

# Public Document Pack



## SOUTH HAMS SALCOMBE HARBOUR BOARD - MONDAY, 7TH NOVEMBER, 2011

Agenda, Reports and Minutes for the meeting

### **Agenda No    Item**

1.    **Agenda Letter** (Pages 1 - 2)

2.    **Reports**

Reports to Harbour Board:

- a)    Item 7 - Review of Bye Laws Enforcement Policy (Pages 3 - 10)
- b)    Item 8 - 2011 Opinion Meter Survey (Pages 11 - 16)
- c)    Item 9 - Performance Management (Pages 17 - 30)
- d)    Item 10 - Matters for Future Consideration (Pages 31 - 34)
- e)    Item 12 - EXEMPT - Moorings Policy Enforcement Appeals (Pages 35 - 62)

3.    **Minutes** (Pages 63 - 68)

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# Agenda Item 1

To: Chairman & Members of the Salcombe Harbour Board  
(Cllrs R J Carter, M J Hicks, KRH Wingate and S A E Wright)  
Co-opted Members – Mr J Barrett, Mr T Bass,  
Mr C C Harling, Mr H Marriage, Mr M O'Brien and Mr P Waring)

Our Ref: CS/KT

cc: Remainder of Council for information  
Usual press and officer circulation

28 October, 2011

Dear Member

A meeting of the **Salcombe Harbour Board** will be held in the **Main Hall, Cliff House, Salcombe** on **Monday, 7 November, 2011**, at **2.30 pm** when your attendance is requested.

Yours sincerely

Kathryn Trant  
Member Services Manager

<p><b>FOR ANY QUERIES ON THIS AGENDA, PLEASE CONTACT KATHRYN TRANT THE SENIOR MEMBER SUPPORT OFFICER ON DIRECT LINE 01803 861185</b></p>
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## A G E N D A

1. **Minutes** - to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Board held on 26 September, 2011 (pages 1 to 11);
2. **Urgent Business** - brought forward at the discretion of the Chairman;
3. **Division of Agenda** - to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
4. **Declarations of Interest** – Members are invited to declare any personal or prejudicial interests, including the nature and extent of such interests, they may have in any items to be considered at this meeting;
5. **Public Question Time** – a period of up to 15 minutes is available to deal with questions from the public;
6. **Feedback from Harbour Community Forums** – to receive verbal reports from

Board Members who attend the Harbour Community Forums on behalf of the Board, and to appoint new Members required as a result of changes at annual Council;

7. **Review of Bye Laws Enforcement Policy** – to consider a report which asks Members to review the enforcement policy for Harbour bye-laws (pages 12 to 17);
8. **2011 Opinion Meter Survey** – to consider the results of the 2011 Opinion Meter Survey (pages 18 to 23);
9. **Performance Management** – to consider a report which set out the Harbour’s performance against agreed Performance Indicators (PIs) (pages 24 to 35);
10. **Matters for Future Consideration** – to consider a report which identifies matters for future consideration (pages 36 to 38);
11. **Exclusion of Public and Press** - to consider the following resolution to exclude the public and press:-  
  
“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraphs 2 and 4 of Part 1 of Schedule 12A to the Act”;
12. **Moorings Policy Enforcement Appeals** – to consider a report which reviews a number of appeals from customers due to lose their moorings as they are no longer residents of South Hams (pages 39 to 62).

\* \* \* \* \*

- N.B.** Legal and financial officers will not, as a general rule, be present throughout all meetings, but will be on standby if required. Members are requested to advise the Member Support Service in advance of the meeting if they require any information of a legal or financial nature.

\* \* \* \* \*

**MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER**

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AGENDA  
ITEM

**7**

## SOUTH HAMS DISTRICT COUNCIL

AGENDA  
ITEM

**7**

<b>NAME OF COMMITTEE</b>	Salcombe Harbour Board
<b>DATE</b>	7 November 2011
<b>REPORT TITLE</b>	<b>REVIEW of BYE-LAWS ENFORCEMENT POLICY</b>
<b>REPORT OF</b>	Salcombe Harbour Master
<b>WARDS AFFECTED</b>	All South Hams

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### **Summary of report:**

To review the enforcement policy for Harbour bye-laws.

### **Financial implications:**

There are no direct financial implications from this report.

### **RECOMMENDATIONS:**

**That the Harbour Board RESOLVES to recommend the adoption of the Enforcement Policy at Annex A to this report.**

### **Officer contact:**

Ian Gibson – 01548 843791 (Internal 7104)

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## **1. BACKGROUND**

- 1.1 Salcombe Harbour Authority is a statutory harbour authority and has a duty to regulate navigation within its harbour. They also have a power to make bye-laws to provide an enforceable legal framework that can be used to assist in regulation.
- 1.2 Bye-laws provide general rules for navigation and the conduct of a vessel within the jurisdiction of a Harbour Authority.

In addition to these powers, a harbour master is able to give directions to vessels within his area of authority in respect of when and how they may enter the harbour and where and how they may moor.

- 1.3 In 2010 the Harbour Authority published their Enforcement Policy; this report instigates an annual review of that policy.

## 2. ISSUES FOR CONSIDERATION

- 2.1 The Bye-laws and certain other powers may be used to prosecute offences committed within the harbour area. When deciding whether or not to prosecute the Harbour Authority should be guided by a published enforcement policy. The existing policy has been revised and is at Annex A.

## 4. LEGAL IMPLICATIONS

- 4.1 The Harbour Board is responsible for making and enforcing policies for the regulation and safe conduct of Salcombe Harbour. It is right and proper to review the policies for conducting enforcement from time to time in the light of experience and prevailing circumstances.
- 4.2 The appended enforcement policy has been updated and accords with current legal requirements including the Human Rights Act.

## 5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications from this report.

## 6. RISK MANAGEMENT

- 6.1 The risk management implications are:

<b>Opportunities</b>	<b>Benefits</b>
Without a clear and published enforcement policy, harbour users will not be clear of the implications of not complying with Harbour Bye-laws	By having a clear enforcement policy both harbour staff and harbour users will be in no doubt regarding the policy for the enforcement of the Harbour Bye-laws
Issues/Obstacles/Threats	Control measures/mitigation
Harbour Bye-Laws will not be enforced in a consistent way.	The Enforcement Policy gives a framework and guidance to both offices and harbour users on the enforcement of bye-laws and the consequences of non compliance.

## 7. OTHER CONSIDERATIONS

<b>Corporate priorities engaged:</b>	Community Life Economy Environment
<b>Statutory powers:</b>	The Pier and Harbour Order (Salcombe) Confirmation Act 1954 (Sections 22-36).
<b>Considerations of equality and human rights:</b>	A person accused of contravening civil or criminal law has the right to a fair hearing, to have their views considered before action is taken, and, if it comes to it, to a fair trial. They are also entitled to be treated without unlawful discrimination of any kind. The enforcement policy has been drafted with these requirements in mind.
<b>Biodiversity considerations:</b>	None
<b>Sustainability considerations:</b>	None
<b>Crime and disorder implications:</b>	The Enforcement Policy gives clear guidance on the enforcement of Harbour Bye-Laws
<b>Background papers:</b>	Salcombe Harbour Bye-laws
<b>Appendices attached:</b>	A. Salcombe Harbour Enforcement Policy dated 7 November 2011

Ian Gibson  
Harbour Master

Salcombe Harbour Board  
7 November 2011

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## **SALCOMBE HARBOUR AUTHORITY - ENFORCEMENT POLICY**

### **1. General Powers**

- 1.1 Salcombe Harbour Authority is a statutory Harbour Authority and has powers to make bye-laws, Pier and Harbour Order (Salcombe) Confirmation Act, 1954.
- 1.2 Contravention of bye-laws may result in prosecution through the Magistrates' Court.
- 1.3 The Criminal Justice Act 1982 (as amended) provided for a standard scale of fines for summary offences. The range of fines applicable to contraventions of Bye-laws is: Level 2 - £500, Level 3 - £1,000.

### **2. Principles of Enforcement**

- 2.1 The Harbour Authority has statutory powers to regulate the conduct of vessels in the harbour's jurisdiction and to assist in managing the risks of marine operations. To these ends, enforcement action will sometimes be appropriate.
- 2.2 The Harbour Authority recognises that most harbour users want to comply with the law. Therefore, where it can, the Harbour Authority will help users to meet their legal obligations without unnecessary expense, while taking firm action – including prosecution where appropriate – against those who flout the law or act irresponsibly.
- 2.3 The Harbour Authority will provide information and advice in plain language on the rules that apply and will disseminate it as widely as possible. The Harbour Authority will provide encouragement and support to ensure that their legal powers are used appropriately to improve and safeguard public health, public safety and the environment.
- 2.4 The purpose of any enforcement action is to promote the safety of harbour users.
- 2.5 Where it appears that the Harbour byelaws may have been contravened, the Harbour Authority has the options of negotiation, education and persuasion and, where a criminal offence has occurred, of cautioning or prosecuting an offender.
- 2.6 The Harbour Authority will minimise the costs of compliance for users by ensuring that any action it takes is proportionate to the risks. As far as the law allows, the Harbour Authority will take account of the circumstances of the case and the operator's attitude when considering action.
- 2.7 The Harbour Authority will carry out its duties in a fair, equitable and consistent manner. It will seek to be clear, open and helpful in its approach to enforcement.
- 2.8 The Harbour Authority will seek to target enforcement resources where they are most needed and will be informed by its other policies, aims and objectives. It will liaise with other authorities and enforcement bodies as appropriate.

## ENFORCEMENT ACTION

3. Enforcement action can take the form of;
  - A warning – by way of education, given by an authorised member of the harbour staff should they observe a contravention of the bye-laws.
  - A written warning explaining the way in which a bye-law has been contravened and the implications should the offender re-offend. This is not a caution for the purposes of criminal records.
  - Suspension or revocation of a licence issued in accordance with the bye-laws, mooring licences and contracts are issued annually and require adherence to the bye-laws.
  - Prosecution – as an ultimate sanction.
  - A combination of any of the above.
4. Consideration of action
  - 4.1 Prosecution is a serious step and must be regarded as the ultimate sanction. A prosecution will only be initiated when the alleged conduct has been such that the Harbour Authority cannot impose any appropriate sanction itself and the matter therefore requires the attention of the Court.
  - 4.2 The Harbour Authority is committed to assisting other enforcement agencies, including the Police, to pursue their statutory duties. The Harbour Authority will liaise with any enforcement agency that may also have an interest in any matter being considered for prosecution.
  - 4.3 When dealing with alleged offences,
    - Officers will always identify themselves and explain the purpose of their visit or interview. Each case will be considered on its individual merits and a prosecution will only be initiated in accordance with this Policy.
    - Having duly considered the Harbour Authority's internal policies due regard will be given to the Code for Crown Prosecutors.
    - Any decision to initiate a prosecution will be recorded in writing and the reasons for initiating the prosecution will be given.
    - Any investigation carried out by the Harbour Authority will be conducted pursuant to the Police and Criminal Evidence Act 1984 (and/ or any other relevant legislation) with due regard to the applicable Codes of Practice.
    - In addition, where applicable, best practice will be observed as set out in national guidance issued by bodies such as the Department for Transport (Ports Policy) and/ or Maritime and Coastguard Agency.
  - 4.4 The Harbour Authority recognises that once a prosecution has been commenced control of the matter is ceded to the Courts and the Criminal Justice System.

## **ENFORCEMENT FACTORS**

5. In considering the appropriate enforcement action, the Harbour Authority will take into account the following;
  - The seriousness of the complaint.
  - The risk of harm to the public and others.
  - The public interest.
  - The explanation of the offender.
  - Whether the matter is a recurrence.
  - Whether there have been any other contraventions of bye-laws or Legislation by the offender.
  - The willingness of the alleged offender to prevent a recurrence of the incident.
  - Any action taken by the offender to mitigate damage/ loss to others
  - The availability of witnesses.
  - The reliability of witnesses.
  - The sufficiency of evidence.

## **SUSPENSION OR WITHDRAWAL OF MOORING LICENCE**

6. If following consideration of these factors the Harbour Master decides that the offender's mooring licence should be suspended or revoked altogether, he will offer the offender the opportunity to make written representations about that before making any decision. If after further consideration the Harbour Master orders suspension or revocation of the licence, then the offender may make a written request for the Chairman of the Harbour Board to review that decision. The Chairman's decision will be final.

## **PROSECUTION**

7. Prosecution, as an ultimate sanction will be considered in the following circumstances;
  - Where the alleged offence is a flagrant breach of bye-laws or legislation such that public safety or well being is or has been put at risk.
  - Where the alleged offence involves failure to comply with a warning.
  - Where there is a history of similar offences.
  - Where the alleged offence involves risk of damage to the environment.
  - There are no other public interest factors indicating that prosecution is not appropriate.
8. In appropriate cases, the Harbour Authority will seek to recover the costs of taking enforcement action from a convicted offender. Any award of costs will be for the court to determine.

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## SOUTH HAMS DISTRICT COUNCIL

AGENDA  
ITEM

8

<b>NAME OF COMMITTEE</b>	Salcombe Harbour Board
<b>DATE</b>	7 November 2011
<b>REPORT TITLE</b>	<b>2011 Opinion Meter Survey</b>
<b>REPORT OF</b>	Salcombe Harbour Master
<b>WARDS AFFECTED</b>	All South Hams

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### Summary of report:

To report the results of the 2011 Opinion Meter Survey.

### Financial implications:

There are no direct financial implications from this report. However, there may be implications if the Board make changes to harbour infrastructure or policy to address the concerns raised by the survey.

### RECOMMENDATIONS:

That the Harbour Board **RESOLVES** to:

- a. **Note the report;**
- b. **Consider the contents of the report when formulating policy for the future.**

### Officer contact:

Ian Gibson – 01548 843791 (Internal 7104)

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## 1. BACKGROUND

1.1 An opinion survey of harbour customers has been undertaken annually since 2007. The purpose of this annual survey is to gauge the opinion of harbour users which can then inform decision making by the Harbour Board.

1.2 The 2011 survey took place in the Harbour Office reception between April and September. There were 360 participants who contributed to the survey.

## 2. ISSUES FOR CONSIDERATION

2.1 The following table gives a summary report of the survey:

Question	Answer	n	%
Are you a Resident or a Visitor? (360)	Resident	132	36.67%
	Visitor	228	63.33%
Have you noticed any improvement in the service and facilities Salcombe Harbour offers to you? (325)	Yes	201	61.85%
	No	124	38.15%
Do you use the water taxi? (321)	Yes	156	48.60%
	No	165	51.40%
Have you made use of the water taxi discount tickets? (155)	Yes	54	34.84%
	No	101	65.16%
Do you consider Salcombe to be a safe harbour? (317)	Yes	268	84.54%
	No	49	15.46%
Has speeding and anti social behaviour from other harbour users adversely affected your enjoyment of the estuary? (311)	Yes	82	26.37%
	No	229	73.63%
Have you been the victim of marine crime in the last 12 months? (306)	Yes	39	12.75%
	No	267	87.25%
If yes, have you reported the crime to the police? (38)	Yes	22	57.89%
	No	16	42.11%
Are conservation issues important to you? (301)	Yes	216	71.76%
	No	85	28.24%
Do you consider the Harbour Staff welcoming, friendly and helpful? (298)	Yes	240	80.54%
	No	58	19.46%
Do you consider Salcombe Harbour offers Value for Money? (293)	Yes	194	66.21%
	No	99	33.79%
Will you consider using the Harbour again in the future? (290)	Yes	251	86.55%
	No	39	13.45%
On a scale of 1 to 10 how satisfied are you with the services provided by Salcombe Harbour? (288)	1	19	6.60%
	2	9	3.13%
	3	3	1.04%
	4	5	1.74%
	5	11	3.82%
	6	7	2.43%
	7	22	7.64%
	8	69	23.96%
	9	50	17.36%
	10	93	32.29%

2.2 Customers who scored the Harbour's performance as less than 10 were invited to state what the Harbour Authority should have done to award a 10, the results were as follows:

Comment	Number of responses for this comment
Provide shower facilities	14
Charge less	5
A friendlier welcome	4
Reduce the moorings waiting list	2
Office to be open for longer hours	2
Enforce speed limit byelaws more vigorously	2
To have a higher speed limit within the Harbour	1
Reduce speed limit within the harbour	1
No speed limit from the Bar	1
Not to close harbour during Crabbers Race regatta week	1
Permit skiing and wake boarding within the Harbour	1
Charge less for Whitestrand berthing permit in Jul and Aug	1
Provide better facilities for 5m boats around Whitestrand	1
More secure tender berthing at Whitestrand	1
Electricity on VP	1
Explain environmental challenges more vigorously	1
Provide a dinghy pontoon at Mill Bay	1
Look after locals more	1
Less regulation	1
Offer 4 nights for 3 discount in June	1
Reduce the size of the fairway	1
Replace sector light at Sandhills Point	1
Operate the water taxi from earlier in the morning	1
Zero Marine Crime	1

2.3 The following table details a comparison of the opinion surveys conducted over the last four years.

		2008	2009	2010	2011	Trend
Question						
1	Have you noticed any improvement in the service and facilities Salcombe Harbour offers to you?	56%	83%	57%	61%	↑ 😊
2	Do you use the water taxi?	46%	73%	57%	48%	↓ 😞
3	Have you made use of the water taxi discount tickets?	28%	40%	14%	34%	↑ 😊
4	Do you consider Salcombe to be a safe harbour?	75%	85%	100%	84%	↓ 😞
5	Has speeding and anti social behaviour from other harbour users adversely affected your enjoyment of the estuary?	54%	37%	28%	26%	↓ 😊
6	Are conservation issues important to you?	76%	83%	100%	71%	↓ 😞
7	Do you consider the Harbour Staff welcoming, friendly and helpful?	75%	83%	100%	80%	↓ 😞
8	Do you consider Salcombe Harbour offers Value for Money?	60%	75%	71%	66%	↓ 😞
9	Will you consider using the Harbour again in the future?	84%	90%	85%	86%	↑ 😊

**Analysis:**

2.3.1 Question 1: There has been a small but significant improvement to the number of customers who have noticed an improvement to the services and facilities.

2.3.2 Question 2: Despite the fact that the survey suggests that the number of people using the water taxi has dropped, the water taxi has just had a record season with over 1,500 passengers carried so far this year than the whole of the 2009/10 financial year.



- 2.3.3 Question 3: The trend is up on last year but down on the previous year. However only 34% of water taxi passengers polled made use of the discounted tickets. An analysis of August 2011 shows that of the 8,283 taxi passengers carried 1,220 (15%) of them paid for their trip with a concession ticket. There is still more work to do to bring the financial advantages of the concession tickets to our customer's attention.
- 2.3.4 Question 4: Although the trend is down from last year, the underlying trend is not so alarming. There are nevertheless real issues to tackle if 16% of the poll considered the harbour not to be safe.
- 2.3.5 Question 5: Slowly but surely the trend is moving in the right direction. The Enforcement Policy has been implemented and this summer two successful prosecutions were brought for irresponsible boating and excessive speed. The speeding message has been and will continue to be broadcast loud and clear for all harbour users to heed.
- 2.3.6 Question 6: It is disappointing that the percentage number of the poll who are concerned about environmental issues is at its lowest level of the last four years. The only explanation is that in time of recession customers are less supportive of expensive environmental projects. Notwithstanding this the Harbour Authority has statutory responsibilities within the Site of Special Scientific Interest.
- 2.3.7 Question 7: This is the most alarming and disappointing trend change from the entire survey. It is not good enough that 1 in five of the poll are dissatisfied with the welcome they receive in Salcombe. Overall this year the harbour has received 24 written compliments and only 7 complaints, of which only one was relating to a member of staff. However one complaint is one too many and the staff will re-double its efforts to deliver a friendly welcome and a first class service, within the limitations of the harbour's infrastructure.
- 2.3.8 Question 8: This negative trend on customer's perception of Value for Money is not surprising in a time of recession. Often it is not the harbour charges, but the overall cost of a visit to Salcombe which leaves a bad impression with a proportion of our visitors.
- 2.3.9 Question 9: Following question 8 and the Value for Money it is reassuring that the trend for customers using the harbour again in the future is moving in the right direction.

### **3. LEGAL IMPLICATIONS**

- 3.1 Statutory Powers: Local Government Act 1972, Section 151. The Pier and Harbour Order (Salcombe) Confirmation Act 1954 (Sections 22-36).

3.2 There are no other legal implications to this report.

#### 4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications from this report, however, any policy changes or improvements which are implemented as a result of this report will have to be budgeted for.

#### 5. RISK MANAGEMENT

5.1 The risk management implications are:

<b>Opportunities</b>	<b>Benefits</b>
The opinion meter survey gives the harbour customers an opportunity to give feedback on a range of issues directly to the Harbour Board.	The Harbour Board, through its contact with harbour Community Forums and by setting and monitoring performance standards will be in a position to develop policies that will address the concerns of the harbour customers.
<b>Issues/Obstacles/Threats</b>	<b>Control measures/mitigation</b>
The issues that customers are concerned about have been recorded in the survey.	The size of the survey needs to be taken into consideration.

#### 6. OTHER CONSIDERATIONS

<b>Corporate priorities engaged:</b>	Community Life Economy Environment
<b>Statutory powers:</b>	Local Government Act 1972, Section 151. The Pier and Harbour Order (Salcombe) Confirmation Act 1954 (Sections 22-36).
<b>Considerations of equality and human rights:</b>	None
<b>Biodiversity considerations:</b>	None
<b>Sustainability considerations:</b>	None
<b>Crime and disorder implications:</b>	None
<b>Background papers:</b>	None
<b>Appendices attached:</b>	None

Ian Gibson  
Harbour Master

Salcombe Harbour Board  
7 November 2011

AGENDA  
ITEM

**9**

## SOUTH HAMS DISTRICT COUNCIL

AGENDA  
ITEM

**9**

<b>NAME OF COMMITTEE</b>	<b>Salcombe Harbour Board</b>
<b>DATE</b>	<b>7 November 2011</b>
<b>REPORT TITLE</b>	<b>PERFORMANCE MANAGEMENT</b>
<b>REPORT OF</b>	<b>Salcombe Harbour Master</b>
<b>WARDS AFFECTED</b>	<b>All South Hams</b>

### Summary of Report

To report the Harbour's performance against agreed Performance Indicators (PIs).

### RECOMMENDATION

**That the Harbour Board RESOLVES to Note Harbour Performance against agreed Performance Indicators.**

#### 1. BACKGROUND

1.1 The Harbour Board endorsed the introduction of a set of PIs and to have them reported as a standing agenda item (SH 26/06).

#### 2. ISSUES FOR CONSIDERATION

2.1 This report of Harbour Performance Indicators covers the period from 1 July to 30 September 2011. The detailed report against the agreed performance Indicators with comments for the period is at Appendix A. Detailed comments below are limited to where targets have not been met or have over performed by a considerable margin:

2.1.1 SH 4(L) **Major Plant Serviceability.** The Groves Crane on Batson Quay developed a hydraulic leak from one of the main rams. The seal replacement was beyond the capabilities of the Harbour Staff as specialist tools were required. The Ram has been returned to the manufacturer to complete the seal change.

2.1.2 SH23(L) **Speeding Offences.** There were 60 Verbal warnings, 17 written warnings and two successful bye-law prosecutions during this period with the offenders being fined a total of £1,680.

2.1.3 SH24(L) **Minor Collisions.** There were 39 reported incidents during this period. At the beginning of the summer the harbour in conjunction with Salcombe Yacht Club launched a campaign to raise awareness of the requirement to report minor collisions following a number of instances of damage not being reported.

The increase profile of this requirement resulted in a large number of collisions being reported. The issue was considered by the Board at the meeting on 26 September 2011 (**SH32/11**).

- 2.1.4 SH32(L) **Staff Turnover**. Two members of the permanent staff departed during this period. The Harbour Engineer retired (age) and the permanent Boat Park attendant decided to take early retirement.
- 2.1.5 SH32A(L) **Staff days Lost to Sickness Absence**. During the reporting period two members of staff were absent for long periods one due to stress, the other is recovering from a heart attack.
- 2.1.6 SH34(L), SH35(L), SH36(L) **Visiting Yachts**. Visiting yacht numbers were down by 17% in the second quarter compared to the same period last year, but income was at a similar level because the average size of boats continues to grow. The reduction in visiting yachts is attributed to the poor weather in August and the recession. Customers are using their boats when the weather is set fair, but the main holiday season saw poor weather and consequent reduced visitor numbers.
- 2.1.7 SH40(L) **Water Quality – Pollution Incidents**. There were 12 incidents of pollution, one caused by a minor oil spillage, the other 11 were sewerage and of these 10 were at South Sands.

### **3. LEGAL IMPLICATIONS**

- 3.1 Statutory Powers: Local Government Act 1972, Section 151. The Pier and Harbour Order (Salcombe) Confirmation Act 1954 (Sections 22-36).
- 3.2 There are no other legal implications to this report.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications as a result of this report. This report highlights performance issues which may have financial implications at a later date. Should this be the case a separate report will be brought forward for the Harbour Board's consideration.

## 5. RISK ASSESSMENT

5.1 The risk management implications are:

Risk/Opportunity	Issues / Obstacles	Mitigation
The setting and monitoring of realistic Performance Targets will enable the Harbour Board to ensure that statutory obligations are met and that there is real improvement in the service offered to users of Salcombe harbour.	The Harbour Authority is not delivering a satisfactory service to harbour users. Trends and issues can be identified early and policies and strategies developed to address issues.	The Harbour Board, through its contact with harbour Community Forums and by setting and monitoring performance standards will be in a position to amend the Strategic Business Plan ensuring it remains relevant and that Harbour funds are invested wisely.

<b>Corporate priorities engaged:</b>	Community Life Economy Environment
<b>Consideration of equality and human rights:</b>	There are no equality or human rights issues with this report
<b>Biodiversity considerations:</b>	Harbour Board performance and policies have a bearing on biodiversity.
<b>Sustainability considerations:</b>	The harbour performance needs to be considered regularly to ensure current policies are sustainable.
<b>Crime and disorder implications:</b>	The Report considers reported marine crime within the Estuary.
<b>Background Papers:</b>	SH32/11 Minor Collisions
<b>Appendices attached:</b>	1. Salcombe Harbour Performance Management Grid.

Ian Gibson  
Harbour Master

Salcombe Harbour Board  
7 November 2011

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SALCOMBE HARBOUR BOARD – PERFORMANCE MANAGEMENT REPORT 2011/12

Lead Officer – Ian Gibson

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS
			----- ACTUAL FOR 2008/9							
SH1 (L)	A visual check of all harbour owned and maintained facilities, landings, pontoons, mooring berths, navigational marks and beacons.	2011/12	Monthly	3 inspections	3	3			☺	
		2010/11	Monthly	3 inspections	3	3	3	3		
SH2 (L)	Defects rectification of major harbour infrastructure and facilities.	2011/12	Investigated within 24 hours, repaired within 7 days	All Defects not repaired within 7 days	0	0			☺	
		2010/11	As for 2011/12	As for 2011/12	0	0	0	0		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
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SH3 (L)	Launch serviceability	2011/12	Apr to Sep 8 available Sep to Mar 4 available	8 Available	7	8			☺	
		2010/11	As for 2011/12	4 Available	7	8	3	3		
SH4 (L)	Major Plant un-serviceability (Crane, Barge, Fork lift truck & Van)	2011/12	Available except for planned maintenance periods, defects rectified within 5 working days.	0	0	1			☹	Grove Crane, required new seals on one ram, beyond harbour staff capabilities, ram removed and returned to manufacturer
		2010/11	As for 2011/12	0	0	1	0	0		
SH5 (L)	Slipways and steps Inspected and cleaned	2011/12	Inspected weekly, cleaned Monthly	3	3	3			☺	
		2010/11	As for 2011/12	3	3	3	3	3		



REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH6 (L)	Failure of navigation lights and marks will be rectified or Local Notice to Mariners issued	2011/12	Within 24 hours	0	0	0			☺	
		2010/11	Within 24 hours	0	0	0	0	0		
SH7 (L)	Patrol of estuary and harbour to ensure no hazards to navigation exist	2011/12	Daily	91	91	92			☺	
		2010/11	Daily	92	91	92	89	90		
SH8 (L)	Inspection and preventative maintenance of Deep water and Foreshore Moorings	2011/12	100% Annually	100%					☺	Mooring Maintenance scheduled for winter months in preparation for 2012 season
		2010/11	100% Annually	100%			100%			







REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
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SH20 (L)	Compliance with Port Marine safety Code	2011/12	100% Annual audit	Compliance	Compliance	Compliance			☺	Interim inspection in July 2011, full audit completed December 2011
		2010/11	100% Annual audit	Compliance	Interim Inspection	Compliance	Annual Inspection	Compliance		
SH21 (L)	Compliance with Merchant Shipping Act 1995 Section 198(1) Trinity House inspection of local aids to navigation.	2011/12	100% Annual Audit	Compliance	Annual Inspection	Compliance			☺	Annual Inspection completed successfully on 29 June 2011
		2010/11	100% Annual Audit	Compliance	Annual Inspection	Compliance	Compliance	Compliance		
SH22 (L)	H&S Incidents and accidents (Staff)	2011/12	10% reduction year on year	≤1	1	1			☺	1 x taxi driver hurt his back when a customer accidentally landed on him getting into the boat
		2010/11	10% reduction year on year		0	1	1	0		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH22 A (L)	H&S Incidents and accidents (Public)	2011/12	10% reduction year on year	≤1	2	2			☺	1 x Member of public broke his ankle jumping into his boat. 1 x child broke his arm in a RIB. In both cases Harbour staff facilitated the emergency services.
		2010/11	10% reduction year on year		5	9	1	0		
SH23 (L)	Speeding Offences detected	2011/12	5% annual reduction	≥10	7	60			☺	60 Verbal warnings 17 Written warnings 2 successful Bye-law prosecutions
		2010/11	5% reduction		11	48	0	0		
SH24 (L)	Minor Collisions	2011/12	5% annual reduction	≥11	0	39			☹	Campaign to raise awareness of the requirement to report minor collisions resulted in a large number of collisions being reported
		2010/11	5% annual reduction		6	8	1	0		
SH30 (L)	Crime figures	2011/12	10% annual reduction	≤16	5	12			☺	
		2010/11	10% annual reduction		6	18	7	5		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH31 (L)	Night Security Patrols	2010/11	100% of contracte d patrols	100%	100%	100%			☺	
		2009/10	100% of contracte d patrols		100%	100%	100%	100%		
SH32 (L)	Permanent Staff Turnover	2010/11	< 10% annually	0	0	2			☹	Harbour engineer retired. Boat park attendant resigned
		2009/10	< 10% annually		1	2	0	0		
SH32A (L)	Staff days Lost to Sickness Absence	2010/11	< 10% annually	≤48	62	39			☹	Two members of staff were absent for long periods, Stress for one the other suffered a heart attack.
		2009/10	< 10% annually		11	7	18	24		
SH33 (L)	Customer Complaints	2010/11	10% annual reduction	≤8	2	2			☺	1 customer complained about the rude attitude of the Merlin sailors during Merlin Rocket week. 1 member of SYC complained about bins being unloaded at Batson whilst dinghies were launching
		2009/10	10% annual reduction		8	4	0	0		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH34 (L)	Income from visiting yachts	2010/11	5% increase	108,472	58,550	103,304			☹	Income for second quarter equivalent to 2010 but no growth
		2009/10	5% increase		49,524	103,307	3,494	748		
SH35 (L)	Visiting Yachts	2010/11	5% Increase	4,600	2,094	3,631			☹	Visiting yacht numbers during the high season, second quarter were down by 750, a drop of 17%.
		2009/10	5% increase		2,004	4,381	91	39		
SH36 (L)	Visiting Yacht Nights	2010/11	Increase length of stay to 1.5 nights	1.5	1.8	1.37			☹	Almost the same as last year but no improvement in encouraging yachts to stay longer.
		2009/10	Increase length of stay to 1.5 nights		1.55	1.39	3.6	1.1		
SH37 (L)	Yacht Taxi – Passengers carried	2010/11	5% Annual increase in passenger usage	14,802	8,427	16,007			☺	A 9% increase in taxi passengers carried in the second quarter compared to 2010
		2009/10	5% Annual increase in passenger usage		7,034	14,574	189	32		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH40 (L)	Water Quality Recorded number of pollution incidents	2010/11	Pollution Incidents	0	1	12				11 incidents of sewerage pollution into the estuary and one minor oil spillage.
		2009/10	Pollution Incidents	No Data	0	3	0	4		
SH41 (L)	Guided Events	2010/11	3/Quarter	3	3	7				
		2009/10	Monthly		6	7	5	4		
SH42 (L)	Litter Pick Up Events	2010/11	Quarterly	1	3	1				AONB organised 1 which was cancelled due to poor weather but we actively supported at least 3 other litter events during this time.
		2009/10	Quarterly		2	2	2	2		
SH43 (L)	Recycling yacht refuse	2010/11	Annual Increase		0					Quantities calculated only once each season. Figures were not available for this report.
		2009/10			0	3.16 tonnes	0	0		

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AGENDA ITEM <b>10</b>
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## SOUTH HAMS DISTRICT COUNCIL

AGENDA ITEM <b>10</b>
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<b>NAME OF COMMITTEE</b>	<b>Salcombe Harbour Board</b>
<b>DATE</b>	<b>7 November 2011</b>
<b>REPORT TITLE</b>	<b>MATTERS FOR FUTURE CONSIDERATION</b>
<b>REPORT OF</b>	<b>Salcombe Harbour Master</b>
<b>WARDS AFFECTED</b>	<b>All South Hams</b>

### Summary of Report

To identify matters for future consideration by the Harbour Board.

### RECOMMENDATION

That the Harbour Board **RESOLVES** to:

- a. **hold a Harbour Board working group meeting on 3 February to discuss the Strategic Business Plan Consultation Feedback;**
- b. **form a working group to review the Moorings Policy and lead the Consultation process.**

### Officer contact:

Ian Gibson – 01548 843791 (Internal 7104)

## 1. BACKGROUND

- 1.1 The Harbour Board Constitution states that Matters for Future Consideration should be reviewed by the Board at each meeting.

## 2. MATTERS FOR FUTURE CONSIDERATION

### 2.1 Harbour Board Dates

2.1.1 The following dates have been set for Harbour Board Meetings:

- 30 January 2012
- 26 March 2012
- 28 May 2012
- 9 July 2012
- 24 September 2012

## **2.2 Strategic Business Plan 2012 - 2017**

2.2.1 The public consultation will close on 25 November 2012.

2.2.2 The feedback from the Public Consultation will be brought to the Harbour Board in January 2012. It is then proposed to hold a working group meeting on Friday 3 February to discuss the consultation feedback with the finalised plan being presented on 26 March 2012.

## **2.3 Performance Management**

2.3.1 Reviewed quarterly with the report for the 3rd quarter of financial year 2011/12 being presented on 30 January 2012.

## **2.4 Year End Budget Report 2010/11**

2.4.1 To be presented to the Board on 9 July 2012.

## **2.5 Harbour Annual Inspection**

2.5.1 To take place on the morning of 9 July 2012.

## **2.6 Moorings Policy**

2.6.1 The Moorings Policy was last reviewed in 2007 and is due for a review in 2012.

2.6.2 It is proposed to form a working group to review the Moorings Policy and lead the Consultation process.

## **2.7 Compliance with the Port Marine Safety Code**

2.7.1 The Harbour is audited bi-annually by the designated person. A report of the Audit will be brought to the Board on 30 January 2012.

## **3. LEGAL IMPLICATIONS**

3.1 Statutory Powers: Local Government Act 1972, Section 151. The Pier and Harbour Order (Salcombe) Confirmation Act 1954 (Sections 22-36).

3.2 There are no other legal implications to this report.

## **4. FINANCIAL IMPLICATIONS**

4.1 There are no new financial implications as a result of this report, however this is not necessarily the case for the work which will follow.

## 5. RISK ASSESSMENT

5.1 The risk management implications are:

Risk/Opportunity	Issues / Obstacles	Mitigation
The Harbour Authority is striving to deliver an improving service to harbour users.	The Harbour Board, considers many routine issues annually, topical items will be brought to the Board as they arise.	A better service in a safe environment for estuary users.

<b>Corporate priorities engaged:</b>	Community Life Economy Environment
<b>Statutory powers</b>	The Pier & Harbour (Salcombe) Order Act 1954
<b>Consideration of equality and human rights:</b>	There are no equality or human rights issues with this report
<b>Biodiversity considerations:</b>	None
<b>Sustainability considerations:</b>	None
<b>Crime and disorder implications:</b>	None
<b>Background Papers:</b>	Strategic Business Plan 1st Edition dated 2 August 2007. Constitution of the Salcombe Harbour Board (as adopted by Council on 25 June 2009)
<b>Appendices attached:</b>	None

Ian Gibson  
Harbour Master

Salcombe Harbour Board  
7 November 2011

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**MINUTES OF THE MEETING OF  
THE SALCOMBE HARBOUR BOARD  
HELD AT CLIFF HOUSE, SALCOMBE ON MONDAY, 7 NOVEMBER 2011**

<b>Members in attendance</b>			
<b>* Denotes attendance</b>		<b>∅ Denotes apology for absence</b>	
*	Cllr R J Carter (Chairman)	*	Mr J Barrett
*	Cllr M J Hicks	*	Mr T Bass
*	Cllr K R H Wingate	*	Dr C C Harling (Vice Chairman)
*	Cllr S A E Wright	*	Mr H Marriage
		∅	Mr M O'Brien
		∅	Mr P Waring

<b>Item No</b>	<b>Minute Ref No below refers</b>	<b>Officers in attendance and participating</b>
All agenda items		Head of Service (Salcombe Harbour) and Member Services Manager

**SH.34/11      MINUTES**

The minutes of the meeting of the Salcombe Harbour Board held on 26 September 2011 were confirmed as a correct record and signed by the Chairman.

**SH.35/11      URGENT BUSINESS**

The Chairman advised that there were two items of urgent business which he had agreed could be addressed later in the meeting. The first item being a request from Salcombe Delivery Company to the Harbour Master to trade, details of which would be given during Public Question Time (minute SH.37/11 below refers). Secondly, the Harbour Master had asked to present a late report on the recent fatality that had taken place in the harbour (minute SH.45/11 below refers).

**SH.36/11      DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllr S A E Wright declared a personal interest in all agenda items by virtue of him having worked in a self employed capacity in the Harbour and also having a mooring.

**SH.37/11 PUBLIC QUESTION TIME**

Members of the public were in attendance and wished to utilise the public question time session.

A representative from the Kingsbridge Estuary Boat Club advised the Board of a recent visit from the Assistant Chief Constable (ACC) who was responsible for local policy and partnerships. Following concerns over the quality of marine crime reporting, the opportunity was taken to tell the ACC about how the Club had evolved and about the Boat Watch scheme. In addition, night vision equipment, which was often used, was demonstrated. The ACC advised that she could help with funding for further equipment. The ACC also indicated that she would like to take part in one of the Boat Watch events, and that she would take up the issue of marine crime reports.

A representative from the Salcombe Delivery Company outlined their proposals to offer a high quality grocery delivery service to visiting yachts. An approach had been made to the Harbour Master who was minded to give approval for the venture. Following the presentation, the Board agreed that they would also recommend support, therefore the Harbour Master advised that he would grant approval for one year.

**SH.38/11 FEEDBACK FROM HARBOUR COMMUNITY FORUMS**

The Board received verbal update reports from the Board Members who attended the Harbour Community Forums, during which reference was made to:-

**Salcombe Kingsbridge Estuary Conservation Forum**

The next meeting of the Salcombe Kingsbridge Estuary Conservation Forum was scheduled for 16 November 2011.

**Salcombe Kingsbridge Estuary Association (SKEA)**

There was no update from Salcombe Kingsbridge Estuary Association.

**Kingsbridge Estuary Boat Club**

There was no further update to that already given under Public Forum.

**South Devon & Channel Shellfishermen**

The South Devon & Channel Shellfishermen were waiting to hear the outcome of the bid for funding.

**Kingsbridge and Salcombe Marine Business Forum**

The comments of the Kingsbridge and Salcombe Marine Business Forum, in relation to the Strategic Business Plan, had been forwarded and a lengthy meeting had been held with the Harbour Master. Both public consultation events on the Strategic Business Plan had been attended.

**SH.39/11 REVIEW OF BYE LAWS ENFORCEMENT POLICY**

The Board considered a report which asked Members to review the enforcement policy for Harbour bye-laws.

The Harbour Master introduced the report and advised that it was timely to review to policy as it had now been in place for one year. During discussion, the Board asked for minor amendments to be made including that Paragraph 5 of the policy be amended to include a bullet point relating to attitude of offender (as well as explanation of offender).

It was then:

**RESOLVED**

That the Enforcement Policy be adopted as set out at Annex A to the presented report, subject to the minor amendments being incorporated as discussed at the meeting.

**SH.40/11 2011 OPINION METER SURVEY**

The Board considered the results of the 2011 Opinion Meter Survey.

The Harbour Master introduced the report and advised that a number of different formats had been used since 2008; this year the Opinion Meter had been set up in the Harbour Office and 360 responses had been received. He took Members through the report and noted the relevant points.

During discussion, the following points were raised:

- 58% of respondents had been victims of crime, but only 13% had reported it. This was not helpful as the Police were not getting a full picture of the numbers of crimes committed and this had resourcing implications;
- The Harbour Master drew attention to the percentage of visitors who had expressed dissatisfaction with their welcome. The Harbour Master felt that a training day might help which the Board supported;
- A Member raised the issue of the relationship between the Harbour authority and local residents, not just with visitors, and added that it was important that staff had the right tools and techniques to deal with difficult situations;
- Members of the Board noted the high percentage of visitors who said they would come back, and it was also stated that those totally satisfied would be unlikely to complete the survey at all;

- The Harbour Master added that some situations had arisen as a result of enforcing Board policies that had not been enforced for a number of years previously. In addition, there was a perception amongst a minority that the policies were not being enforced fairly;
- Finally, in terms of the survey for next year, the Harbour Master was asked not to change the questions to ensure consistency.

It was then:

### **RESOLVED**

That:

- a. the report be noted;
- b. the contents of the report be considered when formulating policy for the future.

## **SH.41/11 PERFORMANCE MANAGEMENT**

The Board considered a report which set out the Harbour's performance against agreed Performance Indicators (PIs).

During discussion, the following points were made:

- The Harbour Master advised the Board that the Chairman had been in correspondence with a gentleman who felt that further sanctions should be placed against those who had caused a collision but did not report them. The matter of unreported collisions was debated at great length, in particular the point that those responsible were often unknown as they had not reported the collision. There was also discussion about the harbour becoming busier and more congested, and the responsibility of other organisations in terms of education;
- The Harbour Master advised that sickness absence had an impact as he had only a small team of staff;
- The Board discussed visiting yacht numbers and how the trends had been changing, particularly in terms of family holidays, and how the harbour needed to be marketed according to changing habits;
- The Board was concerned at the levels of pollution affecting water quality and one Member was particularly concerned at the frequency with which South West Water pushed pollution into the estuary, as evidenced by their text alert service.

It was then:

**RESOLVED**

That the Harbour Performance against agreed Performance Indicators be noted.

SH.42/11 **MATTERS FOR FUTURE CONSIDERATION**

The Board considered a report which identified matters for future consideration by the Harbour Board.

The Harbour Master introduced the report, and advised Members that the report was self explanatory. He asked if, in view of the poor turnout at the Salcombe public consultation event on the Strategic Business Plan, he should arrange a second meeting. The Board advised that they did not feel this was necessary as all stakeholders had been invited to the event.

In terms of the recommendations, it was agreed that the working group meeting on 3 February 2012 would start at 1400 hours. The working group to look at the Moorings Policy would include Hugh Marriage, Kit Harling, Jonno Barrett, Cllr John Carter and Cllr Simon Wright.

It was then:-

**RESOLVED:**

- a. a Harbour Board working group meeting be held on 3 February to discuss the Strategic Business Plan Consultation Feedback; and
- b. a working group to review the Moorings Policy and lead the Consultation process be formed.

SH.43/11 **EXCLUSION OF PUBLIC AND PRESS**

It was then:-

**RESOLVED**

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraphs 2 and 4 of Part 1 of Schedule 12A to the Act”;

SH.44/11 **MOORINGS POLICY ENFORCEMENT APPEALS**

The Board considered a report which reviewed a number of appeals from customers due to lose their moorings as they were no longer residents of the South Hams.

Each case presented to the Board was discussed on its own merits, and a decision reached on each one.

It was then:-

**RESOLVED:**

That the appeals in the Appendices to this report be ruled in line with the current Moorings Policy.

SH.45/11 **FATAL ACCIDENT – 23 OCTOBER 2011**

Having been invited by the Chairman, the Harbour Master introduced his urgent report into the fatality that had occurred on 23 October 2011. The Board discussed the report and agreed with the recommendations contained therein.

It was then:-

**RESOLVED**

That:

- a. the Harbour Master's report be forwarded to the Marine Accident Investigation Branch;
- b. all groups using the estuary be written to and reminded of their responsibility to own a current risk assessment and operating procedures;
- c. a Local Notice to Mariners be published annually, reminding harbour users that calls for the emergency services within the Harbour limits should be directed to the Coast guard;
- d. it be continued to be advocated that all harbour users wear life jackets or buoyancy aids when they go afloat.

(Meeting commenced at 2.30 pm and concluded at 4.30 pm).

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Chairman