. EU funding ends. No7 Boats win 5 year contract from BCC. £36,100pa. Vessel still provided by SSGB Trust but re-engined by No7 Boats.
21. Sept 2012. Further 5 year contract awarded to No7 Boats with no annual subsidy other than the vessel provided by SSGB Trust.

## Hydrogen Ferry Project

22. The project, as originally commissioned by BCC, was a demonstration of innovative green technology for an efficient electric powered, zero emission boat on the harbour, including dissemination of results, was completed in February 2014. The boat has a passenger carrying capacity of up to 12 passengers. The total cost of the project to BCC was £225,000.

23. The hydrogen fuel cell ferry did serve Bristol well in adding to our credentials as a candidate for European Green Capital. The technology was proven to work reliably and safely, and to deliver zero emissions. The project stimulated national and international interest, recognition and awards from the marine industry.
24. The furthering of the project requires collaboration from the ferry owner and operator, Bristol Hydrogen Boats Ltd, industry, Government and other agencies that wish to mainstream zero-carbon technologies. The Council will not continue to fund this project into the future. However, we will investigate the possibility of external funding from the forthcoming OLEV (Office for Low Emission Vehicles) 'Driving the Future Today' round to establish a hydrogen refuelling station on Bristol harbour, which could service the ferry boat as well as other electric vehicles, and so assist the commercialisation of this new technology for transport.

### **Council powers regarding ferry operation in the Docks**

25. The City Docks is designated as a Competent Harbour Authority and the primary legislation is the Harbour Docks and Piers Act 1847, the most pertinent clauses of this act are as follows:
  - 51 Appointment of harbour, dock, or pier master.  
The undertakers may appoint such harbour masters as they think necessary, (including in such expression dock masters and pier masters, as herein-before defined,) and from time to time, as often as they think fit, may remove any such harbour master.
  - 52 Powers of harbour, dock, or pier master.  
The harbour master may give directions for all or any of the following purposes; (that is to say,) For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock, or pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein:  
For regulating the position in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take in or deliver ballast within or on the harbour, dock, or pier:  
For regulating the manner in which any vessel entering the harbour or dock or coming to the pier shall be dismantled, as well for the safety of such vessel as for preventing injury to other vessels, and to the harbour, dock, or pier, and the moorings thereof:  
For removing unserviceable vessels and other obstructions from the harbour, dock, or pier, and keeping the same clear:  
For regulating the quantity of ballast or dead weight in the hold which each vessel in or at the harbour, dock, or pier shall have during the delivery of her cargo, or after having discharged the same:
  - 83 Byelaws may be made for all or any of the purposes herein named.  
The undertakers may from time to time make such byelaws as they shall think fit for all or any of the following purposes; (that is to say,)  
For regulating the use of the harbour, dock, or pier:  
For regulating the exercise of the several powers vested in the harbour master:  
For regulating the admission of vessels into or near the harbour, dock, or pier, and their removal out of and from the same, and for the good order and government of such vessels whilst within the harbour or dock, or at or near the pier:  
For regulating the shipping and unshipping, landing, warehousing, stowing, depositing, and removing of all goods within the limits of the harbour, dock, or pier,

and the premises of the undertakers:

For regulating (with the consent of the Commissioners of her Majesty's [F1 Customs and Excise] the hours during which the gates or entrances or outlets to the harbour, dock, or pier shall be open:

For regulating the duties and conduct of all persons, as well the servants of the undertakers as others, not being officers of [F1 the Customs and Excise], who shall be employed in the harbour, dock, or pier, and the premises of the undertakers:

For regulating the use of fires and lights within the harbour, dock, or pier, and the premises belonging thereto, and within any vessel being within the harbour or dock, or at or near the pier, or within the prescribed limits (if any):

For preventing damage or injury to any vessel or goods within the harbour or dock, or at or near the pier, or on the premises of the undertakers:

For regulating the use of the cranes, weighing machines, weights and measures belonging to the undertakers, and the duties and conduct of all weighers and meters employed by them:

For regulating the duties and conduct of the porters and carriers employed on the premises of the undertakers and fixing the rates to be paid to them for carrying any goods, articles, or things from or to the same:

And the undertakers may from time to time, as they shall think fit, repeal or alter any such byelaws: Provided always, that such byelaws shall not be repugnant to the laws of that part of the United Kingdom where the same are to have effect, or the provisions of this or the special Act; and such byelaws shall be reduced into writing, and have affixed thereto the common seal of the undertakers, if they be a body corporate, or the signatures of the undertakers, or two of them, if they be not a body corporate, and, if affecting other persons than the officers or servants of the undertakers shall be confirmed and published as herein provided.

26. Under Clause 83 and in pursuance of the Bristol Dock Acts and orders 1848 to 1998 and the Bristol City Docks Harbour Revision Order 1998 we have set out the Bristol City Docks Bye-Laws (2009), pertinent to this are clauses:

- (6) The Master of a vessel shall navigate his vessel with such care and caution, at such speed and such manner, as not to endanger the lives of or cause injury to persons or damage to property and as not to interfere with the navigation, manoeuvring, loading or discharging of vessels or with moorings, river banks or other property.
- (19) (2) The owner of any goods (passengers) shall comply with such directions as the Harbour Master may from time to time give regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the Docks Estate.
- (41) No person shall engage, by way of trade, in buying or selling any goods or property (selling ferry tickets) in the Docks Estate without written consent of the Harbour Master.
- (57) (2) Where application for a licence has been made and refused and where the vessel remains in the City Docks for a period of 14 days such refusal, the Authority may impound such vessel and its cargo until such time as satisfactory arrangements are made for the vessel to leave the City Docks.

## Policy

A summary policy context paper is included in the papers for this Scrutiny Commission.

**Consultation****Internal**

This report is a factual update and as such requires no specific consultation.

**External**

This report is a factual update and as such requires no specific consultation.

**Context**

See Policy section above.

**Proposal**

N/A

**Other Options Considered**

N/A

**Risk Assessment**

This report is a factual update and as such requires no separate risk assessment.

**Public Sector Equality Duties**

N/A

**Legal and Resource Implications**

There are no Legal or Resource implications related directly to this report.