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SOUTH HAMS SALCOMBE HARBOUR BOARD - MONDAY, 30TH JANUARY, 2012

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 - Port Marine Safety Code (Pages 3 - 40)

b) Item 8 - Performance Management (Pages 41 - 54)

c) Item 9 - Matters for Future Consideration (Pages 55 - 106)

d) Item 11 - EXEMPT - Moorings Policy Enforcement Appeals (Pages 107 - 126)

3. **Minutes** (Pages 127 - 132)

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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

20 January, 2012

Dear Member

A meeting of the **Salcombe Harbour Board** will be held in the **Kingsbridge Town Council Offices, Quay House, Ilbert Road, Kingsbridge TQ7 1DZ** on **Monday, 30 January, 2012**, at **2.30 pm** when your attendance is requested.

Yours sincerely

Kathryn Trant
Member Services Manager

**FOR ANY QUERIES ON THIS AGENDA, PLEASE CONTACT KATHRYN TRANT
THE SENIOR MEMBER SUPPORT OFFICER ON DIRECT LINE 01803 861185**

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 7 November, 2011 (pages 1 to 6);
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. **Port Marine Safety Code** – to consider a report which appraises Members on Salcombe Harbour Authorities’ compliance with the Port Marine Safety Code (pages 7 to 42);
8. **Performance Management** – to consider a report which set out the Harbour’s performance against agreed Performance Indicators (PIs) (pages 43 to 54);
9. **Matters for Future Consideration** – to consider a report which identifies matters for future consideration (pages 55 to 101);
10. **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”;
11. **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 102 to 120).

* * * * *

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

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	30 January 2012
REPORT TITLE	PORT MARINE SAFETY CODE
REPORT OF	Salcombe Harbour Master
WARDS AFFECTED	All South Hams

Summary of Report

To appraise Members on Salcombe Harbour Authorities' compliance with the Port Marine Safety Code.

RECOMMENDATION

That the Harbour Board RESOLVES to:

- a. Accept the findings of the Audit at Appendix 1 and 2.
- b. Endorse and publish the 9th edition of the Safety Management System dated 17 November 2011 at Appendix 3.

1. BACKGROUND

- 1.1 The Port Marine Safety Code (PMSC) was published in March 2000 and revised in October 2009 by Department of Environment, Transport and Regions (DETR) Ports Division. Its aim is to establish an agreed national standard for port marine safety and a measure by which harbour authorities can be held accountable for the legal powers and duties which they have to run harbours safely.
- 1.2 To audit Salcombe's compliance and advise on any changes, developments and safety issues, the Harbour Authority has appointed an independent designated person who reported on 17 November 2011 that, in their opinion there is in place a safety management system which, if maintained actively, complies with the requirements of the PMSC, Appendix 1.

2. ISSUES FOR CONSIDERATION

- 2.1 During the Audit a number of issues were raised, these are detailed in the Independent Designated Person's letter at Appendix 2.

2.2 The Harbour's Safety management System has been updated to Issue 9 dated 17 November 2011. The complete revised document is at Appendix 3.

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 None in the preparation of this report other than officer time although there will be financial implications for the delivery of harbour safety improvements.

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.

Corporate priorities engaged:	Community Life Economy Environment
Statutory powers	The Pier & Harbour (Salcombe) Order Act 1954
Consideration of equality and human rights:	There are no equality or human rights issues with this report
Biodiversity considerations:	None
Sustainability considerations:	None
Crime and disorder implications:	None
Background Papers:	None
Appendices attached:	1. Nicholson Risk Management's Report dated 17 November 2011. 2. Nicholson Risk Management's letter dated 17 November 2011. 3. Salcombe Harbour Board Safety Management System Issue 9 dated 17 November 2011.



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REPORT

To the Salcombe Harbour Board.

As the independent designated person appointed by the Salcombe Harbour Board, we report on the Safety Management System, Number 8, updated on 10th December 2010 and we have reviewed compliance during the past year.

A few revisions are necessary and we have produced Issue 9, dated 17th November 2011, recording compliance with the Port Marine Safety Code and listing the topics in hand for continuous improvement.

In our opinion there is in place a safety management system which - if maintained actively - complies with the requirements of the Port Marine Safety Code and enables the Salcombe Harbour Board to set out their safety policies, their organisation which can put them into practice and their procedures for a planned and systematic approach to policy implementation.

Nicholsons Management Ltd

17 November 2011

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The Harbour Master,
Salcombe Harbour Office,
Whitestrاند,
Salcombe,
Devon, TQ8 8BU

17 November 2011

Dear Ian,

Enclosed are a copy of the revised PMSC compliance document, Issue 9, and my firm's formal report to the Salcombe Harbour Board.

The following notes record the answers to a number of questions raised during the audit.

1. Have there been any significant changes in the activities in the Harbour?

There have been no fundamental changes.

There were less visiting yachts than normal in August, but taken as a whole, activity and income from visiting yachts in 2011 has been much as before. Following the reorganisation at Batson there has been a significant increase in boat park business.

There were fewer incidents of pleasure boats speeding.

2. Accidents and Incidents

There was one fatality in the harbour in the past year, Mr Rule. The investigation has not been concluded, but it is believed that during an ICC race a Mr Rule, who had not been in good health, was hit on the head by the boom and fell off his Soling named Hussoling. It appears that Mr Rule's manual inflation lifejacket was not inflated, did not support him and keep his head clear of the water until the arrival of the rescue boat and that those raising the alarm first called for the Ambulance Service rather than the Coast Guard.

There were no other serious accidents, nor any fires in the harbour this year.

Pollution incidents reported were just one minor oil slick, but 11 from sewage outfalls. The Chairman of LHB has written to the Chairman of South West Water requesting some action to reduce the quantities of sewage entering the estuary.

The bald accident statistics show an increase in the reporting of minor collisions. This is as a result of the Harbour Board's policy to encourage responsible boating with the sailing clubs in the Harbour.

There were no accidents or injuries to staff that needed to be reported to the HSE under the RIDDOR regulations.

3. Changes in organisation and staffing

The Harbour Master now reports to the Council's Asset Group.

The organisation at Salcombe has only been changed to the extent that all three technicians now report direct to the Assistant Harbour Master Logistics and Maintenance, without going through a supervisor.

4. Are there any new concerns that have been raised?

The one new concern is the Government's proposed removal of the Council Tax distinction between full time residents and owners of second homes. All those who pay the full Council Tax may join waiting list for moorings.

One issue that continues to be discussed is the definition of harbour limits that define the area in which water skiing is prohibited and the speed limit is controlled.

5. What changes in standards expected or in legislation?

Salcombe Harbour has successfully fended off classification as one of the planned Marine Conservation Zones, on the grounds that the Harbour's pedigree in environment management, such as in controls and measurement before and after any dredging, demonstrate that it needs no more than SSSI status.

Salcombe does not receive ships large enough to fall into the Consolidated European Reporting System (CERS), which has now been expanded to CERS2 and brings further reporting burden for some harbour authorities.

It is now the MMO rather than DEFRA that grants licences.

6. Review and where necessary revise each risk assessment.

All risks appear to be covered within the existing risk assessments, which list the necessary control measures.

Where actions are required to bring the risks as low as reasonably practical they are recorded in the risk assessments and listed below as the improvements needed.

All the risk assessments have been reviewed and amended where necessary and signed off by the Harbour Master on 15 November 2011. This year each of the three Harbour Masters was involved in the risk assessments that related to their area of responsibility with their counter signature added to the risk which fall within their area of responsibility and therefore ownership.

7. Are the "customers" requirements being satisfied?

The Harbour Authority is currently consulting with the public on the Draft Strategic Business Plan 2012-2017.

There was successful formal public consultation to approve the work now in hand to improve the Salcombe Town Landings, Whitestrand and the Normandy pontoons.

The harbour Authority conducted its annual opinion survey of customers between May and September.

A Planning Application has now been submitted to answer the concern voiced by customers at the lack of municipal shower facilities. Salcombe Yacht Club are also improving their showers, which are available to visiting yachtsmen.

The Yacht Club would like more dinghy and tender parking space.

The new Kingsbridge and Salcombe Business Forum has started by seeking a joint marketing plan, a second public slipway, more dredging and the reopening of the debate on having no speed limit near the harbour entrance.

There were no major issues raised through the other four groups, The Salcombe and Kingsbridge Estuary Association, The Salcombe - Kingsbridge Estuary Conservation Forum, The Kingsbridge Estuary Boat Club and The South Devon and Channel Shell Fishermen.

The view has even been expressed by the Conservation Forum that the harbour has already bowed too much to commercial pressures and should return to the old days.

8. Where actions were identified last year what has now been completed?

1. Improving the Whitestrand and the Normandy pontoons, separating commercial from leisure activities.
2. Publication of the Port Marine Safety Code Compliance document on the Salcombe Harbour web site.
3. There is a comprehensive rolling training programme for all harbour staff.
4. Maintenance dredging of the Kingsbridge basin, access to Winters Boatyard and the Batson Creek channel.
5. Improvements have been made to berthing at Kingsbridge by using recycled pontoons.
6. Public access is now restricted to the fish quay and to the repair berth.

Initiated and ongoing

- Customers with a mooring licence are being asked to confirm that the mooring tackle has been inspected and maintained where necessary
- Continuing to enforce the mooring policy allocating moorings to those who pay local Council Tax.
- Continue to seek ways of informing and educating harbour users on safety issues, such as wearing lifejackets (automatic ones being the lifejacket of choice), life jacket maintenance, don't drink and drown and the dangers of venturing outside the harbour. Continue to press the Yacht Club to require adequate personal buoyancy to be worn by all competitors in boats that might capsize, including those sailing yawls. Advice to call Coast Guard in an emergency, rather Police, Fire Brigade or Ambulance. Publish articles in relevant Magazines and Harbour Guide.

- Continue to monitor safe performance of skippers of trip boats and ferry boats, enforce the requirement for survey and stability tests.
- The danger of unprotected quay edges has been raised with the H&S committee of SHDC who own quays, but despite a recommendation for edge protection nothing has happened at Whitestrand.
- When the byelaws are next modified, make provision to prohibit windsurfing in main fairway during July and August.

9. Policy of continuous improvement:

to bring the risks to As Low as Reasonably Practicable [ALARP],

1. Draw up a 5 Year Business Plan, after consultation with stakeholders, with the aim of supplying 21st Century facilities without changing the character of the estuary. Amongst other things the plan will include improving berthing arrangements at Kingsbridge.
2. SHDC is developing a Master Plan for the operation of all its land assets in Salcombe. This will cover inter alia,
 - Fish quay repairs and improvements, to include stabilising, improved access and traffic circulisation, with a reduction in conflict between boat park and fish quay users. There may be a bid for EU funding.
 - Shadycombe Car/Boat parking.
 - Island Street Industrial units
 - Whitestrand car park and Salcombe Town Landings
 - Jubilee Pier
 - Cliff House Gardens
3. Review Method Statements and amplify the one setting out the definition of lone working and what is required to keep lone working risks as low as reasonably practical.
4. Ask the RNLI to mark their fuel bund displaying notices warning of its flammable contents.
5. Assess the response that is given by the sailing clubs and other organisations that have been asked to show the Harbour Master their risk assessments and controls.
6. Consider adding training for Sublift to Mastertrain commitment. Revalidate initial training at 5 year intervals.
7. Consider promoting training and refresher courses for those on sailing boats as well as power. It is now a 6th point added to the original 5 safety recommendations made by the RYA and RNLI
8. Acquire a suitable vessel to improve encouragement of good seamanship and enforcement of Harbour Bye-laws.

Many thanks for your help in completing this annual task.

Yours sincerely,

Peter Nicholson

Director

Nicholsons Risk Management is a division of Nicholsons Management Limited VAT Registered Number 615165065

SALCOMBE HARBOUR BOARD

SAFETY MANAGEMENT SYSTEM

In Compliance With

THE PORT MARINE SAFETY CODE

Prepared By:

The Harbour Master, with Nicholsons Risk Management

Harbour Board Members

Councillor J Carter - Chairman

Mr C Harling – Vice-Chairman

Councillor K Wingate

Councillor S Wright

Councillor M Hicks

Mr J Barrett

Mr T Bass

Mr R Gilbert

Mr H Marriage

Mr M O'Brien

Mr Peter Waring

IN COMPLIANCE WITH THE PORT MARINE SAFETY CODE

SUMMARY AND INDEX

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Policy: To have a Safety Management system that is structured, cohesive and auditable.	
A1. Introduction	
Salcombe Harbour Board's constitution, powers and procedures now comply with the Port Marine Safety Code 2009 [PMSC]	4
This document describes the Salcombe Harbour Board's [SHB] Safety Management System comprising the 6 essential elements of policy, organisation, planning, measure, review and record.	
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The Board is responsible for policy. The Harbour Master is responsible for the organisation and the facilities. The Staff implement the policy. Together these three categories form the system that puts policy into effective practice.	

A1 - INTRODUCTION

Background.

The Port Marine Safety Code (PMSC) was first published in March 2000 and revised by the Department of Transport in 2009. It aims to establish an agreed national standard for port marine safety and a measure by which harbour authorities can be held accountable for the legal powers and duties which they have to run their harbours safely.

Salcombe Harbour Authority

The overarching plans and policies of the Harbour are contained in the Salcombe Harbour Authority Strategic Business Plan (2007-2011). They aim to discharge the roles and statutory duties which are placed on the Harbour by the Pier and Harbour [Salcombe] Confirmation Act 1954, and which are empowered by the Act.

The Statutory Harbour Authority for the Salcombe/Kingsbridge Estuary is the South Hams District Council. The Council has set up the Salcombe Harbour Board, which makes recommendations for approval by the full Council.

The terms of reference of the Salcombe Harbour Board are to administer Salcombe Harbour in accordance with the 1954 Act, the recommendations of the Municipal Ports Review (2006) and the policy of the Council, and to advise the Council on riparian matters affecting the Harbour, subject to overall control of staffing and finance by the Council.

The 1954 Act is based on the 1847 Harbours, Docks and Piers Clauses Act that gives the Harbour Master certain statutory powers concerning the management of the Harbour. Additionally, the 1964 Harbours Act provides for the operation to be self-financing with the Authority able to fix its own rates in order to pay for the work to be done.

The Aim of This Document.

The aim of this document is to describe and direct how the Salcombe Harbour Board complies with the PMSC and how it will continue to do so.

Managing Salcombe Harbour - The Safety Management System.

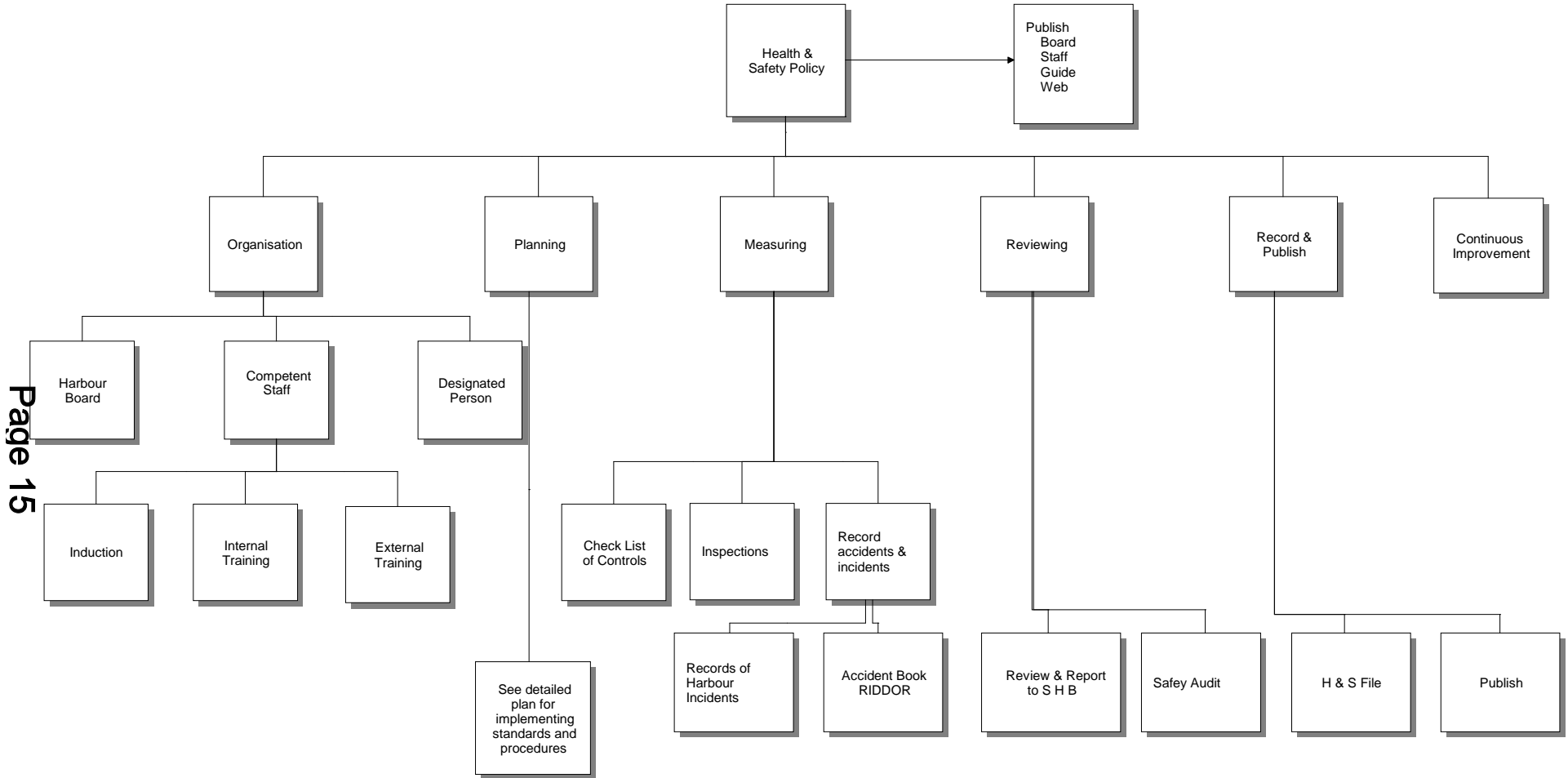
The Salcombe Harbour Board is a safety conscious and a publicly accountable board. It is committed to undertaking and regulating marine operations in a way that safeguards the harbour, its users, the public and the environment

The Salcombe Harbour Board is the designated Duty Holder in accordance with the Port Marine Safety Code.

It has an established Safety Management System, the components of which are shown diagrammatically on Page 5.

The safety procedures that form the plan to implement the safety system are set out on Page 4.

A2 - OUTLINE CHART OF SAFETY MANAGEMENT SYSTEM



Page 15

Management of these safety controls and procedures are set out in existing public documents, which, together, form a cohesive web of management. As appropriate, relevant sections of these documents are cross-referenced to PMSC standards:

- Salcombe Harbour Authority Strategic Business Plan (2007-2011)
- Salcombe Harbour Authority Annual Report (2010)
- Salcombe Harbour Authority Policy Document (2000)
- Salcombe/Kingsbridge Estuary Environmental Management Plan (2005-2010)
- The Pier and Harbour [Salcombe] Confirmation Act 1954
- Salcombe Harbour Board Byelaws (2009)
- Salcombe Harbour Health & Safety at Work - Policy, Orders and Risk Assessment (2001)
- Salcombe Harbour Safety Controls (2010),
- Local Notices to Mariners and Harbour Publications, such as the Salcombe Harbour Guide
- Salcombe Harbour Emergency Plan
- The Oil Spill Response Plan (OPRC) and the Estuary Pollution Plan (EA)
- Salcombe Harbour Waste Management Plan
- Admiralty Chart 28 and 5602.10 (23-11-2000)

1. POLICY - SETTING A STANDARD

South Hams District Council and Salcombe Harbour Board are committed to running a safe, efficient and welcoming harbour that caters for the needs of the local communities, visitors and the environment. The six core principles that underpin all the activities of the Harbour Board are safety, stakeholder involvement, value for money, environmental stewardship, catalyst for substantial economic development and support for local employment. SHB will provide a safe port within the limits of their jurisdiction, which is open to the public for the transportation of passengers and goods. It will ensure the safety of their Harbour by exercising their statutory conservancy functions to a high standard. It will regulate the use of the harbour by maintaining appropriate byelaws and ensuring that these and other statutory regulations are enforced. The board will ensure such marine services as are required for the safe use of their Harbour are available and are maintained and operated to a high standard. The board will ensure that current plans are available to deal with emergency situations and that the resources required to implement these plans are maintained and exercised.

The Policy incorporates input from officers, from staff and from harbour users as high standards of safety can only be achieved through dialogue and co-operation.

SHB shall identify, quantify and manage the significant marine risks associated with Salcombe Harbour. This will ensure there is proper control of movements of all vessels by regulating the safe arrival, departure and movement within the harbour.

Existing powers shall be reviewed on a periodic basis, to avoid a failure in discharging duties or risk exceeding powers.

Plans and reports shall also be published as a means of improving the transparency and accountability of harbour authorities, as well as providing reassurance to the users of port facilities. SHB shall consider past events and incidents; to recognise potential dangers and the means of avoiding them.

Salcombe Harbour Board are committed, specifically;

- To ensure that the best channels for navigation are determined, marked and monitored.
- To monitor lights and marks used for navigation within their jurisdiction.
- To provide hydrographic surveys of the estuary when required for the maintenance of up-to-date charts (including charts of all moorings).
- To have an effective system for promulgating navigation warnings affecting the Harbour.
- To consider the effect of weather on harbour safety and promulgating warnings as required.
- To carry out all its functions with special regard to the possible environmental impact, protecting the character of Salcombe and Kingsbridge Estuary.
- To consider the effects on harbour safety of proposed changes in use or harbour works.
- To maintain an up to date set of byelaws in consultation with port users and enforce them so as to effectively regulate harbour use.
- To enforce all relevant statutory Harbour legislation, Health and Safety regulations, the Merchant

Shipping Act and Harbour byelaws as necessary.

- To license and control of all moorings and to designate suitable anchorages within Harbour limits.
- To provide suitable resources to deliver effective marine services such as the provision of harbour patrol craft.
- To operate efficiently and safely the Harbour workshops, machinery, plant, equipment, Harbour vessels, mooring berths, pontoons, boat parks and the Fishermen's Spur.
- To ensure that suitable plans for emergency situations are maintained and regularly updated and exercised.
- To keep the duties and powers under review.

SHB shall also:

- confirm the roles and responsibilities of key personnel at the harbour authority;
- outline present procedures for marine safety within the harbour and its approaches;
- measure performance against targets, after building a database recording incidents, including near misses;
- refer to emergency plans that would need to be exercised; and be audited on an annual basis

All employees have a duty to;

- Comply with all harbour safety procedures laid down by Salcombe Harbour Board.
- Ensure that marine operations are undertaken in a safe manner.
- To report hazard, risk, accident, incident or near miss to the Harbour Safety Officer.

Harbour users operating both commercially and for pleasure are responsible for;

- Their own health and safety and that of other harbour users who may be affected by their acts or omissions.
- Complying with byelaws, directions and other regulations aimed at ensuring the safe use of the Harbour.

Health and Safety Management System;

The Salcombe Harbour Board have adopted a health and safety management system in compliance with the principles set out in the Port Marine Safety Code.

The health and safety management system includes policies for emergency plans, conservancy, environment, management of navigation, pilotage and marine services.

Nominated Harbour Safety Officer

The Harbour Master is the Safety Officer. In his absence urgent harbour safety matters should be referred to an Assistant Harbour Master.

Emergencies in the Harbour

Emergencies where life is in danger must be notified at once to the Coastguard by dialing 999 or through VHF channel 16.

Other emergencies should be notified to the duty harbour master by the quickest available means. The nearest hospital is South Hams Hospital, Plymouth Road, Kingsbridge, 01548 852349

Reporting of Accidents Incidents and Near Misses

The public are asked to bring matters of safety - all accidents, incidents and near misses – promptly to the attention of the Harbour Master at the Harbour Office, phone 01548 843791

The reports will be used to help in assessment of the effectiveness of the harbour safety management system.

Adopted by the Board

30 January 2012

2. ORGANISATION

Accountability and Responsibility - The Duty Holder and the Designated Person.

The Salcombe Harbour Board set the policy and the strategy. The Harbour Master and staff provide the means of implementing the Policy.

Any decisions taken or policy set must take into account any issues related to harbour safety. The consideration of such issues is to be minuted. The Board are responsible for deciding where risks are to be insured, disclaimers issued and notices displayed

The delegation of responsibility is contained in the detailed job descriptions for all harbour staff. The organisation of the harbour staff is shown in the Organisation Plan on Page 11.

The “Designated Person” as described in the PMSC is Nicholsons Risk Management Limited.

Competence Standards.

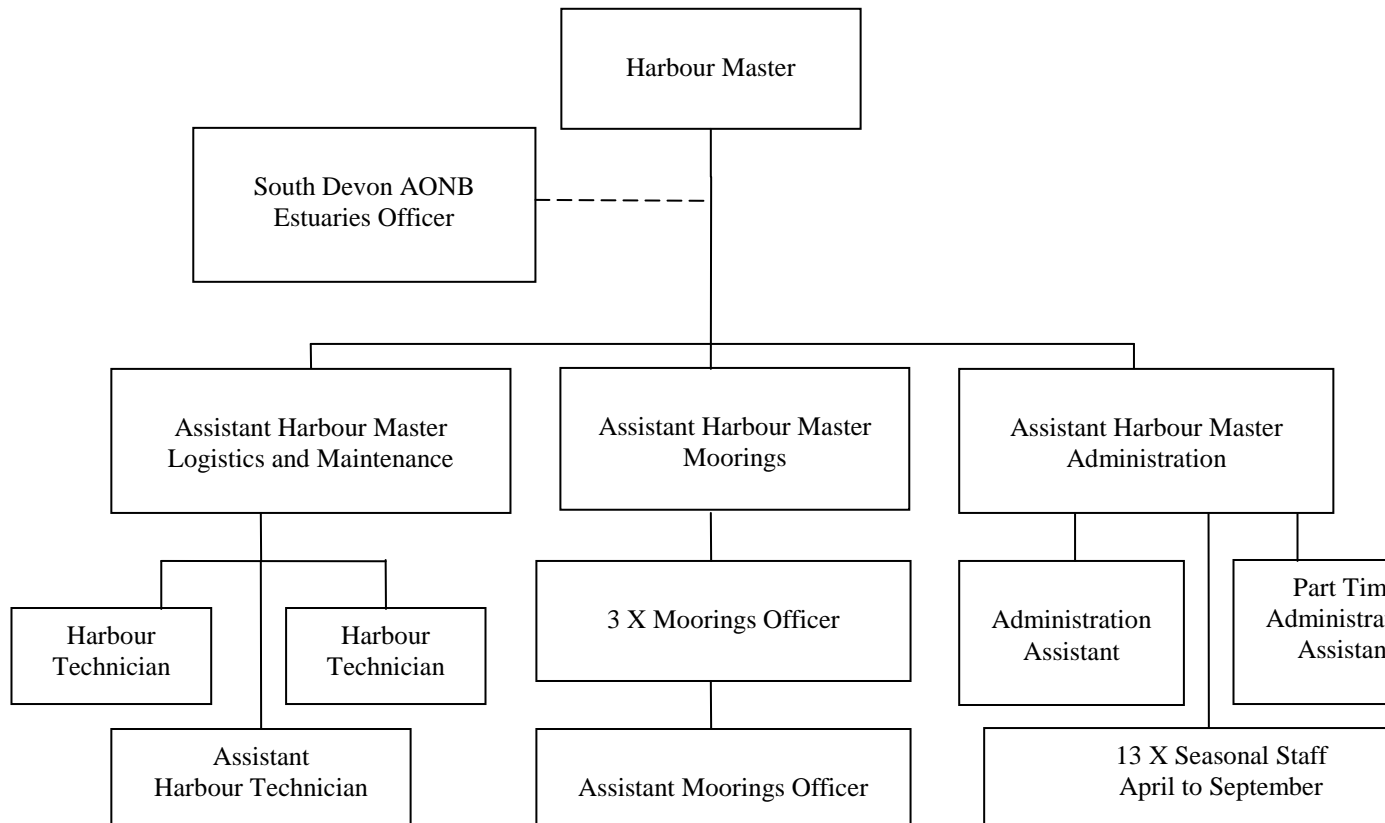
SHB shall assess the fitness and competence of all persons appointed to positions with responsibility for safe navigation.

Employees of the Harbour are recruited and selected on their suitability to fill their job descriptions. Employees are appraised annually and, at that time, their job description, performance and training requirements are reviewed. Reports on harbour office staff are held in confidential personnel files in the harbour office.

Recruitment

The Harbour Master recruits suitably qualified staff to fill the roles set out in the following Organisation Plan

2.2 SALCOMBE HARBOUR AUTHORITY – ORGANISATION PLAN



2.3 TRAINING POLICY

It is recognised that the successful implementation of the Harbour's Safety Management System can only be achieved through a policy of continuous training, with regular reviews of specific training requirements.

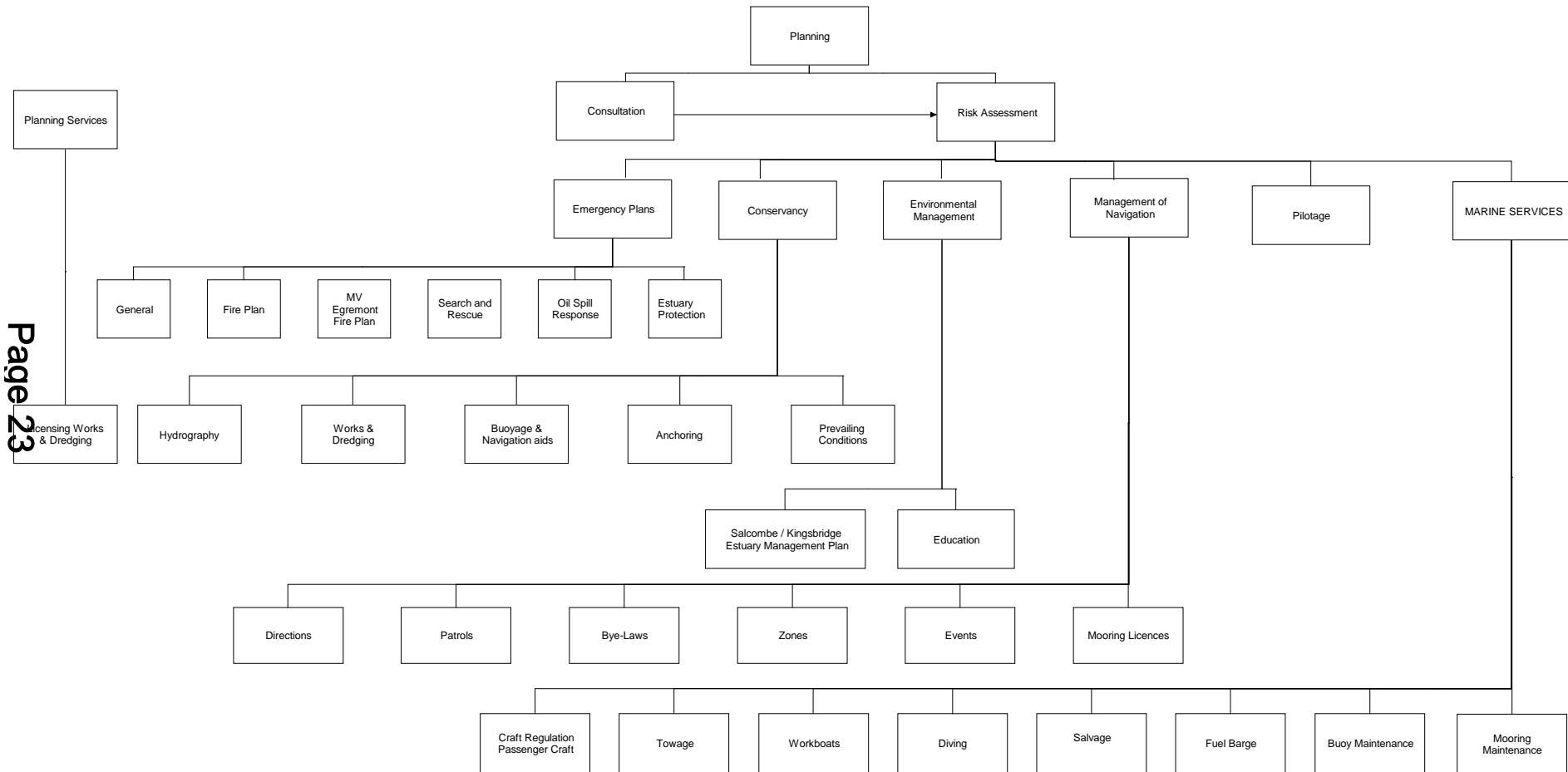
The training policy is to undertake training where appropriate for all members of staff in order to provide the services required by the Authority and expected by the stakeholders. Officers and staff are to be suitably trained to be competent and qualified up to a minimum national standard to fulfill their roles within the organisation.

- Safety training is regarded as an indispensable ingredient of an effective Port Marine Safety Management System and programme as it is with Health and Safety matters. It is essential that all involved in the safe management and operation of the port will be trained to perform their operations safely
- The main training profile for the Harbour Board is to ensure that all members of staff are qualified to operate all the SHB launches and the many items of equipment utilised in the daily operation of the harbour. This includes the re-validation of these qualifications. Training is seen as continuous to meet the ever-increasing demands made on SHB.
- It is vital that new members of staff are promptly qualified in those areas where deficiencies are recognised. Members of staff are trained both internally and externally to achieve the requisite level. Once achieved, the staff member will then be streamed according to the needs of the service centre and his proven skills
- Due to the seasonal nature of the work undertaken by the service centre, most of the harbour staff perform service delivery duties during the summer months and maintenance operations during the winter months. Both aspects require training.
- Records of training show clearly the type and the date of training received, planned dates and required but no date yet fixed.
- Newly recruited personnel whose duties require them to go afloat require a minimum qualification of RYA Powerboat 2. These personnel will be trained locally to drive the vessels operated by the SHA, this will include the requirement to be qualified as a licensed Boatman.
- There will be induction training for seasonal staff prior to commencing their duties, in line with the requirements of the Port Marine Safety Code.
- The importance of "on the job" training in the workplace should not be underestimated as it forms an invaluable part of the overall training requirement.

Team Briefing

Regular team briefs are held to ensure good communications and quality, both in service and in delivering health and safety.

3.1 PLANNING - RISK ASSESSMENTS AND SAFETY MANAGEMENT



3.2 - CONSULTATION

Consultation with harbour users continues through public meetings and through the harbour community forum to members of the Harbour Board who represent those groups as recommended in the Municipal Ports Review and the Guidelines for good governance.

Consultation Process

1. To ensure that the Harbour Board has strong and direct links with both harbour users, local communities and other external organisations with an interest in the Salcombe-Kingsbridge Estuary, a formal consultation mechanism has been set up. Four not-for-profit community groups have registered their interest to work with the Council in relation to its future Harbour activities:
 1. The Salcombe and Kingsbridge Estuary Association
 2. The Salcombe - Kingsbridge Estuary Conservation Forum
 3. The Kingsbridge Estuary Boat Club
 4. The South Devon and Channel Shell Fishermen
 5. Kingsbridge and Salcombe Business Forum
2. The five groups are recognised as ‘Harbour Community Fora’ and form part of a formal consultation mechanism for the Harbour Board.
3. The list of three groups is not exhaustive and it is anticipated that further community groups be recognised and added as time progresses.

Consultation is a continuous and wide-ranging process. It includes meetings with Salcombe Yacht Club, the Estuary Conservation Forum and the Harbour Newsletter.

3.3 RISK ASSESSMENT

It is the policy of the Salcombe Harbour Board to have powers, policies, plans and procedures based on a formal assessment of hazards and risks, and to have a formal marine safety management system.

The marine safety management system shall be in place to ensure that all risks are controlled – the more severe ones must either be eliminated or kept “as low as reasonably practicable” (ALARP).

Detailed Risk Assessments.

The activities and the responsibilities of Salcombe Harbour Authority are covered in specified areas, for each of which there were drawn up a detailed risk assessment following the principles laid down by the Health and Safety Executive.

These comprehensive risk assessments have been, revised where necessary and then endorsed by the Harbour Master on 15th November 2011.

The aim of this process is to eliminate the risk or, failing that, to reduce risks to as low as reasonably practicable. Formal risk assessments shall be used to:

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

The process of compiling the risk assessments is shown in the enclosed flow chart.

Each hazard is given a likelihood rating between 1 and 3; 3 being the more likely.

Against each hazard the severity of harm has then been assessed, both in terms of direct injury to people and environmental damage, again using a scale of 1 to 3.

For personal injury a “score” of 3 represents a major injury or a fatality.

For environmental damage, 3 is given if regional assistance is required.

Significant Risks

Significant risks are identified by those activities that attract a score of 6 or more. These risks must be mitigated by the implementation of specific control measures.

If for any reason the safety management system identifies a control measure that is not effective the activity is to cease until suitable control measures are in place and the risk mitigated to as low as reasonably practical.

Risk Controls

The safety controls for the risks identified, listed on pages 17 to 20, are to be reviewed and amended where necessary.

3.5 - REMOVE UNACCEPTABLE RISKS

THE GREATEST RISKS IDENTIFIED IN THE RISK ASSESSMENTS

There is a preferred hierarchy of risk control principles

- eliminate risks -by avoiding a hazardous procedure, or substituting a less dangerous one;
- combat risks -by taking protective measures to prevent risk;
- minimise risk -by suitable systems of working.

No risk was assessed both as frequently occurring and the consequence being either a serious injury or a pollution incident requiring national assistance.

CONTINUOUS IMPROVEMENTS

Nevertheless, the Harbour seeks to make continuous improvements. The priorities identified by the Harbour Master for next year, in addition to various continuing actions already initiated, and now published are:-

1. Draw up a 5 Year Business Plan, after consultation with stakeholders, with the aim of supplying 21st Century facilities without changing the character of the estuary.
Amongst other things the plan will include improving berthing arrangements at Kingsbridge.
2. SHDC is developing a Master Plan for the operation of all its land assets in Salcombe.
This will cover inter alia,
 - Fish quay repairs and improvements, to include stabilising, improved access and traffic circulisation, with a reduction in conflict between boat park and fish quay users.
There may be a bid for EU funding.
 - Shadycombe Car/Boat parking.
 - Island Street Industrial units
 - Whitestrand car park and Salcombe Town Landings
 - Jubilee Pier
 - Cliff House Gardens
3. Review Method Statements and amplify the one setting out the definition of lone working and what is required to keep lone working risks as low as reasonably practical.
4. Ask the RNLI to mark their fuel bund displaying notices warning of its flammable contents.
5. Assess the response that is given by the sailing clubs and other organisations that have been asked to show the Harbour Master their risk assessments and controls.
6. Consider adding training for Sublift to Mastertrain commitment. Revalidate initial training at 5 year intervals.
7. Consider promoting training and refresher courses for those on sailing boats as well as power. It is now a 6th point added to the original 5 safety recommendations made by the RYA and RNLI

Acquire a suitable vessel to improve encouragement of good seamanship and enforcement of Harbour
Bye-laws

3.6 - MANAGEMENT OF SAFETY CONTROLS – CHECK LIST

TYPE OF CONTROL	DETAIL OF CONTROL
Navigation Buoys Etc	<p>“Conservancy Duties” as implemented through the Salcombe Harbour policies, in compliance with Trinity House guidelines and their software package, PANAR. The annual audits continue. Set and meet Salcombe Harbour Board performance indicators.</p> <p>Navigation lights on quays and on Whitestrاند and Normandy pontoons, the RNLI slipway, Batson, Ferry landing and the Castle Point and Scoble transit.</p>
Patrol Boats	<p>Salcombe Harbour patrols, backed up by Water Taxi and Night Security Patrol, to give, almost a 20/24 hour coverage in the summer months and 8/24 during the winter.</p> <p>Periodic patrols by police afloat in SHB boat.</p> <p>Police and UK Borders Agency deal with drugs, crime, theft, immigration and customs -. Devon Sea /Fisheries.</p>
Notices	<p>Notice Board at Harbour Office, including weather forecast.</p> <p>Signs, e.g. “Speed Limit 8 Knots”</p> <p>Byelaws displayed on Notice Boards, on web and at launching locations.</p> <p>Information and warning notices on some quays and pontoons–RNLI 2007 format for beach notices.</p> <p>Information, advice and warnings in RNLI format on launching slipways.</p>
Publications	<p>Annual Harbour Guide. Annual Report.</p> <p>Notices to Mariners published on HO notice board, on web, to e-mail subscribers and on YC notice board.</p> <p>Admiralty and other charts, Macmillan Reeds.</p> <p>Web sites www.salcombeharbour.co.uk and southams.gov.uk include papers and minutes of SHB meetings</p> <p>Annual Harbour Newsletter and contributions to those of Yacht Club, Yawls and Rial News</p>
Personal, Protective Equipment	<p>Life jackets – worn by harbour staff when afloat</p> <ul style="list-style-type: none"> – carried by racing boats as ISAF Rules of Racing – worn as Club rules for all but yawl racing – MCA advice on Safety at Sea, but no legal compulsion – One for each passenger on SHB licensed vessels – Waterproof suits for those working on foreshore moorings. <p>Workshop hard hats, masks, boots, gloves, goggles and ear defenders. Boots, gloves, wet weather gear and dry suits for environmental work. High visibility jackets.</p>
Access and Guards	<p>No requirement for guards of any sort on private pleasure craft.</p> <p>No requirement for inspection of fishing boat or equipment if under 12m</p> <p>Quays are not normally guarded, as this would negate their function as loading and unloading points. Quays are often unlit.</p> <p>Slipways are subject to a routine inspection and are cleaned of weed.</p> <p>Scrubbing: Identification of sacrificial scrubbing sites. Directions to allocated quays and beaches. Fencing round boat parks for winter storage.</p> <p>Salcombe Harbour boats equipped for safe operation. Those carrying passengers are licensed by South Hams DC.</p> <p>The workshop machinery has the necessary guards.</p> <p>Fire alarms and fire extinguishers in harbour offices and workshops.</p>
Inspections of Harbour machinery	<p>LOLA: Six month Inspection by qualified engineer. Twelve month inspection by insurance company</p> <p>PUWER: Power tool inspection – by Zurich’s engineers</p> <p>Electrics – Annual Council organised PAT inspection of electrical equipment. The Council’s electrician has inspected electrical installations of office and workshop in 2009. Legionella inspection</p>
Hydrographic Survey	<p>As Conservancy Duties and as agreement with the Hydrographic Office.</p> <p>The Bar and the leading line surveyed in 2007</p> <p>Batson Channel surveyed and dredged in 2009</p>

<p>Qualification Or Permits</p>	<p>No licence or permit required to sail in Salcombe Harbour; just payment of harbour dues.</p> <p>Powered craft are not subject to any official safety check.</p> <p>Fishermen need no requirement or qualification, training or assessment of ability.</p> <p>Fuel barge subject to licensing by Devon County Council.</p> <p>Any diving within the harbour requires permit granted by Harbour Master.</p> <p>HSE Commercial Diving standards and practices for professionals</p> <p>The general public has no right to shoot over the foreshore, but the Kingsbridge and District Pigeon Shooting Club are given a Council licence. Shotgun Licences.</p> <p>License, conditional on carrying out maintenance, required to lay a mooring. Salcombe Harbour licence required, after FEPA consents, for work on foreshore, private jetties, hards and sea defences. Only granted if the work is within the Environmental Code of Practice. The conditions of the licence will require safe working.</p> <p>No dredging other than by contractors approved by the Harbour Master.</p> <p>MCA Certificate requirements for trip boats venturing outside the Harbour Limits and for boats carrying more than 12 passengers.</p> <p>Ferry boats, trip boats and hire boats (Under 12 people) as HM, acting for South Hams DC, Licence Requirements.</p> <p>Vessels and Skippers of chartered boats venturing outside the Harbour as MCA Codes of Practice.</p> <p>Ferries operating in the Harbour up to 12 passengers must have SHDC Boat and Boatman's licenses.</p> <p>Vessels wanting to dry out must book in advance with the office.</p> <p>Experienced workshop staff, with some formal qualifications.</p> <p>See Training spreadsheet for other courses and qualifications</p> <p>Contractors working on Council land, winter boat storage area, require to be on the approved contractor list.</p>
<p>Supervision & Instruction</p>	<p>Responsible Harbour Staff manage the harbour operations, with job descriptions and operating procedures.</p> <p>The public need no qualification, training or ability</p> <p>Responsible organisers such as the sailing clubs and the sailing schools, with responsible race officers, (who may be RYA qualified), as recorded in their risk assessments.</p> <p>Choice of suitable boats; no catamarans, cruisers or sports boats racing in the Fairway.</p> <p>Choice of suitable race areas, particularly for juniors.</p> <p>Safety boats.</p> <p>Kingsbridge and District Pigeon Shooting Club rules.</p> <p>The boatyards in Salcombe Harbour appear to be well and responsibly managed. They must comply with HSE law and regulations.</p> <p>Code of Practice is issued by The Yacht Harbours Association.</p> <p>The skippers of trip boats are responsible and competent.</p> <p>Most of the slipways are supervised in the Summer. Boat park attendant now works all year around to supervise slipway and winter storage operations during winter months.</p> <p>The workshop is managed by the experienced Assistant HM Logistics and Maintenance. Environmental activities and guided walks are managed by the Marine Conservation Officer, who gives a formal Health and Safety briefing.</p>
<p>Harbour Operating Procedures</p>	<p>16 SHDC Operating Procedures, reviewed annually.</p> <p>Tier 3 booming plan (D. B. Howells reviews annually). Tier 1.</p> <p>Clothing and equipment.</p> <p>Alder & Allan Ltd retained as Oil Pollution Response Consultants.</p> <p>Use of SHB vessels - guidance to staff</p> <p>Vessel operating procedures, duty boatman, towing, barge, speed limit enforcement, boat park, lifting, lone working, Maintenance of deep water and of foreshore moorings and pressure washing.</p> <p>Harbour Patrols, Harbour Taxi and Collection of Dues</p> <p>Work experience</p>

	<p>Guided Walks & Activities</p> <p>Maintained moorings - record of maintenance cycle. Design of attachment of South Sands season moorings now improved.</p> <p>Litter pick up.</p>
Command, Control & Coms	<p>Harbour Office monitors channels 12 and 14 during the working day and the Harbour Master is on call by telephone to the MCA 24 hours a day.</p> <p>Torbay Council provide out of hours call out procedure and monitoring of lone working.</p> <p>Mobile phones issued to all staff who are not office based.</p> <p>Channel 16 available throughout the estuary, via the Orange mast.</p> <p>Wi-fi available for visitors.</p>
Environment	<p>Limits set on swinging moorings and on pontoons.</p> <p>Visitor pontoons piled – reducing seabed scouring.</p> <p>Port Waste Management Plan, MCA approved</p> <p>Sewage pump out facility for holding tanks.</p> <p>Local Planning authority, the Environmental Agency and Duchy of Cornwall are always consulted before a licence to work is granted.</p> <p>SHB environmental management systems implemented through the Environmental Officer. See emergency plans below.</p>
COSHH	<p>Paints Strippers, Extractor fan for welding fumes</p> <p>Slipway cleaner (not bleach)</p> <p>Domestic quantities of fiberglass resin and hardener.</p>
Law	<p>1847 Harbours, Docks and Piers Clauses Act</p> <p>The Pier and Harbour [Salcombe] Confirmation Act 1954, the 1964 Harbours Act and the Health and Safety law and regulation.</p> <p>HSE Regulations on Diving At Work.</p> <p>International Regulations for the Prevention of Collisions at Sea [IRPCS]</p>
Bye Laws	<p>Salcombe Harbour bye laws modified (2008), Including Care & Caution, the 6 and 8 knot speed limits, insurance requirements and permit display.</p> <p>Kite windsurfing and water skiing are never permitted. Windsurfing in July and August is not permitted between the Marine Hotel and the Fuel Barge</p> <p>Salcombe Harbour Nature Reserve bye laws</p> <p>Public Health Act (Amended 1964) re SHDC boat and boatman licensing.</p>
Direction	<p>Specific, not general, as authorised by the 1954 Act and by Council decisions.</p> <p>Rules of Racing, ISAF. Risk assessments for events agreed with Harbour Master. Numbers for events limited.</p> <p>No swimming permitted in the anchorages or across the harbour.</p>
Harbour Policy	<p>SHB's PMSC compliance policy, Strategic Business Plan, Salcombe Harbour Authority Policy Document and S & K Environmental Management Plan</p>
H & S Policy	<p>Council H & S Policies for Harbour and for staff</p>
H & S Management System	<p>Management System</p> <p>Maintenance of premises.</p>
Training Programme	<p>Induction and training programme.</p> <p>Training records</p>
Emergency Plans	<p>Salcombe Harbour Fire Plan, and specific plan for MV Egremont- reviewed in 2007 with Fire Services and SHB.</p> <p>Salcombe Harbour Emergency Plan – Reviewed 2008</p> <p>The Oil Spill Response Plan (OPRC) and the Salcombe Kingsbridge Estuary Booming (Pollution) Plan (EA) – Reviewed 2008</p> <p>Regulated VHF procedures and channel allocation</p> <p>H M Coastguard and RNLI emergency plans and resources, including all weather Lifeboat and inshore life boat from Union St boathouse, slipway and pontoon</p> <p>Harbour Offices: Fire drill and fire practices</p> <p>First aiders “Emergency First Aid” trained in 2006 and first aid boxes.</p> <p>Life saving apparatus, lifebuoys and boarding ladders, located at quays, slipways, boat parks and pontoons.</p>

3.7.1 EMERGENCY PLANS

Emergency Policy of Salcombe Harbour Board:

**The safety management system will include preparations for emergencies
– and these should be identified as far as practicable from the formal risk assessment.
Emergency plans need to published and exercised.**

Emergency Organisation and Management Responsibility

The Salcombe Harbour emergency plans detail the immediate action to be taken by harbour staff and the emergency services in the event of most foreseeable emergencies.

They are held by all emergency services and local authorities.

The various emergency plans, in addition to the general Salcombe Harbour Emergency Plan, comprise:-

- Salcombe Harbour Fire Plan,
- Specific fire plan for MV Egremont
- The Oil Spill Response Plan (OPRC) and the Salcombe Kingsbridge Estuary (Pollution) Plan (EA)
- H M Coastguard and RNLI emergency plans and resources, now including both an all weather Lifeboat and an inshore lifeboat.
- Life saving apparatus located at quays, slipways, boat parks and pontoons
- Harbour Office and Harbour Workshop:
 - Fire drill and fire practices
 - First aiders and first aid boxes.
 - Procedure to call Emergency Services
- Mud Rescue Plan.

The emergency response relies on the regulated VHF procedures and channel allocation. It has been much improved now that channel 16 can be received in Salcombe Harbour.

3.7.2 - CONSERVANCY

Conservancy Policy of Salcombe Harbour Board:

- A. SHB recognises its a duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it.**
- B. SHB will aim to provide users with adequate information about conditions in the harbour.**
- C. SHB recognises the extent of its duty and powers as local lighthouse authority; and specific powers in relation to wrecks.**

Conservancy Organisation and Management Responsibility

Hydrography.

Hydrographic records of dredged channels in the harbour are maintained by the harbour office.

The Hydrographic Office receives all hydrographic information and Local Notices to Mariners produced by the Harbour. A formal agreement with Hydrographic Office has now been reached.

The data on the newly dredged Batson Channel will be given to the Hydrographic Office once all dredging has been completed.

Admiralty Chart 5602.10 Salcombe Harbour is kept up to date.

Works and Dredging Licences.

The Harbour has regulations and conditions for the issue and control of works licences. No dredging, other than in exceptional circumstances, is undertaken other than by Salcombe Harbour Authority or by its contractors.

Buoyage and Navigation Aids.

The harbour has a comprehensive, well maintained and modern system of aids to navigation based on risk assessment and installed in consultation with Trinity House. The routine inspection and maintenance regime is laid down and records are kept.

Bass Rock buoy was laid in January 2004 to aid navigation at the entrance to the harbour. This now appears on the latest Salcombe chart.

Anchorage.

Anchorage are shown on Chart 5602.10 and their operation is subject to risk assessment and review. The anchorages and the areas where not to anchor are promulgated in annual publications.

Prevailing Conditions.

The Met Office's Shipping Forecast and their 2 Day weather forecasts are displayed at the harbour office and updated daily. Information is readily available in the media and on the web.

3.7.3 - ENVIRONMENT

Environment Policy of Salcombe Harbour Board:

SHB recognises its duty to exercise its functions with regard to nature conservation and other related environmental considerations.

Environmental Management Plan.

The policy and functional objectives for managing the Salcombe-Kingsbridge estuary as a marine Local Nature Reserve (LNR) and marine Site of Special Scientific Interest, within a designated Heritage Coast and Area of Outstanding Natural Beauty, in an environmentally responsible and sustainable way are contained in the Salcombe / Kingsbridge Estuary Environmental Management Plan.

Limits have been set on the total number of moorings and pontoons.

The Harbour Authority have adopted their Waste Management Plan. The Harbour has an Environmental Management System. There is now a sewage pump out facility for holding tanks.

The Harbour Authority's Marine Conservation Officer maintains good liaisons and working links with English Nature and the Environmental Agency, who are consulted on potentially damaging operations (PDO's) before a licence to work is granted.

There are several special emergency plans drawn up to deal with accidents that might potentially threaten the environment

Education.

The harbour has a Marine Conservation Officer with an ongoing programme of environmental education, both formal and informal. This includes a very wide range of awareness raising initiatives, including interpretation boards, information leaflets, illustrated talks and guided walks throughout the estuary.

The Marine Conservation Officer provides close formal links with schools and universities and more informal links with local community and special interest groups in the area.

All known educational activities in the harbour are subject to risk assessments and are led by qualified staff.

3.7.4 - MANAGEMENT OF NAVIGATION

Policy for Management of Navigation:

- A. Salcombe Harbour Board has rules in byelaws and directions, which every user must obey as a condition of his or her right to use the harbour.
- B. Salcombe Harbour Board recognises its duty to make proper use of powers to make byelaws, and to give directions and to regulate all vessel movements in its waters.
- C. These powers shall be exercised in support of the policies and procedures developed in the authority's safety management system, and should be used to manage the navigation of all vessels.
- D. Salcombe Harbour Board has clear policies on the enforcement of directions, and should monitor compliance.
- E. If they were appropriate in a particular case, the powers of direction should be used to require the use of a port passage plan.

Management of Navigation Organisation and Management Responsibility

Plan: Directions and Port Passage Guidance.

There is no standing requirement for any vessel in Salcombe Harbour to file a port passage plan. Special directions are issued when the situation requires such as movement of sail training vessels and others constrained by their draft.

Patrols.

The Harbour maintains a comprehensive patrol presence on the Harbour to enforce byelaws and other directions. There is, effectively, a 24 hour emergency call out system in operation.

Byelaws.

The Salcombe Harbour Board has byelaws, revised in 2008, that provide effective control measures to manage the hazards identified in the risk assessments. The byelaws have been reviewed and submitted to the DTLR.

Events.

The Harbour Master works closely with all sailing clubs and organisations who use the estuary. Special arrangements are made to promote the safety of the events they run.

Moorings.

The Salcombe Harbour Authority maintains moorings to a high standard on behalf of the Salcombe Harbour Board.

Procedures are laid down for the safe operation of the mooring barge.

Conditions for mooring licences, issued by the Harbour, require that all moorings are fit for purpose and are inspected annually.

3.7.5 - PILOTAGE

Policy for Pilotage:

Salcombe Harbour Board has a duty to keep the need for pilotage and any service provided under constant and formal review.

Organisation and Management Responsibility

The Salcombe Harbour Authority is not a Competent Harbour Authority (CHA), but is a Statutory Harbour Authority (SHA). It does not, therefore, have any powers to conduct or require pilotage.

The comprehensive risk assessments now carried out have not revealed the need for Salcombe Harbour Board to seek any powers of pilotage.

3.7.6 MARINE SERVICES

Policy for Marine Services:

- A. Salcombe Harbour Board's safety management system shall cover the use of harbour craft and the provision of moorings.**
- B. The formal safety assessment shall be used to identify the need for, and potential benefits for safety management, of harbour craft.**
- C. Salcombe Harbour Board shall ensure that Salcombe Harbour Authority vessels or craft which are used in the harbour are fit for purpose and that crew are appropriately trained and qualified for the tasks they are likely to perform.**
- D. Salcombe Harbour Board shall ensure that byelaws and the power to give directions are available for these purposes.**

Marine Services Organisation and Management Responsibility

Craft Regulation

- MCA Certification is required for commercial vessels, including trip boats, venturing outside the Harbour Limits.
- Passenger vessels, including ferryboats, (Under 12 people) need a South Hams DC Licence.
- Vessels and Skippers of chartered boats venturing outside the Harbour are regulated according to MCA Codes of Practice.
- Ferries carrying no more than 12 people must have SHDC Boat and Boatman's licences. Those carrying more than 12 must have MCA certification

Towage

Only those staff who have successfully completed a towage training course are permitted to take vessels in tow.

Workboats.

There are procedures for the safe operation of harbour launches based on the risk assessments.

Diving

Any diving within the estuary requires a permit to dive signed by the Harbour Master.

HSE Commercial Diving standards and practices for professionals.

Dredging

Dredging is only carried out by contractors approved by the Harbour Master.

Salvage

Only suitably experienced staff would be allowed to get involved in a salvage operation.

Fuel Barge Afloat

The fuel barge located in the estuary is subject to an annual SHDC or Devon County licence to sell petrol and DERV. The Harbour Master's approval is required before any licence is issued or renewed.

The conditions of the licence are being reviewed. His permission is also required before the barge is ever moved.

4. MEASURE COMPLIANCE

Recording Accidents and Incidents.

An incident log is maintained on the Harbour Office computer. Records are kept of all accidents, incidents and oral complaints that come to the attention of the Harbour Authority. Any follow up action that may be required is recorded. Written complaints and replies are held on file. Major incidents are subject to immediate review to establish cause and to validate control measures.

Safety Inspections and Checklist of Controls.

There is a calendar for the review of safety topics.

There is also a checklist of control measures.

5. REVIEW

SHB will monitor, review and audit the marine safety management system on a regular basis. Performance of the system shall be assessed against internal performance indicators and where appropriate, by benchmarking against other ports that have adopted good practice.

Procedure for Reviews

The Harbour Master will include both in his staff meetings and in the Board Meetings a review of any accidents, incidents or near misses.

Investigations by the Harbour Master of marine incidents have two essential purposes:

- a) to determine the cause of the incident, with a view to preventing a recurrence of that incident (or similar); and
- b) to determine if an offence has been committed: if so, there may be the need on the part of a harbour authority to initiate enforcement action that may lead to prosecution in their own right or through an agency of another authority such as the Police or the MCA.

By ensuring that a robust, rigorous, independent investigation has been carried out, the SHB as the duty holder can be assured that their obligations for compliance have been addressed.

Any conclusions from investigations or lessons learned will be included in the minutes together with measures being taken to prevent a recurrence. If appropriate a more detailed report will be submitted to the Harbour Board, the Council's Health and Safety Officer and/or the MAIB, to the chief inspector and any other appropriate authorities, by the quickest means available.

Where necessary the MCA may undertake a verification visit. These verification visits are usually arranged following an MAIB investigation into an incident, but could also be triggered by other indicators of noncompliance.

Annual Review and Report.

An audit of the Safety Management System will be conducted each year by Nicholsons Risk Management and an overview of accidents and failures during the year, with recommendations for addressing shortcomings, will be reported to the Board each year.

Notwithstanding this report, the system will be kept under continuous appraisal and immediate action taken where shown necessary.

Once every three years, the MCA will ask the duty holder to confirm in writing if SHB is complying with the Port marine Safety Code.

6. RECORD AND PUBLISH

Records

The Harbour is careful to maintain due diligence records. This Safety Management System is itself clear evidence of care and commitment. The risk assessments provide considerable further examples of how the safety policy has been put into practice.

Publication of Plans and Reports

To demonstrate SHB's commitment to maritime safety and ensure the involvement of harbour users, the safety plan for marine operations shall be published every year at an SHB meeting open to the press and the public.

The plan shall illustrate how the policies and procedures will be developed to satisfy the requirements under the Code. It shall commit the authority to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment. It shall refer to commercial activities in the harbour; the efficient provision of specified services and the effective regulation of vessels. It shall also explain how commercial pressures would be managed without undermining the safe provision of services and the efficient discharge of its duties.

The SHB, as duty holder, will also publish an assessment of the harbour authority's performance against the plan. Information gathered from the monitoring and auditing of the marine safety management system, shall be used to support the analysis and conclusions.

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AGENDA
ITEM

8

SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

8

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	30 January 2012
REPORT TITLE	PERFORMANCE MANAGEMENT
REPORT OF	Salcombe Harbour Master
WARDS AFFECTED	All South Hams

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 October to 31 December 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 exceeded by a considerable margin:

2.1.1 SH 22(L) H&S Incidents and Accidents (Staff). There were three minor accidents involving members of staff during this quarter, one bump on the head, one cut finger and one slip and fall in a boat.

2.1.2 SH22A(L) H&S Incidents and Accidents (Public). There was one sailing accident (fatality) which was reported to the Board on 7 November 2011 (**SH 45/11**).

2.1.3 SH23(L) Speeding Offences Detected. There were 2 speeding offences detected by harbour staff during this period. Both offenders received warning letters.

- 2.1.4 SH24(L) Minor Collisions. There were two minor collisions reported during this quarter. Unfortunately both involved the same ICC boat involved in the fatality reported at SH22A(L).
- 2.1.5 SH32A(L) Staff Days lost to Sickness Absence. One member of staff has been absent throughout this reporting period, which has adversely affected these statistics.
- 2.1.6 SH33(L) Complaints. There was one customer complaint regarding the welcome received from the Duty Boatman, during this quarter.
- 2.1.7 SH 35(L) Visiting Yacht Numbers. Third quarter figures were well up on last year but overall visiting yacht numbers are likely to be down by up to 8% on last year. This is entirely due to poor numbers in August, which was 17% down on the previous year. All other months showed an improvement over 2009/10.
- 2.1.8 SH40(L) Water Quality, number of reported pollution incidents. There were two reported incidents of pollution at South Sands, these were trigger events reported by South West Water. There was one incident at Lincombe Boatyard which resulted from a broken hydraulic pipe, pollution was contained.

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.

Corporate priorities engaged:

Community Life
Economy
Environment

Consideration of equality and human rights:

There are no equality or human rights issues with this report

Biodiversity considerations:

Harbour Board performance and policies have a bearing on biodiversity.

Sustainability considerations:

The harbour performance needs to be considered regularly to ensure current policies are sustainable.

Crime and disorder implications:

The Report considers reported marine crime within the Estuary.

Background Papers:

SH 32/11 Minor Collisions
SH 45/11 Fatal Accident

Appendices attached:

1. Salcombe Harbour Performance Management Grid.

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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	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	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
SH3 (L)	Launch serviceability	2011/12	Apr to Sep 8 available Sep to Mar 4 available	4 Available	7	8	4		☺	
		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	0		☺	
		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	3		☺	
		2010/11	As for 2011/12	3	3	3	3	3		
SH6 (L)	Failure of navigation	2011/12	Within 24 hours	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
	lights and marks will be rectified or Local Notice to Mariners issued	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	89	91	92	89		☺	
		2010/11	Daily	89	91	92	89	90		
SH8 (L)	Inspection and preventative maintenance of Deep water and Foreshore Moorings	2011/12	100% Annually	100%			100%		☺	
		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
SH20 (L)	Compliance with Port Marine safety Code	2011/12	100% Annual audit	Compliance	Compliance	Compliance	Annual Inspection		☺	
		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	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	3		☹	1 x Bumped head 1x Cut Finger 1 x slip & fall
		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		☹	1 x Fatality
		2010/11	10% reduction year on year		5	9	1	0		
SH23 (L)	Speeding Offences detected	2011/12	5% annual reduction	≥1	7	60	2		☹	
		2010/11	5% reduction		11	48	0	0		
SH24 (L)	Minor Collisions	2011/12	5% annual reduction	≥1	0	39	2		☹	ICC Soling responsible for both incidents, linked to fatality at SH22A(L)
		2010/11	5% annual reduction		6	8	1	0		
SH30 (L)	Crime figures	2011/12	10% annual reduction	≤7	5	12	7		☹	
		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 contracted patrols	100%	100%	100%	100%		☺	
		2009/10	100% of contracted patrols		100%	100%	100%	100%		
SH32 (L)	Permanent Staff Turnover	2010/11	< 10% annually	0	0	2	0		☺	
		2009/10	< 10% annually		1	2	0	0		
SH32A (L)	Staff days Lost to Sickness Absence	2010/11	< 10% annually	≤16	62	39	98		☹	
		2009/10	< 10% annually		11	7	18	24		
SH33 (L)	Customer Complaints	2010/11	10% annual reduction	≤1	2	2	1		☹	
		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	3,668	58,550	103,304	5,336		☺	Income up in third quarter but anticipate overall similar income to last year, after VAT increase taken into account.
		2009/10	5% increase		49,524	103,307	3,494	748		
SH35 (L)	Visiting Yachts	2010/11	5% Increase	96	2,094	3,631	239		☺	Third quarter well up on last year but overall visiting yacht numbers down by 8%, which is entirely due to poor numbers in August.
		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	2.07		☺	
		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	200	8,427	16,007	203		☺	A very good year for the yacht taxi with improvements in every quarter so far this year.
		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	3			2 x pollution incidents at South Sands. 1 x Hydraulic leak from hoist at Winters Boatyard
		2009/10	Pollution Incidents	0	0	3	0	4		
SH41 (L)	Guided Events	2010/11	3/Quarter	3	3	7	5			
		2009/10	Monthly	3	6	7	5	4		
SH42 (L)	Litter Pick Up Events	2010/11	Quarterly	1	3	1	2			Organised by the South Hams Society
		2009/10	Quarterly	1	2	2	2	2		
SH43 (L)	Recycling of yacht refuse	2010/11	Annual Increase		0	51%	0	0		Glass 4.40 tonnes, 2.31 tonnes of Paper card plastic and tin giving a combined weight of re-cycled rubbish at 6.71 tonnes. With 13.15 tonnes sent to landfill gives you a recycle rate of 51%.
		2009/10			0	3.16 tonnes	0	0		

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AGENDA
ITEM

9

SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

9

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	30 January 2012
REPORT TITLE	MATTERS FOR FUTURE CONSIDERATION
REPORT OF	Salcombe Harbour Master
WARDS AFFECTED	All South Hams

Summary of Report

To identify matters for future consideration by the Harbour Board.

RECOMMENDATION

That the Harbour Board RESOLVES to:

- a. hold the inaugural meeting of the Moorings Policy Review working group on 7 February at 1400 in the Harbour Office.

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:

- 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 closed on 25 November 2012.

2.2.2 The feedback from the Public Consultation is at Appendix 1. There will be a Board 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 4th quarter of financial year 2011/12 being presented on 28 May 2012.

2.4 Year End Budget Report 2011/12

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 A working group was formed at the Board meeting on 7 November consisting of:

Cllr Carter
Cllr Wright
Mr Harling
Mr Marriage
Mr Barrett

2.6.3 It is proposed to hold the inaugural working group meeting on 7 February at 1400 in the Harbour Office.

2.6.4 The existing moorings policy Document is at Appendix 2.

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 forms part of the agenda of this meeting.

2.7.2 The next interim inspection will be during July 2012.

2.8 Water Quality

2.8.1 The Chairman, at the Board's behest, has written twice to the Chairman of South West Water regarding the water quality within the estuary. The Chairman's letters and the responses from the Chairman of SWW are at Appendices 3,4,5 and 6.

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.

Corporate priorities engaged:	Community Life Economy Environment
Statutory powers	The Pier & Harbour (Salcombe) Order Act 1954
Consideration of equality and human rights:	There are no equality or human rights issues with this report
Biodiversity considerations:	None
Sustainability considerations:	None
Crime and disorder implications:	None
Background Papers:	Strategic Business Plan 1st Edition dated 2 August 2007. Constitution of the Salcombe Harbour Board (as adopted by Council on 25 June 2009)
Appendices attached:	1. SBP 2012 – 17 Consultation Feedback. 2. Salcombe Harbour Moorings Policy dated 25 September 2007. 3. Chairman’s Letter to SWW dated July 11 4. Response from SWW dated August 11 5. Chairman’s letter to SWW dated October 11 6. Response from SWW dated November 11

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Date	Name	Consultation Input	Summary
07/10/2011	South Devon AONB	The AONB Office welcomes the Plan and supports the key actions identified.	
12/10/2011	Kingsbridge and Salcombe Marine Business Forum	<ol style="list-style-type: none"> 1. To achieve a sustained growth via setting goals in the areas of revenue to ensure the financial viability of the harbour and to ensure the harbour remains competitive within its pricing strategy. Work with the harbour in providing a working plan in order to assist them in meeting their objectives for achieving growth in revenue and visitor numbers, to benefit the harbour and the local economy. 2. Create a joint marketing plan and strategy with the harbour board, commercial users, Tourist information centres and conservation boards. The joint plan will be able to present the estuary, Salcombe and Kingsbridge as a unified business strategy and serve the interests of the tourists, visitors and local business. This strategy should also consider a method to reduce costs of marketing. Salcombe is attractive to a variety of users from all walks of water based activities. It is important to retain this feature and encourage the estuary to become a best in class area for being able to practice these in a controlled manner whilst not impacting the user experience. 3. Infrastructure improvements: <ol style="list-style-type: none"> a. Improve the facilities of the harbour such as the boat washing area with a proper sump, showers at Whitestrand. b. Addition of a second public slipway and relocation of the harbour office to the workshop or Fish quay area, leaving a small reception office at Whitestrand. c. Consider additional dredging at the town centre to improve the deep water landing facilities. d. Plan to improve the boat park area organisation and general area to improve the flow, safety etc. 4. Ensure the protection of the estuary and to ensure we uphold the status of an area of outstanding natural beauty without impacts from undue developments that are not in keeping with the Estuary and local area at large, whilst maintaining a positive approach to the local business needs in attaining their goals, to ensure visitor numbers and a positive visitor experience. 5. Regulatory and safety: 	<p>Sustained Growth, competitive pricing</p> <p>Proposal for joint marketing plan between commercial users and Harbour Authority</p> <p>Improve Boat scrubbing grid Second public slipway Second public slipway Move office to Batson Dredging policy</p> <p>Improve Boat park</p> <p>Protect heritage of estuary</p>

<p>a. Create a safety guide for all users on the water and the slipways.</p> <p>b. Re-evaluate the 8KN speed limit in the “Range”. The harbour limit is brought back from Eelstone to a line from Splat to Limebury. This is the official definition of the harbour limit used by the MCA and SHDC in the licensing of commercial boats. The “range” would then become “open sea” and subject to the laws of the COLREGS regarding “safe speed”. The Splat line/Wolf Rock Buoy is the natural entrance to the Harbour as seen by most people entering the Harbour</p>	<p>Create a safety guide Review speed limit</p>
<p>c. Local business consultation process when evaluating any changes or proposals to implement new charges within the harbour which could make it even more expensive for boat owners or make local business unviable because they have to absorb the costs.</p>	<p>Consult with marine businesses</p>
<p>d. Local business consultation process to evaluate any new bylaws that that will add to the cost of running a business in the estuary.</p>	<p>Consult with marine businesses</p>
<p>e. To correctly evaluate the needs of local business and local economy when the harbour are considering rule changes via a high standard of open communication and consultation processes, to ensure information is properly communicated in a timely manner, to all concerned parties.</p>	<p>Consult with marine businesses</p>
<p>f. Enforce the harbour speed limit to apply to all vessels including sail and harbour boats.</p>	<p>Enforce speed limit</p>
<p>6. Contractual and pricing strategy:</p>	
<p>a. To offer maintenance contracts for engineering/lifting etc to local businesses.</p>	<p>Offer maintenance contracts to local businesses</p>
<p>b. To continue to offer favourable terms to local marine businesses for harbour moorings when working on a boat afloat.</p>	<p>Business moorings</p>
<p>c. To offer a special harbour dues sticker for work boats that should not be required to buy a further permit to moor at Whitestrand in July and August.</p>	<p>Special rates for business harbour dues</p>
<p>d. To be accountable and open about the costs of operating the slipping and scrub down facilities in the harbour and to not set cost price by under cutting local businesses by a certain percentage - but base prices on the cost of running the facility or service.</p>	<p>SHDC set prices for boat park services</p>
<p>e. To offer businesses the opportunity to collect harbour dues from their full service customers and retain a percentage for administration.</p>	<p>Offer businesses opportunity to collect harbour dues</p>

		<p>7. Establish a communication process via the newsletter that is an active distribution process as opposed to a “have to search and find”.</p> <p>8. Ensure that the harbour becomes a customer focused and customer led organisation. Improving customer contact with visitors and local business will give a much better impression of the harbour and local area. Harbour staff are often a first point of contact for visitors and can leave an overall impression of the area, they should be considered as ambassadors of the area. Apply a code of conduct for staff to ensure harbour rules apply to them also.</p> <p>9. A feasibility study into changing the Harbour from a municipal port to a trust port</p> <p>10. To employ locally and promote internally when jobs become available.</p>	<p>Issue newsletters</p> <p>Improve customer service</p> <p>Trust Port Status</p> <p>Recruitment policy</p>
17/10/2011	Member of the Public	<p>First, I am surprised that the service provided by the RNLI is not mentioned because it is vital both to visitors and locals. I know that it is a voluntary organisation but an acknowledgement of its work would surely be appropriate. Secondly, and you will not be surprised that I make this comment, I sense that the writer of the plan has no feeling for the pre-eminence of the estuary as a dinghy sailing resort. The beauty and shape of the estuary, the fickle winds and strong tides give it a particular character which is found nowhere else; and there is also the opportunity to race outside the harbour over the bar. The word dinghy or the words sailing dinghy do not appear in the plan; presumably they fall in the category 'small boat' which includes everything from motor boats to rubber dinghies. While there is a table headed 'Visitor Numbers' it relates solely to yachts. The number of dinghies which descend on the estuary for the various dinghy sailing events, Merlin week, etc., is not quantified nor the number of holiday makers who simply bring or keep their boats here.</p> <p>It must be a significant number both in terms of boats and spending power. By not focusing on sailing dinghies, for which Salcombe is so well known, the Harbour Board risks missing a trick by not providing the welcome, the attention and perhaps resources for dinghy sailors, which may be important to retain the estuary's pre-eminence.</p>	<p>RNLI</p> <p>Dinghy Sailing</p>
04/11/2011	The Moorings Residents' Company Limited	<p>Representation to the Harbourmaster, Salcombe, on 8May11 in response to a public invitation for comment to inform a review of harbour facilities for the Harbour Board's Strategic Business Plan 2012-17</p> <p>Dear Harbourmaster</p> <p>On behalf of the members with moorings of The Moorings, Kingsbridge, I wish to request you consider ways of improving our access to the water. Although we contribute significant sums in harbour charges, we have limited water access with only up to one hour either side of high water at neap tides.</p>	<p>Improve access to moorings at "The Moorings"</p>

		<p>Possibilities of increasing our access include: (1) dredging off our beach, (2) further lengthening our running moorings and (3) installing a floating pontoon. These solutions are not new, but I mention them again in the hope that they might be considered both in the short term and in your longer range review of harbour facilities and services.</p> <p>With many thanks for the recent and planned improvements to Salcombe Harbour and Kingsbridge estuary, Chairman, The Moorings Residents' Company Limited</p>	
Nov-11	The Moorings Residents' Company Limited	<p>Thank you for receiving representations from The Moorings in Kingsbridge, as reproduced below. I recently became aware that these have been considered by the Harbour Board and a policy agreed, as described in your Strategic Business Plan (SBP) Consultation document.</p> <p>Discussions seem to have focused around the third option in my submission, regarding the installation of a pontoon. I was encouraged to see that mooring policy will be reviewed again, as I would hope that this will give an opportunity to consider additional representations, as follows:</p> <p>We believe that the Board's opinion that pontoons are detrimental to the appearance of the estuary is highly subjective and is not representative of the views of residents and visitors. In coming to this conclusion the Board referred to a proliferation of walk-ashore pontoons, but the SBP makes it clear that there has only been one application for a private-use pontoon, which is our request.</p> <p>We suggest that allowing our proposed installation would have a negligible impact on the amenity and appearance of the foreshore. We would also point out that its size and location has not yet been detailed and there is no reason to believe it would inconvenience other boat users.</p> <p>Furthermore, there are positive reasons for agreeing to our request. In our opinion you have correctly identified the trends in future usage of the estuary, which show a greater demand for ease of access to the water. The large number of vacant moorings is an indicator of this change of need.</p> <p>However, this is not facilitated by our drying out running-moorings which, as noted in our original submission, limit our water access to a maximum of one hour either side of high water at neap tides. At spring tides we virtually have to swim ashore or adopt various inconvenient strategies to leave our boats. As a result, an increasing proportion of our moorings are becoming vacant and I predict this loss of income to the Harbour Board will continue to exacerbate in the future. The absence of a pontoon is also a missed income-generating opportunity for the Board.</p>	Improve access to moorings at "The Moorings"

		<p>There were, of course, two other options mentioned in our representation. I would welcome the opportunity of discussing any and all possible solutions with you again. I have the highest regard for you and the Board's achievements and genuinely believe that our mutual objectives can be accommodated with understanding on both sides.</p> <p>Yours sincerely (signed) Chairman, The Moorings Residents' Company Limited</p>	
14/11/2011	Member of the Public	<p>In response to the two questions asked under the introduction section of the Salcombe Harbour Strategic Business Plan 2012 to 2017.</p> <p>Q1: Yes, fully supported and appreciate the need for consolidation after what has been a rapid expansion and improvement to facilities for the area. These changes have all been justifiable and relevant for the better use of both local and visitor needs.</p> <p>Q2: Although the draft clearly touches all areas for attention and review, there are which I'm sure is already understood a need to further increase the facilities to make our destination a longer term stay `Resort`. Walk ashore is something we simply cannot provide and should not as is already understood one of the many charms our area provides, this I'm sure is and can remain a strength for the future especially for the yachtsman. However, the addition of two shower units at Whitestrand and an increase to the already overstretched landing access in both Salcombe and Kingsbridge will for a very short time arrest the situation to show that progress is being made, but not absorbing the current demands. Access demands are key drivers for</p> <p>□</p> <p>Five years is quite a long time and as we will hopefully see a continued general increase in the harbours usage and revenue, once we gradually emerge from recession we could well find ourselves woefully behind expectations, verging on frustration. These frustrations weaken retention of usage and result in unsold moorings and visitor numbers, to date a situation clearly experienced. Furthermore we all find ourselves wanting things `now` not later, some would say a version of laziness, but sadly its here to stay and therefore access will become the single make or break for the harbours future. Expanding the visitor experience for both large and small craft alike with the harbours need for volume daily sales, `one` shower per gender will simply be a token and not cater for demand. Although the generous new facilities at the yacht club are wonderful, once again access is the weak link. As for example in Fowey (a competitor) the two yacht club shower facilities both have their own direct landing access.</p>	<p>Improve facilities</p> <p>Improve Access</p>

		<p>Naturally there is no easy fix for this situation as it would have been sorted by now, but now it is an investment, a speculation for growth and retention. A second floor for the current Whitestrand toilet block or the harbour office its self would be ideal but clearly that has its own problems. The Harbour Office is in a wholly unenviable position trying to cater for user demands and visitor experience satisfaction for which the next five years will but only increase. Further marketing would certainly plant the seeds for more visitors which in itself would but only increase the pressure on experience satisfaction. Customer retention in the long run is always the more cost effective form of marketing as each individual gradually adapts to want to own your core product, but ease of use and comfort are the key factors in order to create the time to close this cycle of activity. Regardless of all the above, the Salcombe Harbour Office is a credit to the South Hams and I as well as others are in full admiration for your hard work and almost impossible tasks you are presented with. Keep up the good work.</p>	Improve facilities
15/11/2011	Member of the Public	<p>I regret that I was unaware of the public meeting on 8th November. I have read the consultation document and I believe the changes proposed will make a significant improvement to the capacity and functioning of the town landings. The proposals address what for many years has been regarded as an intractable problem.</p> <p>Although not part of the town landings, dredging the area adjacent to the seaward end of the Batson pontoons, would make available useful additional temporary berths for boats that can't make it back to their pontoon position; boats which otherwise have to be left somewhere in front of the town.</p>	Salcombe Town Landings Maintenance dredging
25/11/2011	On behalf of the Historic Environment Service, Devon County Council	<p>Please find below comments on the Salcombe Harbour Strategic Business Plan 2012 to 2017 from the Historic Environment Service at Devon County Council: Thank you for giving us the opportunity to comment on the Salcombe Harbour Strategic Business Plan 2012 to 2017. It is welcome to note that much is made in this document about the unique character of the Estuary. However, no reference to the historic environment is made within the document, and this is an important part of what makes the Estuary so special. It would be appropriate to include the Historic Environment as well as the Natural Environment. A short summary of the Historic Environment of the estuary should be included. This may be along the lines of: The estuary's distinctive historic landscape contains a variety of important archaeological features. As well as the many historic wrecks and hulks it is overlooked by military defensive sites, for example the 16th century artillery castle at Fort Charles, fortifications from the civil war and the Napoleonic wars as well as the Second World War. Furthermore the edge of the estuary demonstrates links to the industrial past, for example lime kilns near the water's edge.</p>	Reference to Historic environment

	<p>The surrounding landscape also contains evidence of prehistoric and later human activity, and prehistoric enclosures and other monuments are a valuable and vulnerable part of the historic environment. Slipways in parts of the harbour date to the 1940's and represent important evidence of the US naval base at Salcombe. The quays and boatyards in settlements such as Salcombe and Kingsbridge are themselves significant features that testify to the historic development of the area. Archaeological evidence is also preserved within sediments within and at the edges of the estuary as palaeoenvironmental deposits. In the SWOT analysis (page 16), we would suggest that "Diversity and richness of natural environment" should read "Diversity and richness of natural and historic environment". In the STEEP Analysis (page 17), under Issues - Environmental, should include "Importance of Historic Environment".</p> <p>Under Actions - Environmental (page 19), should include "Harbour Authority to work closely with Devon County Council Historic Environment Service, South Hams District Council Conservation Officers and English Heritage to protect and make best use of the historic environment" and also "Ensure that development opportunities are in keeping with the historic character of settlement and landscape". Also in this section, improving water quality and minimising flooding may involve inland works, for example subsoiling to reduce compaction or projects involving groundworks carried out under the Catchment Sensitive Farming capital grant scheme. If this is the case then these need to be checked with the Historic Environment Service, as they may have a significant Historic Environment impact, including on below-ground archaeology not generally visible at ground level. References to dredging should include reference to archaeological issues, and disturbance of archaeological deposits as well as historic wrecks and hulks. environment matters.</p> <p>We would recommend that an archaeological assessment of impact should be carried out in reference to any dredging. It should also be noted that a high proportion of the farmed land bordering the estuary has been characterised as 'Barton field' enclosures, which have a distinctive 'blocky' field pattern which survives well in some areas. These were created during a period of land reorganisation in the 15th to 18th century, and may incorporate earlier (medieval or earlier) field boundaries. Areas of lower lying enclosed land (for example to the south of West Charleton) demonstrates historic agricultural reclamation of this estuarine environment, which may be especially vulnerable to changes in sea level or estuary developments. It would be useful to mention that the Historic Environment Service at Devon County Council will be happy to advise on any historic environment matters.</p>	<p>Diversity and richness of natural environment</p> <p>Environmental Actions</p>
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20-Jan-11	Member of Public	<p>I'm grateful for the advertised opportunity to comment on the above; and will now (respectfully) submit my oft' expressed minority views, as follows. It remains my certainty that Salcombe should be economically progressed as an <i>idyll</i> which is anti further development as such - let all the other coastal towns morph into the supermarket mentality of 'being the same' and competing as such; 'year by year' The day will come when the reason for sailing into our town is because there is no other destination left that offers <i>excellence</i> based on a relatively unspoilt natural resource, around which conservation and wildlife issues thrive and should be placed far ahead of 'washrooms on Whitestrand' (for example); on which note, I'll approach closure. There are so very few towns which have a waterside 'square' and Whitestrand should be held back for future use in just that definition – a place where visitors by land and sea can arrive and quite simply 'chill out' in a glorious community experience. It's this expectation that visitors – wealthy and no so'; will actually pay us to enjoy.</p>	
		<p>This letter may seem frivolous: but it's seriously meant, and I hope the committees concerned will reflect on what I say.</p>	



South Hams
District Council

Improving the well-being of the people of the South Hams

South Hams District Council

Salcombe Harbour Authority

Moorings Policy

25 September 2007

1st Edition

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1.0 Introduction

- 1.0.1 Salcombe Harbour, as a municipal port, is a strategic asset to the South Hams and of fundamental importance to the economic and cultural well being of the riparian towns and villages of the Estuary. Set in an Area of Outstanding Natural Beauty (ANOB) and Site of Special Scientific Interest (SSSI) Salcombe is a unique harbour with a world renowned reputation as a sailing destination. As the Statutory Harbour Authority, South Hams District Council has constituted the Salcombe Harbour Board, which operates as a committee of the full Council. The Harbour Authority discharges the roles and statutory duties which are placed on the Harbour by the Pier and Harbour (Salcombe) Confirmation Act 1954. The 1954 Act is based on the Harbours, Docks and Piers Clauses Act 1847 that gives the Harbour Master certain statutory powers concerning the management of the Harbour. Additionally, the Harbours Act 1964 provides for the operation to be self-financing with the Authority able to fix its own rates in order to pay for the work to be done.
- 1.0.2 The provision and management of moorings within the harbour has become one of Salcombe Harbour Authority's (SHA) core activities and responsibilities and accounts for around 62% of turnover. Allocation of moorings also represents one of the most frequent reasons for contact with our customers.
- 1.0.3 The purpose of this policy is to guide the management of SHA whenever it takes decisions on issues related to the provision or development of moorings within the harbour. This policy is not a legal document and SHA reserves the right to retain discretion over any decision but will give reasons for any decision taken that are not in accordance with the stated policy.
- 1.0.4 With every decision over moorings a number of factors will be considered. These are too numerous and varied to list; however the principal factors will always be:
- the requirements of navigation
 - conservation of the environment
- 1.0.5 In developing and enforcing the Moorings Policy the Board have consulted widely and followed their vision which is:

To retain and enhance the character of Salcombe and Kingsbridge Estuary whilst updating harbour facilities to meet the requirements and expectations of resident and visiting yachtsmen for the 21st century.

and the core principles of safety, stakeholder involvement, value for money, environmental stewardship, a catalyst for sustainable economic development and support to local employment.

1.0.6 This policy will apply to the whole of Salcombe Harbour and Kingsbridge Estuary (as defined by Section 11 of the Pier and Harbour Order (Salcombe) Confirmation Act 1954). This policy does not apply to the location and number of moorings or pontoons (including their allocation) on private foreshore i.e. those areas of the Harbour not leased to the Harbour Authority by the Duchy of Cornwall

2.0 Ownership of the Estuary Bed

2.0.1 The ownership of the seabed within the estuary, known as 'fundus', affects the powers of SHA. The fundus within the Estuary is owned by the Duchy of Cornwall of which the majority is leased to South Hams District Council, the Harbour Authority, for which an annual rent is paid. The lease allows SHA to lay moorings on this fundus and levy a charge for them. At the time of writing the lease with the Duchy is under renegotiation but this document assumes that agreement will be reached on a new lease and SHA will retain control of most of the fundus. The main areas not leased to SHDC include the upper reaches of Southpool Creek, the foreshore of East Portlemouth, the foreshore of Salcombe below the ferry landing to North Sands, Lincombe Bay and other discreet areas of foreshore throughout the Estuary.

2.0.2 It should be understood that the right to lay and use a mooring within the harbour depends upon two essential premises:

- The permission of the owner of the fundus where the mooring is placed.
- The written consent, in the form of an annual licence, of the Salcombe Harbour Authority. It should be noted that a licence to lay a mooring is entirely different from a lease and therefore it is not an assignable property right.

2.0.3 As land covered by water is governed by the laws of property in broadly the same way as land covered by air, the issue of fundus ownership is self-explanatory. The requirement for Harbour Authority consent is a separate issue, arising from the Pier and Harbour Order (Salcombe) Confirmation Act 1954 under which the Authority has power to lay and use moorings (on fundus in which it has an appropriate interest) and also to license others to do likewise. The Authority is not required to license its own moorings but anyone else laying a mooring anywhere within the harbour needs a licence.

3.0 Consultation Process

3.0.1 In total there were only seven responses to the Moorings Policy Consultation Document. Of these three were from individuals and the others were collective responses from the following organisations:

- Salcombe Town Council
- Kingsbridge Town Council
- Salcombe and Kingsbridge Estuary Association
- Kingsbridge Estuary Boat Club

3.0.2 The low number of responses to the consultation document reflects the fact that the majority of harbour users were content with the draft Policy, which was not radically different from the current policy. This was not surprising as the majority of harbour users already had a mooring and for those currently waiting, the t policy favoured the SHDC 100% Council Tax payer over all others. The questions posed in the consultation document were:

Q1. Does the moorings policy clearly explain the guidelines for mooring allocation within Salcombe Harbour?

Q2. Does the moorings policy cover the aspects of mooring allocation as it applies to your circumstances?

Q2. Are there any other aspects you would like to see detailed in the Moorings Policy?

3.0.3 The consultation feedback raised a number of points of detail, which were corrected. However, it was clear from the feedback that there was considerable discontent amongst the harbour users who fall into the 90% Council Tax category. The policy segregated the waiting list for harbour mooring facilities into an A and B list. The A list (100% Council Tax) take priority over the B list (90% Council Tax), which does not move whilst there are any names on the A list. The only benefit of being on the B list was that, should an individuals circumstances change and the start paying 100% Council Tax, they transfer to the A list with a seniority of when they joined the B list. Changes to the mooring policy have been introduced in an attempt to address this situation.

4.0 Categorisation of the Estuary

4.0.1 Below Ferry Crossing – seawards to harbour limits – a limited number of visitors moorings, a number of licensed moorings on private foreshore on both sides of the Estuary, seasonal moorings at South Sands and recognised anchorages off Small’s Cove and Sunny Cove.

4.0.2 Above Ferry Crossing – inwards to Fishpond Corner and Snapes Point – Victoria Quay pontoons, Whitestrand and Normandy landing facilities Foreshore moorings, commercial mooring, visitors moorings and fuelling Facility.

4.0.3 South Pool and Waterhead creeks and Gullet Point – Predominantly private moorings and boatyard commercial moorings. The Harbour

Authority have a number of deep water mooring at the entrance to South Pool.

- 4.0.4 Batson and Shadycombe creeks north of Fishpond Corner –** Foreshore mooring, Batson and Shadycombe Pontoons, commercial fish quay and slipway and craning facilities.
- 4.0.5 The Bag between Snapes and Halwell point –** The majority of the Harbour's deep water residents mooring, visitors' pontoon, foreshore moorings, houseboat moorings, Egremont (ICC) and Winters Pontoons and Boatyard.
- 4.0.6 Saltstone, Blanksmill Creek, Collapit Creek and Frogmore Creek west –** no moorings permitted in this area, recognised anchorage north of Halwell Wood and East of Heath Point.
- 4.0.7 Frogmore Creek East –** Foreshore moorings but no other facilities.
- 4.0.8 North of Charleton Point to High House Landing including Newbridge and Balcombe Creek –** Foreshore moorings, slipway and dinghy storage facilities.
- 4.0.9 North of High House Landing to New Quay pontoon, Kingsbridge –** Foreshore moorings.
- 4.0.10 North of New Quay pontoon to include Kingsbridge Creek –** Foreshore moorings, Kingsbridge pontoon and slipway and dinghy storage.

5.0 Review of Policy

- 5.0.1 The moorings policy will be formally reviewed every five years. However, urgent issues will be dealt with as they arise by the Harbour Board and should any changes be required, once ratified by Full Council, amendments will be published.

6.0 Mooring Policy

- 6.0.1 All Salcombe Harbour Authority mooring contracts and licences are issued annually to a named individual or company and are not transferable, except between spouses or civil partners.
- 6.0.2 Mooring Contract holders who are planning to be absent from their berth for a period of 24 hours (deep water moorings) or 7 days (foreshore moorings and pontoon berths) or more should inform the Harbour Master.
- 6.0.3 Moorings left unused for a period of two years will be reallocated.

- 6.0.4 The Harbour Master retains the right to move vessels to the most suitable mooring.
- 6.0.5 Vessels, which in the opinion of the Harbour Master are un-seaworthy, will be directed to be removed from the Harbour.

6.1 Overall number of moorings

6.1.1 A number of years ago the Harbour Board capped the numbers of moorings within the Estuary. This policy will be kept under constant review. It is acknowledged that Collapit Creek, Blanksmill Creek, Lower Frogmore Creek and Widegates are areas that should be kept free of moorings.

6.1.2 The Harbour Authority currently has the following mooring facilities:

Deep water swinging moorings	215
Deep water pontoon berths	60
Deep water visitor moorings	25
Deep water visitors' pontoon	25
Foreshore Moorings	630
Pontoon Berths	
Victoria Quay	76
Shadycombe	33 (of which 7 are business berths)
Batson	246
Kingsbridge	37
Dinghy Storage	
Whitestrans	27
Batson	172
New Bridge	98
Kingsbridge	11

6.1.4 Many boatyards offer a “complete service” utilising Harbour Authority facilities but only two boatyards operate their own facilities within the Harbour, these are Winters, who have pontoon berths in the Bag and Yeoward and Dowie who have trot moorings in South Pool Creek.

6.2 Qualification Criteria and Allocation of Mooring Facilities

- 6.2.1 Council Taxpayers and persons recorded on the South Hams council tax register are given priority over others in the allocation of Harbour facilities.
- 6.2.2 A private individual requiring a berth for a domestic or leisure purpose (as opposed to a business purpose) shall not be allocated more than one deep water berth and one foreshore berth whilst there is a waiting list (except at the discretion of the Harbour Master a deep water berth may be exchanged for a foreshore berth). However, an additional berth for one tender used only between the shore and the parent craft may be allocated. In calculating the maximum number of berths

available to a private individual, the Harbour Authority will take into account any suitable berths belonging to, or within the control of that individual, which are situated outside the areas of the Harbour leased to the Harbour Authority by the Duchy of Cornwall.

- 6.2.3 Boats owned by a syndicate need to have one member of the syndicate who has qualified, by being a SHDC Council Tax payer and reaching the top of the waiting list, for a mooring. If the mooring licence holder leaves the syndicate, another member of the syndicate has to have qualified by being a SHDC Council Tax payer and reaching the top of the waiting list for a mooring allocation if the mooring licence is to be renewed
- 6.2.4 Private Mooring Licences or harbour Contracts will not be transferred to purchasers of boats and/or private mooring tackle from persons holding such licences or contracts. If such a berth is vacated by the holder of a licence (or contract) not acquiring a suitable replacement boat or suitable replacement mooring tackle, then that berth will be reallocated in accordance with the appropriate waiting list.
- 6.2.5 A Harbour mooring Contract and a Private Mooring Licence:
- a. is personal to the holder of such a contract or licence and transfer is not permitted.
 - b. cannot be transferred to another or sub-let.
 - c. cannot be lent to another person.
 - d. In relation to private individuals is for the named vessel specified by its type and length on the application form completed by the holder of such a contract or licence.
 - e. In relation to a business is for the maximum size of a vessel specified for that berth.
- 6.2.7 Where a mooring holder has held a mooring contract for many years and a member of the family, who is a Council Tax payee in their own right, is likely to wish to continue on the death or incapacity of the mooring contract holder they should join the appropriate waiting list to acquire a mooring in their own name. However, in the event of sudden death or very serious illness of a longstanding mooring holder where the immediate family wish to maintain their mooring contract, the Harbour Authority will consider the issue of a contract to a close family member for an agreed period to enable alternative arrangements to be made.

6.3 Waiting Lists

- 6.3.1 The Harbour Authority waiting lists are separated into the following categories:-

“A” Private individuals who pay 100% Council tax in South Hams District; and

“B” Private individuals who pay 90% of Council Tax in the District.

The concept of the “A” and “B” lists is to differentiate between Harbour customers who live permanently in the South Hams and others who, although they may be frequent visitors, do not live in South Hams all year around. The most practical way to differentiate is the % of Council Tax paid.

Category “B” applicants will transfer to the “A” if and when their circumstances change and they start paying 100% Council Tax in South Hams District. They will transfer with a qualification date of their original application. Moorings will be allocated to Category “A” in preference to Category “B”.

Category “B” applicants will be given priority for booking of visitor foreshore moorings. Bookings will be accepted from customers who are on the Category “B” waiting list for a finite period before bookings are accepted from the general public.

- 6.3.2 A registration fee at current rates, which is refundable on mooring allocation, must accompany applications for berths. No sub-letting is permitted and berths are restricted to South Hams Council Tax payers.
- 6.3.3 In addition to the waiting list, the Harbour Authority also maintains a waiting list for current facility holders who would like to move berth, mooring or change to a different facility.

6.4 Provision of Moorings for Visitors

- 6.4.1 Visitors’ moorings are a significant element of the Harbour Authorities service to yachtsmen from which a substantial percentage of the overall Harbour income is derived. For this reason the Harbour Authority provides a number of prime moorings, both pontoon berths and swinging moorings, in the most desirable locations close to Salcombe Town.
- 6.4.2 The water taxi and the provision of convenient and adequate visiting dinghy facilities on Normandy Pontoon complement the mooring facility for visitors.
- 6.4.3 Visiting vessels are charged in 1 metre bands.
- 6.4.4 Vessels anchoring will be charged Harbour Dues.
- 6.4.5 To encourage visiting yachts to visit the Salcombe and Kingsbridge Estuary the Harbour Board will offer a range of promotional offers and discounts, which will be authorised and reviewed annually.

6.5 Deep Water Moorings

- 6.5.1 Persons permanently renting Harbour Authority moorings and arranging cruises for periods in excess of 12 months and under 2 years may be permitted to retain their moorings on payment of a fee

equivalent to 50% of the full mooring rental, subject to the mooring holder signing an undertaking not to resume his use of the mooring until the expiry of the agreed period. If the mooring holder wishes to extend the absence beyond 2 years, this can be accommodated at the discretion of the Harbour Master and on payment of the full mooring fee. During the absence of the mooring holder the Harbour Authority reserves the right to let the mooring to visiting craft.

- 6.5.2 All deep-water moorings should be owned, maintained and controlled by the Harbour Authority, apart from those private licences held by long standing local fishing vessels.
- 6.5.3 Moorings in South Sands Bay shall be taken over by the Harbour Authority as and when they are given up.
- 6.5.4 The only exception to this policy for deep water moorings apply to the two longstanding arrangements with Winters Boat Yard and Yeoward & Dowie Boat Yard which provide a full marine service for Harbour users.
- 6.5.5 No moorings will be permitted on the east side of the channel between the East Portlemouth ferry pier and the Blackstone.
- 6.5.6 The western half of The Bag is identified as the site for high-density berthing with maximum of 60 pontoon berths.
- 6.5.7 Deep water swinging moorings will be charged for based on the length of the boat with a minimum charge for the facility.
- 6.5.8 Deep water pontoon berths will be charged for the facility allocated, which will be authorised to berth a vessel up to a maximum permitted size.
- 6.5.9 Multi Hulled vessels. Where moorings are shared, the standard mooring charge should be made, but where a multi-hulled vessel requires an individual mooring, a surcharge of 100% should be levied.

6.6 Foreshore Moorings

- 6.6.1 A mooring shall only be used to accommodate one boat unless previously agreed by the Harbour Master.
- 6.6.2 If a boat is sold, a period of 12 months is allowed for the owner to obtain a replacement craft. During this period sub-letting is not permitted.
- 6.6.3 Where a mooring is no longer required, it is passed to the Harbour Authority for allocation to the next person on the waiting list.
- 6.6.4 The Harbour Master is authorized to lift and impound any unauthorized mud mooring tackle.

- 6.6.5 Privately licensed moorings must confirm annually their compliance with the Harbour Authority's foreshore mooring tackle specifications detailed at Appendix 1.
- 6.6.6 Foreshore mooring facilities will be charged for based on the length of the boat with a minimum charge for the facility.
- 6.6.7 Mooring holders not using their mooring for a period of seven days or more are to inform the Harbour Authority as detailed in 6.0.2. These moorings, where practicable, will be made available to visitors on weekly contracts. In the event of a mooring being re-let by the Harbour Authority, the mooring contract holder will receive a rebate of their mooring fees. The level of rebate will be set and reviewed annually.

6.7 Foreshore Pontoon Berths

- 6.7.1 The pontoon berths are, with only a few remaining exceptions, all of a single category. The policy is to allocate berths for vessels up to 2 metres beam and 5.8 metres length overall. The board is currently considering a revision to this policy to accommodate boats with a slightly larger beam, but as this has infrastructure implications, will not be decided in the immediate future.
- 6.7.2 Pontoon berths will be allocated only to private vessels, owned by local council tax payers using their craft for their own purposes. They are not transferable.
- 6.7.3 A notice to quit for breach of contract will be given to any pontoon berth holders sub-letting their berths either on a long-term basis or on a weekly holiday letting.
- 6.7.4 Pontoon facilities are rated to take up to a maximum size of vessel. Customers will be charged for the facility they rent not the length of boat they berth on the facility. The Harbour Master retains the right to move vessels to the most suitable mooring for their size during annual re-allocation of facilities.
- 6.7.5 Mooring holders not using their pontoon berth for a period of seven days or more are to inform the Harbour Authority as detailed in 6.0.2. These pontoon berths, where practicable, will be made available to visitors on weekly contracts. In the event of a mooring being re-let by the Harbour Authority, the mooring contract holder will receive a rebate of their mooring fees. The level of rebate will be set and reviewed annually.

6.8 Whitestrand Pontoon

- 6.8.1 The Pontoon at Whitestrand is intended for small craft to pick up and set down their crew. However, a proportion has been assigned as a commercial berth for those operators in possession of a landing Licence for which payment has been made.

- 6.8.2 All licences will be reviewed annually by the SHA. In the event of non-compliance with the conditions of the licence, the licence may not be reviewed or it may be terminated by giving seven days' notice in writing.
- 6.8.3 To improve safety and the operation of berthing tenders at Whitestrand Pontoon the Harbour Board has and will continue to implemented a range of measures, including charging.

6.9 Normandy Pontoon

- 6.9.1 Normandy Pontoon is for the use of visiting yachtsmen. Visiting yachts may berth alongside for thirty minutes between 0700 and 1900. All berthing is prohibited between 1900 and 0700. Double berthing constricts the channel and is not allowed. The inside of Normandy Pontoon is reserved for visiting yachts' tenders, these tenders must be marked "T/T [name of parent vessel]". Resident boats wishing to use Normandy during quiet periods to take on water should call the Harbour Office on VHF#14 for permission to lie alongside.

6.10 Tender Storage

- 6.10.1 In Whitestrand Boat Park, storage spaces will be allocated to local council tax payers on a "one-person-one space" basis, depending on availability.

6.11 House Boat Moorings

- 6.11.1 The number of commercial houseboats will not exceed seven. Whilst there shall be no increase allowed in the number of houseboats in Salcombe Harbour, replacements will be permitted subject to the design of replacements being first approved by the Harbour Board¹.
- 6.11.2 Permanent residence on houseboats is prohibited.
- 6.11.3 The charge for houseboats shall be twice the basic harbour due and moorings charge for the size of an equivalent vessel.
- 6.11.4 Houseboat moorings not utilised for houseboats may be retained on payment of 50% of fees for a period of 2 years. After that period, at the discretion of the Harbour Master, the Houseboat Company can retain the unutilised moorings on payment of 100% of the annual fees. Alternatively unused moorings will revert to the Harbour Authority for re-allocation and the moorings will cease to be designated as houseboat moorings.

6.12 Fishing Boat Moorings

¹ The one remaining private houseboat mooring will revert to a normal harbour mooring when the current houseboat owner relinquishes the mooring.

- 6.12.1 The total number of fishing vessels on deep water moorings shall not exceed 25.
- 6.12.2 Fishing vessel moorings will be charged at the standard annual rate.
- 6.12.3 Three months' notice will be required for new fishing vessels, excluding replacement vessels, requiring harbour moorings.
- 6.12.4 The Harbour Authority will give priority to recognised local commercial fishing vessels, providing the vessel is being used for fishing as a full time business activity, subject to availability of a suitable mooring.
- 6.12.5 If stern frames are fitted, the expense of any necessary reorganisation of mooring pattern will have to be borne by the vessel's owner; and the Harbour Board will give no guarantee that an appropriate re-arrangement of the mooring pattern will be possible for individual cases and certain vessels might be required to relinquish their existing berths.
- 6.12.6 A number of Store box moorings will be provided in Castle Bay by the Harbour Authority.

6.13 Commercial Moorings

- 6.13.1 The maximum number of berthing facilities allocated to an individual business shall not exceed the reasonable needs of that business. The Harbour Authority, in determining the number of berths to be allocated to a business, shall balance the reasonable needs of that business against the reasonable needs of others waiting and wishing to obtain berths within the harbour and who may require berths in the future. The practice of businesses joining the waiting list and being automatically allocated a mooring when they reach the top of the list will cease and all businesses currently waiting will be removed and their deposits returned. Businesses requiring additional moorings will submit a written request with their justification for additional moorings to the Harbour Board by 30 November annually, for consideration during mooring allocations for the following season.
- 6.13.2 In assessing the reasonable needs of a marine business the Harbour Authority will consider all relevant factors. These may include but are not limited to:
- a. the number of moorings currently available to that business;
 - b. the number of persons employed by that business;
 - c. the number and type of new boats regularly built by that business;
 - d. the number and type of new boats sold by that business;

- e. the number of boats regularly repaired by that business including the type of repairs carried out;
- f. the size of boat building and/or repair yard and premises owned or within the control of that business, including the size of areas available for storage of boats;
- g. any quayside accommodation available to that business;
- h. the number of slipways available to that business;
- i. the number of boats regularly dealt with by that business on a brokerage basis;
- j. the number of boats (licensed as pleasure boats) belonging to that business which are regularly hired out as part of a hire boat business;
- k. the number of work boats belonging to that business which are regularly used in running that business;
- l. the size of any office or shop belonging to that business;
- m. the number of boats owned by customers of that business for which a bona fide “complete service” is provided, viz the care and control of a customer’s boat throughout the year (except for short temporary periods when a customer removes their boat to sail personally), ensuring a customer’s boat is safely moored, during the winter removing a customer’s boat from the harbour and arranging for winter storage, and carrying out all necessary repairs and maintenance to a customer’s boat. Any lesser service than this “complete service” will be disregarded by the Harbour Authority.
- n. The availability of moorings or pontoons to that business outside the areas of the Harbour leased to the Harbour Authority by the Duchy of Cornwall.

6.13.3 No single factor illustrated above shall outweigh the other factors. Any information supplied to the Harbour Authority under this paragraph will be treated as confidential.

6.13.4 In relation to a marine business not providing the majority of services detailed above, e.g. a sailing school etc; similar factors will be considered by the Harbour Authority in determining the number of berths for that business.

6.13.5 Where the whole or part of a business is sold:

- a. If the whole business is sold, including the business name and goodwill, then the Harbour Authority will transfer the moorings to the new owners so long as there is no change of usage of the moorings. If the moorings are held on licence, the moorings will become Harbour Authority owned and maintained facilities.
- b. Where a recognisable or significant quantity of business assets have been sold this shall be reported “in confidence” by the present holder of a Private Moorings Licence (or Harbour Moorings Contract) to the Harbour Authority. In addition, where a recognisable or significant quantity of business assets have been purchased from an existing holder of a Private Mooring Licence or Harbour Moorings Contract) in the expectation of such licences (or contracts) being surrendered by the present holder to the Harbour Authority and the Harbour Authority granting new licences (or contracts) to the purchaser of those business assets , or on expiry of the present holder’s Private Moorings Licences (or Harbour Moorings Contracts), the Harbour Authority may in accordance with the policies contained herein adjust the number of licences (or contracts) allocated to the seller of those business assets, and may, in its discretion, grant an appropriate number of new licences (or contracts) to the buyer of those business assets.

6.13.6 Where, in the opinion of the Harbour Authority, a business no longer reasonably requires the renewal of the present number of berths allocated to it, then, on the expiry of those contracts or licences, and in accordance with the policies herein contained, the number of berths may be reduced or not renewed. This will follow a period of consultation between the business and the Harbour Authority.

6.13.7 Priority, above all other users, in the allocation of mooring facilities will be given to bona fide commercial fishing vessels which have a permanent base in Salcombe Harbour, but such priority may be reviewed as a result of a change in circumstances.

6.13.8 No sale or transfer of commercial moorings owned by boat yards is permitted.

6.13.9 That local boatyards, owning moorings let as a commercial concern and not used in immediate connection with the boat yard operation shall be advised that those moorings will be acquired by the Harbour Authority. The total number of moorings under a boat yard's aegis is restricted to one mooring per hire craft or working boat.

6.13.10 The Harbour Master is authorised to negotiate with local boat yards on the number of working foreshore moorings required by those concerned. On the normal expiry of any licence for a private foreshore mooring, the berth will be reallocated as a Harbour mooring complete with tackle, at the appropriate rentals, which apply from time to time.

6.13.11 Harbour facilities used for commercial purposes will be charged a 50% surcharge on the standard facility charge, this does not apply to fishing vessels.

6.14 Laying up

6.14.1 No vessel shall be permitted to lay-up on its moorings for more than 2 years.

6.14.2 The areas where lay up may take place, with the consent of the harbour master and land owner are:

Goodshelter Bay
South Pool, northern shore
Banksmill and Collapit Creeks
Bowcombe Creek above Newbridge
Tacketwood Creek
Lincombe Bay.

6.14.3 Vessels not in regular use and, in the professional opinion of the Harbour Master are un-seaworthy, will be directed to be removed from the harbour and the mooring will revert to the harbour Authority for re-allocation.

6.15 Insurance

6.15.1 All craft using the Estuary must be covered for third party liabilities. The current level of third party insurance required is £3,000,000. Failure to maintain this insurance cover will result in the withdrawal of mooring/launching facilities. A copy of the insurance documentation will be required to be held on file in the Harbour Office.

6.16 Disabled Access

6.16.1 There is a legal obligation on the Harbour Authority to provide disabled access to facilities wherever this is reasonably practical. The Harbour Authority has sought to meet these obligations for physically disabled access at:

Whitestrاند Pontoon Salcombe
Normandy Pontoon Salcombe
Batson Pontoon Salcombe
Kingsbridge Basin Pontoon, Kingsbridge

6.16.2 The Harbour Authority has had a number of requests to allocate pontoon berths to disabled. The Harbour Authority will make every effort to accommodate such requests.

6.17 Private Mooring Licences

6.17.1 Private Mooring Licences are not permitted to be transferred to another individual. When relinquished, private mooring licences will cease to exist and a Harbour Authority mooring will be established and allocated to the waiting list.

6.18 Crime Prevention Security

6.18.1 The Harbour Authority levy a security charge on all facility holders which finances a Crime Prevention Security Contractor to augment the presence and patrolling outside of the hours covered by the Harbour Staff.

6.18.2 Free mooring facilities will be granted, and harbour dues be waived for vessels operating on behalf of Devon and Cornwall Constabulary.

Appendix 1 to
Salcombe harbour Authority Moorings Policy
Dated May 2007

Foreshore Mooring Tackle Specification

FORESHORE MOORING AREAS	Max. length O/A 14 FT	Max length O/A 18ft	Max length O/A 22 ft	Max length O/A 28ft	Max length O/A 32 ft	Excess of 32 separately assessed
1. Ferry crossing – seawards at Salcombe	B	C	D or E	E or F	F	
2. Ferry crossing – inwards to Fishpond Corner – Snapes Point and Gullet Point	A or B	C	D	E	F	
3. South Pool and Waterhead creeks East of Gullet Point	A	B	D	E	F	
4. Batson and Shadycombe creeks north of Fishpond Corner	A	B	D	E	F	
5. East and West foreshores in “Bag” between Snapes point and Halwell Point	A or B	B or C	D	E	F	
6. Frogmore Creek East	A	B or C	D	E	F	
7. North of Charleton Point to High House Landing including Newbridge and Balcombe Creek	B	C	D or E	E or F	F	
8. North of High House Landing to New Quay pontoon, Kingsbridge	A	B or C	D	E	F	
9. North of New Quay Pontoon to include Kingsbridge Creek	A	B or C	D	E	F	

Where two specifications are quoted, then the heavier tackle specification should be used unless the boat is of light displacement for her length.

MOORING SPECIFICATION ‘A’

For use with a vessel up to a maximum length of 5.49 metres (18’) overall in a maximum expected depth of 4.5 metres (14’8”) in the areas set out in the mooring category plan.

- (i) 30 cms. (12”) diameter hand pick-up buoy with 13.64 kg. (30lb) buoyancy.
- (ii) 2 metres (6’6”) of non-floating rope.
- (iii) 3 metres (9’8”) of 10 mm (3/8”) chain.
- (iv) 1 x 10 mm (3/8”) swivel and shackles to fit.
- (v) 2 metres (6’6”) of 13 mm (1/2”) chain
- (vi) 1 x ¾ cwt block – suitably flat and re-inforced, fitted with a 13 mm (1/2”) connecting eye.
- (vii) All shackles to be seized with galvanised wire. The block to be dug in below surface mud

MOORING SPECIFICATION 'B'

For use with a vessel up to a maximum length of 5.49 metres (18') overall in a maximum expected depth of 4.5 metres (14'8") in the areas set out in the mooring category plan.

- (i) 30 cms. (12") diameter hand pick-up buoy with 13.64 kg. (30lb) buoyancy
- (ii) 2 metres (6'6") non-floating rope.
- (iii) 2 metres (6'6") of 10 mm (3/8") chain
- (iv) 1 x 13 mm (1/2") swivel and shackles to fit.
- (v) 4 metres (13'1") of 13 mm (1/2") chain
- (vi) 1 x 1 ¼" cwt block – suitably flat and re-inforced, fitted with a 13 mm (1/2") connecting eye.
- (vii) All shackles to be seized with galvanised wire. The block to be dug in below surface mud

MOORING SPECIFICATION 'C'

For use with a vessel up to a maximum length of 5.5 metres (18') overall in a maximum expected depth of 5.5 metres (18') in the areas set out in the mooring category plan.

- (i) 30 cm (12") diameter hand pick-up buoy with 13.64 kg (30lb) buoyancy
- (ii) 2 metres (6'6") of non-floating rope.
- (iii) 4 metres (13'1") of 10 mm (3/8") chain.
- (iv) 1 x 13 mm (1/2") swivel and shackles to fit
- (v) 4 metres (13'1") of 13 mm (1/2") chain.
- (vi) 1 x 1 ¼ cwt block – suitably flat and re-inforced, fitted with a 13 mm (1/2") connecting eye
- (vii) All shackles to be seized with galvanised wire. The block to be dug in below surface mud

MOORING SPECIFICATION 'D'

For use in a vessel up to a maximum length of 6.71 metres (22') overall in a maximum expected depth of 5.5 metres (18') in the areas set out in the mooring category plan.

- (i) 30 cm. (12") diameter hand pick-up buoy with 13.64 kg. (30lb) buoyancy.
- (ii) 3 metres (9'8") of 8 mm (¼ ") non-floating rope
- (iii) 2 metres (6'6") of 8 mm (3/8") chain.
- (iv) 1 x 13 mm (½ ") swivel and shackles to fit.
- (v) 4 metres (13'1") of 13 mm (½ ") chain
- (vi) 2 metres (6'6") of 16 mm (5/8") chain
- (vii) 1 x 1 ¾ cwt block – suitably flat and re-inforced, fitted with a 16 mm (5/8") connecting eye.
- (viii) All shackles to be seized with galvanised wire. The block to be dug in below surface mud

MOORING SPECIFICATION 'E'

For use with a vessel up to a maximum length of 8.53 metres (28') overall in a maximum expected depth of 5.5 metres (18') in the areas set out in the mooring category plan.

- (i) 1 x 120 cm (46") circumference mooring buoy
- (ii) Pick-up chain suitable to vessel concerned – minimum 10 mm (3/8")
- (iii) 1 x 16 mm (5/8") swivel and shackles to fit
- (iv) 6 metres (19'7") of 13 mm (½ ") chain
- (v) 2 metres (6'6") of 19 mm (¾ ") chain
- (vi) 1 x 2 ¼ cwt block – suitably flat and re-inforced, fitted with a 19 mm (¾ ") connecting eye.
- (vii) All shackles to be seized with galvanised wire. The block to be dug in below surface mud

MOORING SPECIFICATION 'F'

For use with a vessel up to a maximum length of 9.75 metres (32') overall in a maximum expected depth of 5.5 metres (18') in the areas set out in the mooring category plan.

- (i) 1 x 120 cm. (46") circumference mooring buoy
- (ii) Pick-up chain suitable for vessel concerned – minimum 10 mm (3/8")
- (iii) 1 x 16 mm (5/8") swivel and shackles to fit.
- (iv) 6 metres (19'7") of 13 mm (½ ") chain
- (v) 3 metres (9'8") of 19 mm (¾ ") chain
- (vi) 1 x 3 cwt block – suitably flat and re-inforced, fitted with a 19 mm (¾") connecting eye
- (vii) All shackles to be seized with galvanised wire. The block to be dug in below surface mud

MOORING SPECIFICATION KINGSBRIDGE QUAY

For use with a vessel up to a maximum length of 6.1 metres (20') overall in a maximum expected depth of 3.5 metres (11'5") in sheltered areas as set out in the mooring category plan.

- (i) 30 cms. (12") diameter hand pick-up buoy with 13.64 kg. (30lb) buoyancy. Properly marked with buoy reference number.
- (ii) 2 metres (6'6") of non-floating rope. (Only for floating buoy when vessel not in).
- (iii) 2 metres (6'6") of 10 mm (3/8") chain
- (iv) 2 metres (6'6") of 13 mm (1/2") chain
- (v) 1 x ¾ cwt block – suitably flat and re-inforced, fitted with a 13 mm (½") connecting eye
- (vi) All shackles to be seized with galvanised wire. The block to be dug in below surface mud

SOUTH HAMS DISTRICT COUNCIL

BERTHING VESSELS within Salcombe Harbour and Kingsbridge Estuary

TERMS AND CONDITIONS of a BERTHING CONTRACT
(for berthing a vessel against the Council's pontoon or mooring facility)

1. **Duration of Contract**

All mooring periods:-

- (a) run for the maximum duration of 12 months (in accordance with section 16 of the Schedule to the Pier and Harbour Order (Salcombe) Confirmation Act 1954)
- (b) commence on the 1st April and expire on the 31st March of the following year ("the expiry date") except that if before the expiry date:-
 - (i) the Council has sent to the Hirer a retention form and request for a registration fee; and
 - (ii) the Hirer has within the period specified by the Council returned the retention form, indicating that he wishes the contract to continue, and has paid the registration fee; and
 - (iii) the Council has subsequently sent to the Hirer an invoice demanding the contract fee (less the registration fee) for the year commencing immediately after the expiry date and
 - (iv) the balance of the contract fee demanded on the invoice is paid before the expiry date

then the berthing contract shall be deemed to run for a further 12 months period immediately following the expiry date.

2. Unless a berthing contract is renewed as mentioned in paragraph (b) above then it will expire on the expiry date of the 31st March.

3. **Entitlement of Berthing Contract**

Subject to the terms and conditions herein contained to berth against the Council's pontoon or other mooring facility or part thereof (hereinafter called "the mooring facility") in accordance with the Directions of the Harbour Master either:-

- (a) the vessel named on the printed berthing contract signed by the Harbour Master or the invoice demanding the contract fee or
- (b) (if no particular vessel is named on the said contract or said invoice) a vessel of the maximum length, beam, draught and type specified in the said contract or said invoice.

4. Forfeiture of Contract

Should the Hirer fail to comply with any of the terms and conditions herein contained then the Council may terminate this contract by sending written notice to the Hirer whereupon this contract will terminate 14 days from the date of such written notice. Should forfeiture occur then the whole of the contract fee shall be retained by the Council.

5. Determination of Contract by Hirer

The Hirer can determine this contract by giving 14 days notice in writing to the Council. However the contract fee already paid shall be retained by the Council.

6. Removal of vessel from Mooring Facility

On the expiration or earlier determination of this contract the Hirer shall remove the vessel previously entitled to be berthed against the mooring facility from the mooring facility.

7. Prohibition on Assignment/Sub-letting etc.

- (a) This berthing contract is personal to the hirer, and cannot be transferred or assigned by the hirer to any other person.
- (b) Subject to paragraph 7(c), the hirer must not sublet, subcontract, hire out, license or lend to any other person its right to use the mooring facility.
- (c) A hirer which is a marine business
 - (i) MAY use the mooring facility to berth a customer's vessel, in order to provide a "complete service" to that customer;
 - (ii) MUST NOT sublet, subcontract, hire out, license or lend its right to use the mooring facility to another marine business, for that business in turn to berth a customer's vessel.
- (d) In this paragraph 7, "complete service" means the care and control of a customer's vessel throughout the year (except short temporary periods when a customer removes his vessel to use it himself), ensuring a customer's vessel is safely moored, during the winter removing a customer's vessel from the Harbour and arranging for winter storage, and carrying out all necessary repairs and maintenance to a customer's vessel.

8. Own Risk and Indemnity

- (a) This contract only enables the Hirer to berth against the mooring facility the vessel described on the Council's berthing contract or invoice. The Council gives no guarantee as to the safety or security of any vessel (or its contents) berthed against the mooring facility.
- (b) The Hirer shall be responsible for all liabilities and claims arising from the presence within the Harbour and the Estuary of any berthing against the mooring facility by virtue of this contract and shall indemnify the Council against all such claims.

9. Insurance

- (a) The Hirer shall at all times have an effective third party insurance policy in a sum of at least £3,000,000 with a reputable insurance company to cover all claims arising in respect of any vessel to be berthed against the mooring facility.
- (b) If required the Hirer shall provide such third party insurance policy for inspection together with a current premium receipt.

10. Reckless Conduct and Disorderly Behaviour

- (a) The Hirer (including any person in control or in charge of any vessel using the mooring facility by virtue of this contract) shall not use the mooring facility in a reckless manner so as to cause danger to other users of the Harbour and Estuary or damage to their property
- (b) The Hirer (including any persons on board a vessel berthed against the mooring facility by virtue of this contract) shall not cause unreasonable noise, nuisance or annoyance to other users of the Harbour and Estuary.

11. Compliance with Byelaws and Directions of the Harbour Master

The Hirer (including all persons having control or having charge of or being aboard a vessel berthed against the mooring facility) shall observe and perform all statutory and other obligations relating to the Harbour and Estuary including all Byelaws and Regulations made by the Council and Directions given by the Harbour Master.

12. Payment of Harbour Dues

All monies owing to the Council as general dues for use of the Harbour under section 22 of the Schedule to the Pier and Harbour Order (Salcombe) Confirmation Act 1954 shall be paid promptly and in any event within four weeks of a written demand for payment.

13. Resiting of Berthing Facility

If so required by a notice in writing from the Harbour Master the Hirer shall on the expiration of 14 days from the date specified in such Notice cease using the mooring facility allocated initially by this contract and shall only use the mooring facility located elsewhere in the Harbour or Estuary as specified in the said Notice from the Harbour Master.

14. Recovery of Unpaid Licence Fee

Without prejudice to any other method of recovery of any unpaid contract fee by virtue of section 44 of the Harbours Docks and Piers Clauses Act 1847 the Council may distrain and sell any vessel entitled by this contract to be berthed against it.

15. Temporary absence of the Hirer's Vessel and use of mooring facility by other vessels

- (a) If the vessel entitled to be berthed is to be absent from the Harbour and Estuary (or from the mooring facility) for more than 24 hours then the Hirer (or person in charge of the vessel) shall notify the Harbour Master and shall also indicate how long such vessel is expected to be away from the Harbour and Estuary or away from the mooring facility.
- (b) While the mooring facility is not being used by the Hirer's vessel the Council reserve the right for the Council to permit other vessels to use the mooring facility.
- (c) Should the Hirer's vessel return to the mooring facility earlier than the period of absence notified to the Harbour Master then the Council undertakes (after being notified of such changed circumstances) that the Harbour Master will in his discretion either find the Hirer a temporary alternative mooring facility or remove any vessel preventing the Hirer from using the mooring facility.

16. Absence of Hirer's Vessel for a period of at least one year but no longer than 2 years

If a Hirer's vessel is to be absent from the Harbour or the mooring facility for at least 12 months but no longer than 24 months then special arrangements can be made with the Harbour Master. In such circumstances application should be made to the Harbour Office for further information.

17. Force Majeur

Should any loss or damage be caused to the mooring facility for any reason whatsoever (other than the negligence of the Council) then the Council shall not be liable to the Hirer for any consequential loss or

damage (including death and personal injury) arising from the same nor for unreasonable delays caused by matters outside the Council's control in repairing or reinstating the mooring facility.

18. Repairing Vessels

No substantial or major work of repair or maintenance to a vessel berthed against the mooring facility shall take place without the prior consent of the Harbour Master.

19. Service of Notices

Any notice which is required to be given to the Harbour Master or to the Hirer may be given by leaving it or sending it in a prepaid letter in the case of the Harbour Master addressed to his office at Salcombe or in the case of the Hirer addressed to him at his last known place of abode or business.

20. Documentary Evidence of Contract

A berthing contract incorporating all the terms and conditions herein contained shall be deemed to exist:-

- (a) on payment of the appropriate berthing contract fee together with the issue of a printed berthing contract signed by the Harbour Master or
- (b) on payment by the Hirer (before the expiry date referred to in paragraph 1(b) above) of an invoice issued by the Council in respect of a berthing contract.

21. Definitions

- (a) "the mooring facility" is defined in paragraph 3 above.
- (b) "the expiry date" of this contract is described in paragraph 1(b) above.

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Please reply to: Cllr John Carter, Chairman Salcombe Harbour Board
Salcombe Harbour Office, Whitestrand, Salcombe, Devon, TQ8 8BU
Direct telephone: 01548 843791 Direct fax: 01548 842033
E-mail: salcombe.harbour@southhams.gov.uk

Mr K Harvey
Chairman South West Water
Peninsular House
Rydon Lane
Exeter
EX2 7HR

Our ref: IG
13 July 2011

Dear Mr Harvey

At our Board meeting on 12 July 2011 we reviewed, within our performance management scorecard, the number of pollution incidents within the Estuary during the first quarter of this financial year. It was reported that there have been a number of overflow events from the Malborough sewage treatment works and or the storm overflows close to South Sands Beach, three of which have been in the last week.

The pollution events in the lower estuary coupled with the 'Polluted Waters (eutrophic)' status of the water body in the upper estuary, which is currently strangled with an excess growth of thick green algae over the mudflats and a red algal bloom, are extremely worrying for the health of the Estuary

The Harbour Board is concerned by the fact that these pollution events would not have been made public had we not been part of the "Beach Live" trial programme. We understand that there are severe pressures on the sewer infrastructure in and around the Salcombe Estuary but would like some reassurance that South West Water has a realistic plan to tackle these problems in the short and long term.

Yours sincerely

Cllr John Carter
Chairman Salcombe Harbour Board

Information:

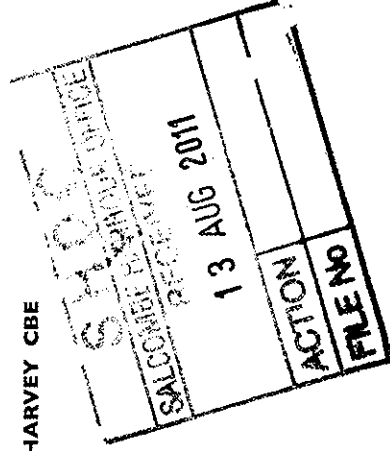
AONB Estuaries Officer
Environment Agency
Natural England

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Peninsula House, Rydon Lane, Exeter, Devon, England EX2 7HR Telephone 01392 443004 Fax 01392 444175

FROM THE CHAIRMAN - KEN HARVEY CBE

Cllr J Carter
Chairman Salcombe Harbour Board
Salcombe Harbour Office
Whitestrand
Salcombe
Devon
TQ8 8BU



11 August 2011

Dear Cllr Carter

SALCOMBE SOUTH SANDS BATHING WATER, BEACH LIVE & ESTUARINE WATER QUALITY

Thank you for your letter of 13 July 2011 regarding the above issues. Please be assured that I recognise the concerns you have raised and believe that my comments below demonstrate that South West Water are progressing those aspects that are relevant to the Company.

Beach Live Trial

As you will be aware, "Beach Live" is part of a national trial under the sponsorship of the Defra Cleaner Seas Forum. The trial is assessing the wider public benefits of advising beach users, in as close to real time as possible, as to the potential risks to bathing water quality, of which storm overflows are only one. This is being undertaken in preparation for the wider implementation of the new Bathing Waters Directive, which requires such public advice from 2015 onwards.

The trial, initially pioneered in the South West, has been recognised nationally and South West Water and the other stakeholders involved have been praised by the Environment Minister for this innovative work. I would therefore also like to express my thanks to both the Salcombe Harbour Board and South Hams District Council for their support during the trial at South Sands beach.

Whilst appreciating the environmental quality concerns you raise in your letter, it is important to recognise that storm overflows are an essential part of the sewerage network. They are designed to protect houses and property from flooding during wet weather. Many have already been improved (by the provision of increased storm storage and better screening) through the Clean Sweep Programme, in order to protect bathing water quality and their operation is regulated by the Environment Agency, through environmental permits, which prescribe the volumes of storage and levels of screening required. To date over £2b has been invested

around the Devon and Cornwall coast to enable the region to boast some of the finest bathing waters in Europe. As you are aware, Salcombe already benefits from ultra violet disinfection and storm storage protection as part of this investment.

Given the above, the recording of overflow events at bathing waters is a recent requirement enabled by installing event and duration monitoring (EDM) equipment. This equipment was initially installed to facilitate audited end of season reporting to the Environment Agency of any significant spill events. This means that although the spill events were to be reported retrospectively, the information would still be available publicly. However, what South West Water is now doing, is extending the application of the EDM technology to provide automated 'real time' spill warnings. It is for this development of the reporting system, that we have been recognised.

Unfortunately using raw data derived straight from site is, in a number of locations, subject to some equipment limitations. This can result in some false spill events being reported and one of the Salcombe overflows is affected in this way. Clearly wherever possible we are analysing the data and advising relevant stakeholders as promptly as possible so that, if a spill event turns out not to be real, public warnings are not posted. Obviously the company does not wish for false spill events to be notified and we are working with the Environment Agency to understand the causes and wherever possible resolve them. Mobile telecommunications signals and individual asset locations however sometimes combine to make this a challenge at times.

Whilst your feedback and comments are welcome, I would like to re-emphasise that this is a trial and it is worth noting that Defra, as part of its assessment of the trial, is looking for feedback from all interested parties on its usefulness and limitations. In conjunction with other partners in the Cleaner Seas Forum, Defra are therefore developing an electronic feedback questionnaire for the public which will be supported on their web site and the link circulated to all relevant stakeholders once completed. I will endeavour to ensure that once established, the link is made available to your Board, so that they can seek views on the matters covered in the questionnaire.

Furthermore I fully expect the trial to be discussed at the regional Beach Liaison Group meeting planned for the autumn and would welcome your organisations input and attendance.

Estuarine Water Quality

I note your letter also touches on algal blooms in the estuary and I am happy to update you on the work undertaken in this area.

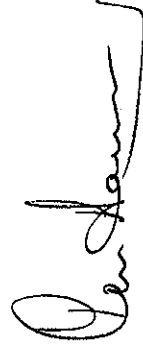
In 2007, the Company funded investigations, promoted by Natural England and the Environment Agency, into the sources of nutrients in the upper estuary and their impact on macro- algal mats and in turn their impact on the Salcombe and Kingsbridge Estuary Site of Special Scientific Interest (SSSI). Our investigation focused on the potential effects that discharges into the upper estuary and in particular the Kingsbridge sewerage system and

Gerston sewage treatment works (STW) were having. This survey work also placed the potential effects of these discharges in the wider context of other diffuse pollution sources prevailing in the catchment.

The outcome of these studies concluded that there was a need to provide for the seasonal removal of nitrogen at Gerston STW, whilst recognising that there remained significant diffuse sources in the catchment not related to our assets. This requirement will benefit water quality by reducing nutrient inputs and therefore reduce the potential for algal mats to develop. The agreed implementation date for the scheme is 31 March 2015 and the funding for these improvements is in place.

I hope the above information has helped clarify the position and highlighted the wider benefits of both our participation in the "Beach Live" trial and our future investment plans for improving the wider estuarine water quality.

Yours sincerely



Ken Harvey
Chairman

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Please reply to: Cllr J Carter

Salcombe Harbour Office, Whitestrand, Salcombe, Devon, TQ8 8BU

Direct telephone: 01548 843791 Direct fax: 01548 842033

E-mail: salcombe.harbour@southhams.gov.uk

Mr K Harvey CBE
Chairman, Pennon Group plc
Peninsula House
Rydon Lane
Exeter
Devon EX2 7HR

Our ref: IG
27 October 2011

Dear Mr Harvey

SALCOMBE SOUTH SANDS BATHING WATER, BEACH LIVE AND ESTUARINE WATER QUALITY

Thank you for your letter of 13 August, which Salcombe Harbour Board discussed at its recent meeting.

It was encouraging to read of the improvements which you have in hand, in particular in relation to the removal of nitrogen from Gerston STW by 31 March 2015 and the development of Beach Live. We appreciate also your support for our phosphate-free initiative and our work together on Scrape The Plate.

However the Board has asked me to write to you again because of our concern about storm outflows from Malborough. Whilst we recognise that storm outflows are unavoidable from time to time, two points especially concern us:

- i. we were alarmed by the frequency of the outflows which Beach Live was revealing. You say that at least one of the alerts was false but nevertheless we would like to know what plans you have to reduce the frequency of these outflows and what you expect the yearly incidence of storm outflows to be;
- ii. whilst outflows may be unavoidable, the Board would like to know whether there is anything that can be done, or is planned, to reduce the impact of these spillages. You mention that, under the Clean Sweep programme, some sewage treatment plants have increased storm storage and better screening: has this been installed at Malborough, or are there plans to do so?

The reason why the Board attaches such high importance to these issues is that storm outflows from Malborough pollute the stream which runs right across the middle of South Sands beach, one of the premier and most popular bathing beaches in Salcombe, with a sailing school and two of Salcombe's larger hotels, and our only EU Blue Flag beach.

The Board and South Hams District Council has worked very hard over the last few years to safeguard the water quality at South Sands and to regain the Blue Flag which we lost in 2007. We achieved that this year and it would be truly devastating to lose the Blue Flag now because insufficient priority was being given to limit the impact of storm outflows from Malborough. I hardly need add that it would be a really serious matter if these outflows were to endanger the health of children playing on the beach.

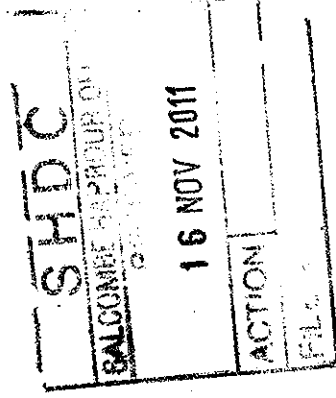
I would therefore like to press you over whether your company can do anything more to reduce the frequency of storm outflows, or mitigate their effect.

Yours sincerely

Cllr J Carter
Chairman
Salcombe Harbour Board

FROM THE CHAIRMAN - KEN HARVEY CBE

Cllr J Carter
Chairman
Salcombe Harbour Board
Salcombe Harbour Office
Whitestrand
Salcombe
Devon
TQ8 8BU



14 November 2011

Dear Cllr Carter

SALCOMBE SOUTH SANDS BATHING WATER, BEACHLIVE & ESTUARINE WATER QUALITY

Further to your letter of the 27 October 2011, I am grateful that the harbour board is encouraged by both the improvements proposed at Gerston Sewage Treatment Works (STW) and our continued support for wider environmental schemes around the estuary. We hope these initiatives will continue to help deliver water quality benefits into the future.

I am sorry to hear about your further concerns and I note your comments in respect of the BeachLive notifications. I have outlined below the discussions we have had with both South Hams District Council (SHDC) and the Environment Agency (EA) on this issue.

Through the development of the EA bathing water profiles, required under the revised bathing waters directive, three combined storm overflows were identified as potentially impacting on the bathing water quality at South Sands. These were Quillets, South Sands pumping station and Malborough Village pumping station. All three overflows have had event and duration monitoring equipment installed as a requirement under the revised directive. This equipment records the start and stop times for overflow events.

As part of BeachLive we developed criteria with the EA by which we could assess how long a discharge would have to operate for before it potentially affected bathing water quality. We then used this criteria and the event and duration data and recorded signals from the sites to generate the BeachLive emails.

In order to ensure that risks to the public are minimised, potentially significant overflow events are reported directly from site with no audit check to make the information available as close to real time as possible. It is for this reason that the emails have disclaimers in respect of the final audited reporting of overflow events.

We have reviewed the Salcombe data, I am pleased to report that South Sands pumping station and Malborough Village pumping station did not spill during the bathing season. Furthermore a review of the 9 reported events up to the 18 August 2011 from Quillets overflow, has also confirmed that all of these events were due to spikes. These were caused by 'electronic noise' and the way in which the data was recorded on site. Consequently we do not believe that they were real overflow events. Given this we reviewed the configuration and reporting criteria at Quillets overflow and agreed improvements with the EA. Subsequently no further significant spill events occurred through the rest of the bathing season.

Clearly we fully appreciate and share the Harbour Boards' concern regarding the risks to bathing water quality and are grateful that you recognise that storm overflows are an essential component of the sewerage system (for the protection of homes and property from flooding). However it is also important to recognise that storm overflows are not the only risk to bathing and stream water quality with diffuse agricultural and urban drainage, private discharges and illegal connections to surface water drains also contributing to potential risks.

Given the above it is important to note that there are no bacteriological standards for stream water quality (only bathing waters) and that background conditions will mean that some risk will always be present. It is for this reason that streams in Cornwall are permanently signed to advise against playing in them. It might also be worth noting that the EA did not monitor Combe Stream in 2011 as they do not consider it a significant risk to bathing water quality.

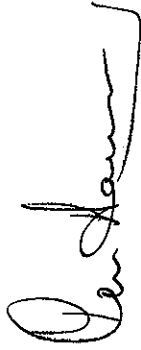
As to future improvements this would be driven by the EA through their assessment of the likely compliance of South Sands under the revised bathing waters directive. The new directive sets four standards 'poor', 'sufficient', 'good' and 'excellent'. Based on the 2008-11 data the EA indicated that South Sands is likely to be classified as 'good' under the new standards. The Governments target for 2015 for all bathing waters is the 'sufficient' standard. Consequently further improvements are unlikely unless there is a significant negative shift in the likely compliance of South Sands bathing water with the future standards.

In light of the above we are pleased to report that Defra have confirmed that South Sands bathing water has met the UK guideline (excellent) standards again this year 2011, with only one sample (out of 20) marginally exceeding the guideline standard. Consequently water quality should not be a limiting factor for any application for Blue Flag status for the 2012 season.

I hope that the information above fully qualifies any concerns you may have had in respect of the performance of our assets and bathing water quality at South Sands. Once again I would like to extend my thanks for your co-operation in the BeachLive trial. Your feedback on the processes involved have helped shape the future development of BeachLive which South West Water is committed to expanding in 2012.

I trust this reply has been helpful to you and in keeping with South West Water's correspondence guidelines, I have enclosed Our Customer Promise and Complaints and Compliments leaflets which explain the standards of service we aim to provide. If I can be of any further help in this matter please do not hesitate to contact me. For all general enquiries, please call our free Helpline on 0800 169 1144.

Yours sincerely

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**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD
HELD AT KINGSBRIDGE TOWN COUNCIL OFFICES ON MONDAY, 30 JANUARY
2012**

Members in attendance			
* Denotes attendance		∅ Denotes apology for absence	
*	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

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Salcombe Harbour Master and Democratic Services Manager

SH.46/11 MINUTES

The minutes of the meeting of the Salcombe Harbour Board held on 7 November 2011 were confirmed as a correct record and signed by the Chairman, subject to inclusion of the following footnote under the second paragraph of Minute SH.42/11 '*Matters for Future Consideration*':

(NOTE: The consultation period was subsequently extended to 20 January 2012 and a public notice to this effect had been published in the Kingsbridge and Salcombe Gazette).

SH.47/11 URGENT BUSINESS

The Chairman advised that there were four items of urgent business which he had agreed could be raised at this meeting.

Firstly, in relation to the recent fatality, which was also presented to the last Board meeting (minute SH.45/11 refers), the Harbour Master informed that he had just returned from the inquest. During the inquest, the Coroner had wished to thank the Harbour Authority for producing such a comprehensive report and had reached a verdict of 'accidental death.'

Secondly, the Harbour Master advised that from May 2012, Messrs Bass and O'Brien's term of office would expire. Whilst, both co-opted Members could re-apply if they so wished, the Board noted that it would be necessary for a competitive recruitment and selection process to be undertaken. Therefore, it was likely that the process would have commenced before the date of the next Board meeting.

Thirdly, the Harbour Master wished to provide an update on two infrastructure projects, namely Salcombe Town Landings and the Showers at Whitestrand. In respect of the Town Landings, the project was almost completed and would be finalised before 1 April 2012. With regard to the Showers, it was noted that the Council had now granted planning permission on the re-submitted application. However, the delay arising from the re-submission had now resulted in the opportunity being missed for the Council to build the showers. Therefore, it had been necessary to undertake a competitive tendering exercise which had led to the need for proper drawings and a schedule of works to be undertaken.

Finally, the Board welcomed the suggestion of the Harbour Master whereby a selection of the tiles within the shower complex would be given to local schools and colleges. Thereafter, students and pupils would be encouraged to depict scenes of estuary life, which would then be part of the completed facility.

SH.48/11 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, but there was none made.

SH.49/11 **PUBLIC QUESTION TIME**

A Member of the public was in attendance, but advised that he did not wish to utilise the public question time session.

SH.50/11 **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
There was no update given to the meeting.

Salcombe Kingsbridge Estuary Association (SKEA)
There was no update given to the meeting.

Kingsbridge Estuary Boat Club
It was noted that the Boat Club was very content at present and working relations remained positive between the Forum and the Board.

South Devon & Channel Shellfishermen

The Board was advised that the Shellfishermen may have concerns regarding the Fish Quay Refurbishment project and it was possible that they may establish a Working Group to liaise with the District Council Property Services project team on this matter.

Kingsbridge and Salcombe Marine Business Forum

There was no update given to the meeting.

SH.51/11 **PORT MARINE SAFETY CODE**

The Board considered a report which appraised Members on Salcombe Harbour Authority's compliance with the Port Marine Safety Code.

During discussion, the following points were raised:-:

- (a) The Harbour Master confirmed that the minor typographical amendments highlighted by Members would be incorporated into the final published edition of the Safety Management System document;
- (b) A Member acknowledged the finding in relation to the definition of harbour limits that defined the area in which water skiing was prohibited and the speed limit was controlled;
- (c) The Harbour Master advised that it was his intention in the Harbour Replacement Programme to eventually replace a Dory vessel with a small Rib. It was felt that this would be a more fit for purpose vessel to improve encouragement of good seamanship and enforcement of Harbour Bye-laws.

It was then:

RESOLVED

1. That the findings of the Audit (as outlined at Appendices 1 and 2 to the presented agenda report) be accepted; and
2. That the ninth edition of the Safety Management System dated 17 November 2011 (Appendix 3 of the presented agenda report refers) be endorsed and published, subject to incorporation of some minor typographical amendments.

SH.52/11 **PERFORMANCE MANAGEMENT**

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

During discussion, reference was made to:-

- (a) SH33(L) Complaints. Members were informed that this complaint had been previously reported (Minute SH.41/11 refers) and therefore should not have been included again during this reporting period;
- (b) holiday trends. In light of the poor visitor numbers in August, Members commented that holiday trends appeared to be changing. In acknowledging the point, a Member did also comment that the poor weather during August was a contributing factor to this trend.

It was then:

RESOLVED

That the Harbour Performance against agreed Performance Indicators be noted.

SH.53/11 **MATTERS FOR FUTURE CONSIDERATION**

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

In discussion, particular reference was made to:-

- (a) the hope that the Annual Harbour Inspection on 9 July 2012 could commence at Kingsbridge;
- (b) water quality in the Estuary. In reference to the ongoing dialogue between the Chairman of the Board and South West Water (SWW), Members felt that whilst progress was being made, the situation remained unsatisfactory. As a consequence, it was agreed that the Chairman should send a further letter to SWW on this issue.

It was then:-

RESOLVED:

That the matters be noted and the Moorings Policy Review Working Group hold its inaugural meeting on 7 February 2012 in the Harbour Office.

SH.54/11 **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.55/11 **MOORINGS POLICY ENFORCEMENT APPEALS**

The Board considered an exempt report which reviewed an appeal by a customer who was due to lose his mooring, as he was no longer a resident of the South Hams.

Following a detailed discussion, the Board concluded that before a decision was taken in this regard, a final letter should be sent to the customer requesting evidential proof that he possessed a mooring in the harbour before 1985.

It was then:-

RESOLVED:

That the appeal in the Appendices to the presented agenda report be ruled in line with the current Moorings Policy.

(Meeting commenced at 2.30 pm and concluded at 3.35 pm).

Chairman

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