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SOUTH HAMS SALCOMBE HARBOUR BOARD - MONDAY, 9TH JULY, 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 8 - Annual Report (Pages 3 - 32)

b) Item 9 - Final Accounts 2011/12 (Pages 33 - 52)

c) Item 10 - Moorings Policy - Public Consultation (Pages 53 - 102)

d) Item 11 - Matters for Future Consideration (Pages 103 - 106)

3. **Minutes** (Pages 107 - 110)

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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 C C Harling,
Mr H Marriage, Mr M Mackley, Mr A Thomson and Mr P Waring)

Our Ref: CS/KT

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

29 June, 2012

Dear Member

A meeting of the **Salcombe Harbour Board** will be held in the **Main Hall, Cliff House, Salcombe** on **Monday, 9 July, 2012**, at **2.30 pm** when your attendance is requested.

Yours sincerely

Kathryn Trant
Member Services Manager

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

1. **Apologies for Absence;**
2. **Minutes** - to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Board held on 28 May, 2012 (pages 1 to 4);
3. **Urgent Business** - brought forward at the discretion of the Chairman;
4. **Division of Agenda** - to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
5. **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;
6. **Public Question Time** – a period of up to 15 minutes is available to deal with questions from the public;
7. **Feedback from Harbour Community Forums** – to receive verbal reports from Board Members who attend the Harbour Community Forums on behalf of the Board;

8. **Annual Report** – to consider a report which presents the Harbour Board’s Annual Report (pages 5 to 33);
9. **Final Accounts 2011/12** – to consider a report which advises Members of the Harbour’s final trading position in 2011/2012 together with brief details of the main variations from the original budget (pages 34 to 48);
10. **Moorings Policy – Public Consultation** – to consider a report which reviews the draft Moorings Policy and asks the Board to approve publication of the draft for public consultation (pages 49 to 96);
11. **Matters for Future Consideration** – to consider a report which identifies matters for future consideration (pages 97 to 100).

* * * * *

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.

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MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

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AGENDA
ITEM

8

SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

8

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	9 July 2012
REPORT TITLE	Annual Report
REPORT OF	Salcombe Harbour Master
WARDS AFFECTED	All South Hams

Summary of report:

To present the Harbour Board's Annual Report.

Financial implications:

There are no direct financial implications from this report.

RECOMMENDATIONS:

That the Harbour Board RESOLVES to publish the Annual Report 2012.

Officer contact:

Ian Gibson – 01548 843791 (Internal 7104)

1. BACKGROUND

- 1.1 The Harbour Board Published the Strategic Business Plan in 2007 (SH7/07). This has now been superseded by the Strategic Business Plan 2012-2016 (SH 62/11) but this Annual Report covers the final year of the previous plan.
- 1.2 The Strategic Business Plan introduced the concept of the Harbour Board reporting annually on their progress against this plan.

2. MATTERS FOR FUTURE CONSIDERATION

- 2.1 **Publication of the Annual Report.** The Annual Report 2012 reports the progress made against the Boards Strategic Objectives up to 31 March 2012 and is at Enclosure 1.

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 there will be some minor costs for printing and distribution of documents estimated at no more than £200.

5. Risk Assessment

5.1 The risk management implications are:

Opportunity	Issues / Obstacles	Benefits
To report annually against progress will ensure that the Harbour Board meets their statutory obligations 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. Stakeholder accountability will ensure harbour policies and strategies remain relevant.	The Harbour Board, through its contact with harbour Community Forums and by reporting against objectives set in the Strategic Business Plan will ensure it remains relevant and that Harbour funds are invested wisely.

Corporate priorities engaged:	Community Life Economy
Consideration of equality and human rights:	There are no equality or human rights issues with this report
Biodiversity considerations:	Biodiversity is an integral part of the SBP.
Sustainability considerations:	Sustainability is an integral part of the SBP.
Crime and disorder implications:	Crime prevention is an integral part of the SBP.
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:	Appendix 1 – Annual Report 2012

Ian Gibson
Harbour Master

Salcombe Harbour Board
9 July 2012



South Hams
District Council

Salcombe Harbour Board

Annual Report 2012





South Hams
District Council

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Chairman's review

This Annual Report marks the end of the Harbour Board's five year plan 2006-2011 and is therefore a good opportunity to take stock of the progress we have made, and areas that still require attention, and consider where we are going into the future.



The past five years has been an incredibly busy period with a number of major and high quality infrastructure projects including the Batson slipway pontoon, the Batson small boat pontoons, the Salcombe Town landings, the visitors' pontoon and the residents' deep water pontoons at Coad Cove. Policy developments have centred on the revision of the Moorings Policy in 2007 which was followed by a tightening of the enforcement of this Policy. This has been difficult at times but I believe it was necessary to ensure fairness and transparency of the mooring allocation process.

The lease with the Duchy of Cornwall has been finalised and this gives an added degree of confidence in the Board's plans for the future and further investment into the safe and responsible management and operation of the Estuary for the benefit of all its diverse users. I believe we have made great progress over the past five years and that we are in good shape to take on the challenges of the changing and uncertain times which lie ahead.

Right - Whitestrand Pontoon as it was



Whitestrand Pontoon as it is now

Status and Governance

Salcombe Harbour is a municipal harbour operated by South Hams District Council, which is the Harbour Authority. South Hams District Council implemented the recommendations set out by the Department for Transport and the Department for Communities and Local Government in their Municipal Ports Review, Opportunities for Ports in Local Authority Ownership, which was published in 2006. In recognition of the successful implementation of the Municipal Ports Review and its recommendations for best practice in decision making and accountability, strategy and business planning, and review of performance and finance, Salcombe Harbour Authority was awarded Leading Lights Status by the Department for Transport, Communities and Local Government and the British Ports Association.

The Harbour Board is a committee of Full Council and is made up of four District Councillors and six co-opted members. The Harbour Board members are listed

on pages 22 to 23 together with contact details of key personnel.

Port Marine Safety

A major responsibility of the Harbour Authority is keeping the harbour safe. The Harbour has been compliant with the Port Marine Safety Code for the past nine years and is audited annually by an independent Designated Person. The Harbour's Safety Management System, in compliance with the Code, is published on the Harbour's web page.

Current and future developments

The most significant development over the past 12 months has been the improvements to the Salcombe Town landings. These changes are very exciting and should improve safety and provide better accessibility to and from Salcombe from the water. The Five Year Plan 2012 to 2017 has recently been adopted by the District Council and will see further changes and improvements. The most



Prince Charles during his visit in July 2011

significant for 2012/13 are the provision of showers at Whitestrand, a review of the Moorings Policy and facilitation of the District Council's works to repair and extend the Fish Quay. The Board will then need to turn its attention to the facilities in Kingsbridge.

Stakeholder involvement

To ensure that the Harbour Board has strong and direct links with harbour users, local communities and other external organisations with an interest in the Salcombe-Kingsbridge Estuary, a formal consultation mechanism has been set up and up to now, the Board has recognised five consultation bodies. This year the Kingsbridge and Salcombe Marine Business Forum was established and recognised by the Harbour Board bringing the number to five not-for-profit community groups known as 'Harbour Community Forums' which form part of a formal consultation mechanism for the Harbour Board. In addition, every effort has been made to involve the riparian Town and Parish Councils in the work of the Harbour Board.

Financial Situation

The Harbour operates 'ring-fenced' accounting arrangements with South Hams District Council. The Harbour Budget is set annually as a balanced account with any in-year trading surplus being transferred to the General Reserve, which is used to reduce the requirement for capital borrowing for future projects and to fund any unforeseen expenditure on infrastructure repairs. The full statement of the Harbour's financial position is on page 20. This shows that we made a substantial surplus this year.

The fact that we were able to increase our income and reduce our operating costs in these difficult financial times is not only particularly pleasing but it also eases the way for further infrastructure improvements.

Conclusion

The Harbour had another successful year both financially and with progress towards our objectives to improve our level of service and range of facilities. With the strategic Business Plan 2012-17 having been recently approved by Full Council, I am looking forward to building on our current strong position into the future.

Much of the credit for this progress should go to our hard-working harbour staff. We are very fortunate to have such an enthusiastic team looking after the harbour and providing such a professional, efficient – and friendly – service to our harbour users.

This year sees the end of the terms of office of two members of the Board who were appointed following the reorganisation in 2006, Tim Bass and Mike O'Brien. Both had detailed knowledge of the harbour and brought great expertise to the Board, Tim especially through his years with the Royal Yachting Association, and Mike with his formidable financial skills. I would like to thank them sincerely for all their hard work as Board Members.



Cllr John Carter
Chairman

1 The harbour's activities



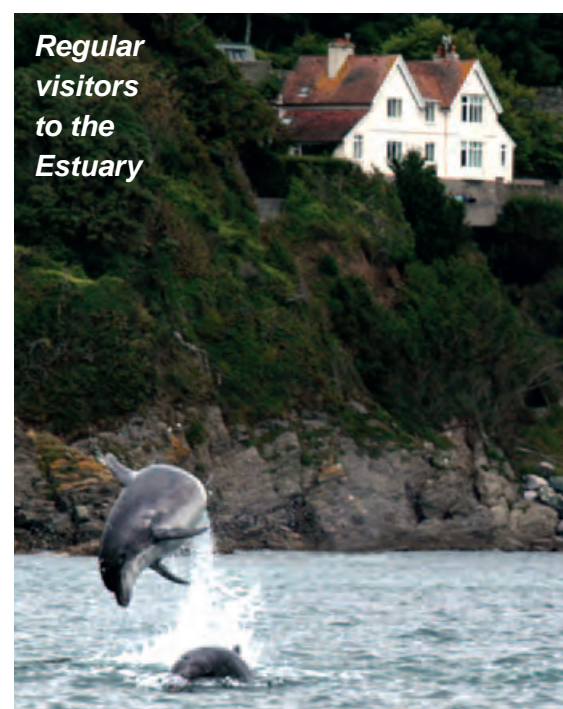
Town Regatta Mud Race

The harbour is within an Area of Outstanding Natural Beauty (ANOB) and is a Site of Special Scientific Interest (SSSI). This has many benefits, including stunning scenery and white sandy beaches; however there are also a number of constraints which are designed to protect the delicate environment.

Salcombe is predominantly a leisure harbour with an active shell fishing fleet but there are no commercial shipping movements. Many people make their living from marine related businesses which include an array of boatyards, service industries, sailing schools and ferries to East Portlemouth, South Sands and Kingsbridge. The Salcombe Yacht Club hosts a series of dinghy racing events throughout the year which are very well attended by sailors who return year after year to compete in the spectacular harbour with some extremely challenging conditions.

Salcombe has no marinas. The Harbour Authority provides deep water swinging moorings, deep water high density moorings (not connected to shore), drying swinging moorings, drying pontoon berths (attached to shore) and drying berths in the Kingsbridge basin. Large areas of the harbour have no moorings at all, which

ensures there are areas which are totally unspoilt by any form of development, providing a superb environment for wildlife.



Regular visitors to the Estuary

The estuary also supports many non-boating activities, directly within the tidal area, around the fringe of the estuary and within its catchments. Recreational activities range from wildfowling and angling to rock pooling, swimming and snorkelling. There is a good and varied network of footpaths and bridleways, some hugging the coast of the estuary and the nationally acclaimed South-West Coastal footpath comes into the estuary for its vital ferry link between Salcombe and East Portlemouth.

Due to the rich and unusual diversity of the estuary's marine habitats and wildlife, the estuary has a particularly strong history of scientific study by the Plymouth-

based Marine Biological Association and is frequently used for educational visits and academic research.

Of note during 2011, the Kingsbridge ferry was operated by the Dartmouth Steam Railway and Riverboat Company for a second consecutive year utilising the Rivermaid on Charter from Rivermaid Boatyard. This service was extremely popular and provided an increased number of sailings and boat trips over what had been available in previous years. One of the additional services was a weekly ferry link from Dartmouth to Salcombe. This was extremely popular, despite being weather dependent.

Events Diary - 2011/12

March

- Merlin Rocket Silver Tiller
- District Councillors' Visit to Boatpark, slipway hoist demonstration

April

- Salcombe Yawl & National 12 Open Meetings

May

- Salcombe Yawl & Solo Open Meetings
- KEBC Security Marking Days at Kingsbridge
- RNSA Single-handed Race
- Visit by UK Hydrographic Office Students

June

- Salcombe Festival
- Character Boats Rally
- Kingsbridge Music Festival

July

- Merlin Rocket Week
- Kingsbridge Fair Week
- Merlin Rocket Week

August

- Salcombe Yacht Club Regatta
- Salcombe Town Regatta
- Salcombe Yacht Club Open Meeting

September

- Salcombe Yawl Open Meeting
- RNSA races
- Bournemouth University Field Study Blanks Mill Creek
- Wyvern Division Sea Anglers Competition
- Plymouth Marine Laboratory experiment on Visitors Pontoon
- Beach Cleanup event
- Devon and Somerset Fire and Rescue Service Flood Response training exercise

October

- National 12 & Solo Open Meeting
- Gig racing event

November

- Salcombe Town Landing piling works – WALCON Wizard

2 Port Marine Safety

The Port Marine Safety Code (PMSC) was published in March 2000 and revised in October 2009 by Department for Transport (DfT) 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 in order to run harbours safely.

Managing Salcombe Harbour - The Safety Management System

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.

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

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

- Salcombe Harbour Authority Strategic Business Plan (2007-2011)
- Salcombe Harbour Authority Strategic Business Plan (2012-2017)
- Salcombe Harbour Board Annual Report (2011)
- Salcombe Harbour Board Policy Document (2000)

Harbour Staff fitting the new sector light at Sandhill Point



- Salcombe/Kingsbridge Estuary Environmental Management Plan (2005-2010)
- The Pier and Harbour [Salcombe] Confirmation Act 1954
- Salcombe Harbour Byelaws (2009)
- Salcombe Harbour Health & Safety at Work - Policy, Orders and Risk Assessment (2011)
- Salcombe Harbour Safety Controls (2011)
- 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
- Salcombe Harbour Moorings Policy 2007

All of the Harbour Authority's Moorings are maintained annually, the foreshore moorings from the mud and the deep water moorings from the barge using divers. Each mooring is disconnected and brought to the surface for maintenance, the blocks are not disturbed if at all possible, the eyes are photographed and replaced if significant wear has been identified.

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 in December 2011 that, in their opinion there is in place a safety management system which, if maintained actively, complies with the requirements of the PMSC.

During the Audit, the Harbour's Safety Management System was updated to Issue 8 dated 17 December 2011. The complete revised document is published in full on the Harbour's web page.

Salcombe Harbour Authority is a Local Lighthouse Authority and maintains 62 Navigation Marks and beacons which are checked annually by Trinity House.

Speeding and the danger of wash

The harbour has an 8 knot speed limit from the harbour entrance to the Salcombe Harbour Hotel (formerly the Marine Hotel); a 6 knot limit from there to the Saltstone (and including the whole of Southpool creek); an 8 knot limit from the Saltstone to the entrance to Kingsbridge; and 6 knots within Kingsbridge. The speed limits are clearly marked by conspicuous yellow buoys at the entrance to the harbour and at key points throughout the harbour.

Speed limits on water are probably no easier to enforce than on the roads. However, a major difference between a speed limit on water and on land is that the speed limit on water is set, at least in part, in order to avoid or minimise wash. A number of skippers seem unaware that the wash they are creating is an annoyance or a danger perhaps several hundred metres astern of them, disturbing both vessels under way as well as moored vessels. This is particularly the case in a harbour which has a number of small craft, like canoes or kayaks, often crewed by children. Wash also seriously disturbs wildlife or otherwise damages the environment.

The Harbour Master has wide-ranging powers to enforce speed limits and it is a condition of harbour and moorings licences (which can be withheld) that

vessels observe the harbour byelaws. The harbour is regularly patrolled and, in 2011, a large number of skippers were stopped and subsequently warned about breaking the speed limits. In addition, two skippers were successfully prosecuted, resulting in penalties totalling £1,680, which is in line with the scale of penalties imposed elsewhere.

Notwithstanding this, Salcombe is essentially a leisure harbour and the Harbour Board has no desire to implement heavy-handed speed enforcement. The Board would much prefer to foster a culture which discourages speeding and the creation of wash, so that boats move around quietly within the harbour with the minimum of disturbance, consistent with one of the attractions of the harbour, which is its peaceful, rural, character and its status as an AONB. That is also a culture which causes skippers to become aware of the effect their speed is having on vessels around them, and so promote safety.

3 Our strategic aims



This is the final report pertaining to the Strategic Business Plan 2006 to 2011 and is on the following vision, mission statement, corporate values and objectives.

Vision

The Board's vision is:

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

Mission Statement

The Board's Mission Statement is:

The Board is committed to running a safe, efficient and welcoming harbour that caters for the needs of the local communities, visitors and the environment.

Corporate Values/Core Principles

The core principles that underpin all the activities of the Harbour Board are:

- Safety
- Stakeholder Involvement
- Value for Money
- Environmental Stewardship
- Catalyst for Sustainable Economic Development
- Support for local employment

Strategic Business Objectives

The Harbour Board has identified five Strategic Business Objectives. These are:

- The provision of a first class service to residents and visitors
- Environmental Stewardship
- Development of Salcombe's harbour infrastructure
- Development of Kingsbridge's harbour infrastructure
- Long term security of tenure

4 Progress made in 2011/12

The harbour has continued to make tangible progress in line with the strategic objectives which were agreed by the Harbour Board and ratified by the Council in August 2007. The following details progress made during financial year 2011/12.

The provision of a first class service to residents and visitors

The Harbour Board has:

- Continued to provide shower facilities for the crews of visiting yachts in co-operation with the Salcombe Yacht Club
- Supported the UK Hydrographic Office with sponsored field trips for their students
- Published 2012 Salcombe Harbour Guide
- Published the 5th annual Harbour Newsletter
- Conducted a 5th annual Customer Satisfaction Survey
- Frozen harbour charges for craft visiting Salcombe from the sea for a 6th consecutive year
- Frozen the yacht taxi charges for a 7th consecutive year
- Kept increases for all other harbour facilities at 1%, well below the rate of inflation
- Regularly checked all water supplies for the risk of legionnaire's disease.
- Appointed a new night security contractor for the period 2011 to 2013
- Assisted Devon Fire and Rescue with fighting the fire at Salcombe Court on 24 April 2011
- Introduced a facility for customers to make payments online.
- Revised the Harbour Board's enforcement policy
- Established a Twitter account for the dissemination of harbour information
- Entered into an agreement with the Devon and Cornwall Police to provide office space for the Salcombe Police Officer and Community Support Officer
- Marine crime down by 30% on 2010/11 figures.
- Established a new Harbour Community Forum to represent the marine business sector.
- Supported Mr Phil Goodhead, a harbour employee, to study for the Harbour Masters Diploma. Phil was awarded a bursary from the UKHMA for half of the cost of the distance learning course; the Harbour Authority paid the balance.
- Successfully prosecuted two boat owners for contravening Harbour Bye-laws associated with dangerous navigation and high speed.



New Normandy Pontoon

Development of the harbour infrastructure

The following projects have been delivered in financial year 2011/12:

- Major improvements to the Salcombe Town Landings.
- Refurbishment of the South Pool pontoons and piles and the extension of the pontoon.
- Refurbishment of the Frogmore Pontoon Bridge.
- Replacement of the Victoria Quay steps
- Improvements to the Navigation marks and beacons at the entrance to Batson Creek.
- The replacement of the Sandhills Point sectored light
- A new garbage reception pontoon with facilities for the reception of landfill waste, glass bottle bank, paper and card and plastic and cans.
- A new tide gauge at Batson Creek

New garbage recycling pontoon

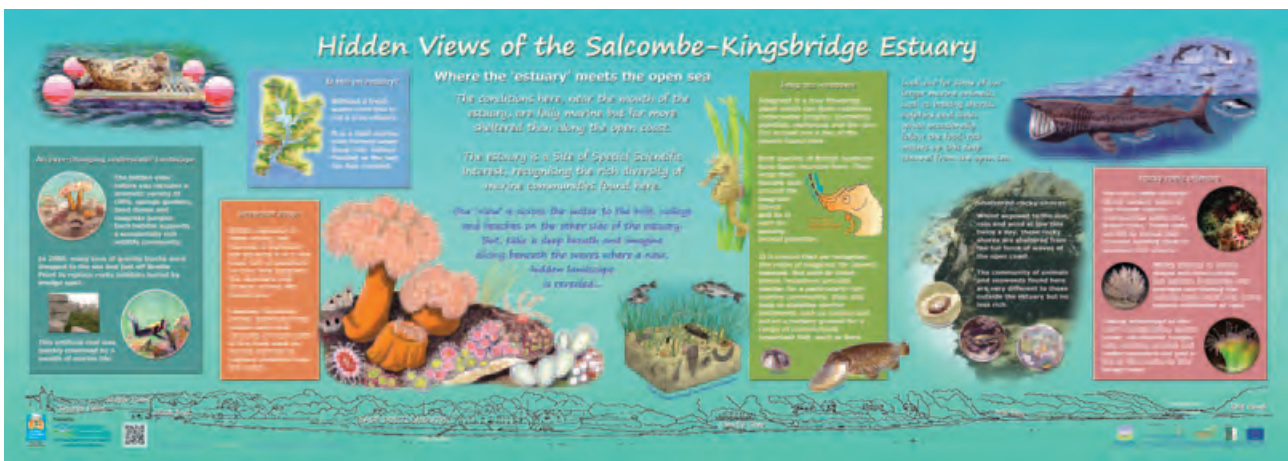
Environmental Stewardship

The Harbour Board has:

- Supported the Phosphate Free Salcombe campaign
- Recycled 51% of yacht waste.
- Provided a year-round programme of guided walks, events and activities which continue to attract reasonable numbers of mainly family groups; the beach litter cleans carried out by the South Hams Society and supported by the Harbour Authority are now being recorded for the litter collected with data being passed to the national 'Beachwatch' campaign.



- Supported and further develop a strong environmental section in the Salcombe Harbour Guide with guidance on boating sustainability, minimising wildlife disturbance and damage, and encouraging the reporting of wildlife sightings. The Harbour Guide is the main vehicle for advertising information on sustainable boating activities.
- Published a new dedicated seagrass information leaflet.
- Supported the South Devon AONB Estuaries Partnership, which was awarded £45.8K matched funding from the South Devon Coastal Local Action Group, work has started on a range of estuary sustainable use and enjoyment projects.
- Facilitated through the AONB Estuaries Partnership a programme of events targeting water-based tourism & activity providers to help them make the most of the estuary and coast with their customers.
- Provided educational support through a range of measures designed to assist local schools to make the most of their coast; including guidance on the suitability of local beach-trip sites, teaching resources and subject appropriate local information.
- Considered and advised a number of shoreline development proposals, planning applications and pre-application drafts, with several being more fully investigated with formal comments being made to the appropriate authority.
- Continued to work in wider partnership with local organisations such as the National Trust in the development of a local canoeing guide, and local Universities in supporting research that is relevant to the local and wider management of our coast.
- Facilitated the work of The Plymouth Marine Laboratory (PML) to run an experiment underneath the visitor's pontoon. The aim of the work is to understand how changes in the pH of seawater (a process called ocean acidification) affect the settlement and growth of marine life. Specially designed settlement panels were deployed that create very small changes to the pH of the seawater within 1-3 mm of the surface of the panel. This creates conditions that are expected to occur in the next 100 years in our global oceans. More information on ocean acidification, the underlying environmental issue this work is investigating is described



in a short video produced by the PML that can be found on this link: www.youtube.com/watch?v=_BPS8ctVW2s. Early results show that microbial marine life did change in response to the pH treatment, and more data analysis is underway to look for effects on the larger marine life. The environmental quality in Salcombe is very high and the marine life is fast growing and diverse, as boat owners already know! PML would like to thank the Salcombe Harbour authorities and staff for their kind support and assistance during this experiment and we look forward to further collaboration in the future.

Long term security of tenure

The new lease with the Duchy of Cornwall runs until 24 March 2028. This gives security of tenure to the Harbour Authority for at least the next 16 years which will enable long-term planning and improvements to be undertaken.

Issues which have been debated by the Board

During the year a number of issues have been debated by the Board which have been either contentious or not easy to resolve.

Water quality

Salcombe Harbour is one of very few harbours where you can bathe off a beautiful golden sandy beach within the shelter of the harbour, so our beaches and water quality are valuable assets.

South Sands Beach regained its Blue Flag status in 2011 and in pursuance of even better water quality volunteered to participate in the Beachlive trial with South West Water (SWW). The trial involved SWW informing the Harbour Authority if there were any instances of sewerage being discharged into the estuary and again when the risk to bathers had passed. The Harbour Authority then placed warning signs at the beach to inform the public of the potential temporary risk.



Setting up Plymouth marine Laboratory's Experiment into Acidification of the sea



South Sands re-qualified for a Blue Flag

The trial worked well but it did highlight the number of pollution incidents which would previously have been unknown. This prompted the Harbour Authority to challenge SWW and following several rounds of correspondence with the Chairman of South West Water, the Harbour Board was encouraged by the measures SWW were taking to improve the situation and by the information that many of the apparent spillages were actually false alarms due to equipment malfunction.

Salcombe's aging sewer system remains cause of concern with frequent failures polluting the Estuary. All pollution incidents are reported to the Environment Agency, who is working hard with South West Water to improve the sewer system. A considerable amount of work was undertaken by contractors on behalf of SWW during the winter and it is hoped that this will improve the integrity of the sewer system.

The Board will continue to be vigilant about water quality and so protect one of the unique attractions of the harbour.

The provision of shower facilities

Salcombe Harbour Authority does not own any shower facilities which it can make available to harbour users. The Harbour Board indicated in the Strategic Business Plan published in 2007 that it considers the provision of such facilities is an integral part of the harbour infrastructure for the future.

Considerable progress was made this year with planning permission being gained for the construction of two public showers at Whitestrand. Following a competitive tender process it is hoped that these will be operational for the 2013 season.

5 Future Development Plans

Development Plans

Development plans for 2012/13 centre on supporting the District Council with their project to refurbish the Salcombe Fish Quay.

The Fish Quay refurbishment is being jointly funded by South Hams District Council and the European Fisheries Fund. The project is currently on track with planning permission in place. Work is programmed to start in October 2012 and should be completed by April 2013.

Other plans for 2012 include:

- The provision of shower facilities at Whitestrand
- A revision of the Moorings Policy
- To conduct a customer opinion survey.
- Continuing the campaign to get harbour users to wear life jackets and buoyancy aids.
- Continue to educate harbour users of the bye-laws relating to the speed limit.
- Encouraging the routine reporting of collisions to the Harbour Office, in line with the legal obligation on skippers. In addition to collisions between moving vessels which are not reported, there are too many cases of damage being done to moored vessels that are not properly reported.

Kingsbridge

Although the harbour is known as Salcombe Harbour, there are a number of other communities which border the harbour, like East Portlemouth, South Pool, Frogmore and Kingsbridge. Of these, Kingsbridge is by far the largest and is a town about twice the size of Salcombe.

Over the last few years the Harbour Board has been both improving the facilities at Kingsbridge and promoting Kingsbridge as a destination within the Harbour.

The improvements have included a new visitors' pontoon, improved security for the residents' pontoon, a reduced 6-knot speed limit for Kingsbridge basin and, of course, dredging the whole basin to give better and longer access. In addition the Harbour Guide has for the last couple of years encouraged visitors to take the trip up to Kingsbridge to visit its Fore Street, its restaurants, its supermarkets and other facilities.

The next stage is to consider the mooring facilities for Kingsbridge basin. Many of the moorings in Kingsbridge come directly off the quay wall and involve a vertical ladder. This is generally unsatisfactory not least on safety grounds.

In the coming year the Board will be consulting over the possible design and layout of moorings in Kingsbridge. It is the Board's intention that the importance of Kingsbridge to the Harbour is such that it should have facilities which properly meet the future needs of harbour users.

Business Development

Building Salcombe's reputation as a destination for cruising yachts and dinghy sailors is central to the success of the harbour in the future. Visitor income accounts for a large percentage of the Harbour's overall income and, with the numbers of residents moorings capped, it is the only area where any growth is possible. However visitor numbers are a variable factor which, because of the vagaries of the British weather, is not wholly within the control of the Harbour Authority.

Competing with harbours which provide marina facilities and walk ashore access is not easy, so the Harbour Authority is working to make the most of the strengths and mitigating our weaknesses. Visiting Yacht numbers had been falling steadily over the five years up to 2009. Since 2009 the visiting yacht numbers have been relatively stable at around the 6,000 - 6,500 however the 2011/12 figures were at the lower end of this band, 7% lower than in 2010/11. This is entirely due to the poor weather

BBC's Matt Baker filming for Countryfile in the Estuary



in August 2011 which so adversely affected visitor numbers. Having had improved visitor numbers in every month of the year apart from August, when visitor numbers were down by 750, a drop of 17% was extremely disappointing.

The average length of stay of the visiting yachts in the summer months was 1.37 nights. The performance target is to raise this to 1.5 nights. The aim is to encourage visiting yachts to consider Salcombe as more than an overnight stopover on their West Country cruise. To achieve this the Harbour Authority has advertised in the Poole Harbour Guide for 2012 with the objective of catching the eye of the cruising yachts transiting from the Solent to the West Country. One of the perennial complaints of the cruising yachts has been the lack of shower facilities. After many years struggling with this problem there is light at the end of the tunnel with plans in place to provide public showers at Whitestrand for the 2013 season.

The yacht taxi service had another good year and has clearly reversed the negative trend experienced up to 2007. In 2011 the yacht taxi carried 24,820 passengers which was 7% up on the previous year. Maintaining a successful

yacht taxi service is fundamental to the smooth and safe operation of the harbour.

All this means that we must work very hard to improve the Customer Experience: this includes general staff helpfulness and improving facilities and access within the limitations of a drying harbour with limited water frontage. The Board has also introduced a range of promotions and discounts which are tied to the level of service the Harbour provides at different times of the year. This initiative, along with no increases in visitor charges since 2006, is delivering good value for money in Salcombe. It is hoped that over time our message will spread and Salcombe will increasingly be included in the itineraries of cruising yachts.

Following the successful changes to staffing in recent years, further enhancements have been put in place for 2012 to improve the level of personnel available for service delivery, particularly at the weekends and later into the evenings throughout the Harbour. There will be a concerted effort with additional staff on and around the Salcombe Town landings for 2012 to explain the changes and help customers understand how to get the best out of the improved landings.

6 Financial position

The financial position for the three years to 31 March 2012 is summarised below.

Year ended March 31	2009/10 £	2010/11 £	2011/12 £
Revenues			
Harbour Dues	271,751	256,519	263,002
Mooring Hire	414,637	409,710	418,869
Foreshore Pontoons	115,500	124,494	126,554
Water Taxi	36,741	35,763	40,832
Mooring Licences	24,245	24,081	25,345
Security Patrol	37,532	37,828	38,921
Miscellaneous	34,808	38,174	42,141
Interest	5,800	3,300	2,100
Total	941,014	929,868	957,763
Costs			
Employee costs, Harbour and HQ	324,599	328,991	333,307
Premises costs	252,292	213,651	221,348
Security Patrol	37,302	38,143	37,680
Supplies and Services costs	53,754	54,848	59,653
Transport related costs	42,068	55,742	50,675
Central Support Services	53,400	53,100	53,000
Contribution to Harbour Renewals Reserve	26,000	26,000	26,000
Contribution to Harbour Pontoon Reserve	45,000	45,000	45,000
New Projects funded from Revenue	45,658	33,971	4,867
Capital Charges	29,997	29,997	29,997
Total	910,068	879,443	861,530
Transfer to Harbour General Reserve	(30,946)	(50,425)	(96,233)

Income has grown by 3% overall, reversing the negative growth experienced last year. However, more significantly, operating costs have been reduced by 1.2% and replacement equipment has been largely funded from reserves. This has enabled the Harbour Authority to record a revenue budget surplus of £96,233.

Income has been comfortably more than the budget estimate in all areas but most significantly, the income from the sale of redundant pontoons and the hire of the mobile crane has exceeded expectations.

Operating costs have fallen for a second consecutive year. This is attributed in part to efficiency savings driven out of more efficient procurement practices and to operating more efficiently with less waste. Considerable savings from the budget have been made on insurance payments, provision of chain for mooring maintenance, the level of maintenance required for the harbour launches and tighter control of staff costs.

Workshop Team – who designed, manufactured and fitted the new Victoria Quay steps



7 The Harbour Board

Salcombe Harbour Board comprises ten members, including the Chairman. Four of the members are South Hams District Councillors and six are independent co-opted members each of whom is appointed for a three-year (renewable) term. All Board members are appointed in accordance with the government guidelines, following an open recruitment and rigorous assessment process. They do not represent any stakeholder organisations but act independently and apolitically, bringing to the Board their particular skills and experience. All Board members act in the best interests of the harbour.

As the Board was re-constituted in 2006, the first group of Co-opted Members are currently coming to the end of their period of tenure. Two positions are to be filled in 2012 and a further four in 2013, assuming there are no other changes in the interim.

The Board meets publicly six times a year to fulfil the commercial, operational and strategic requirements of the harbour.

Council Members of the Harbour Board

Cllr John Carter

John has resided in Hope Cove for 20 years and is one of the Councillors representing Salcombe, Malborough and Hope Cove. Also a member of the Council's Executive. Spent most of his working life involved in Shipping and Transport. Has a boat but to his wife's annoyance it has sailed on the front lawn for the past 2 years.



Cllr Simon Wright

Simon has lived in the South Hams since 1985. He has a farming background and has worked in the marine industry for 36 years, specialising in marketing and Health and Safety. Recently elected to the District Council he represents the Ward of Westville & Alvington.



Cllr Michael Hicks

Councillor Hicks is a Cornishman who is fanatical about the sea and South Devon. He brings considerable experience from the world of business to the Harbour Board. He is also a member of the Council's Executive.



Cllr Keith Wingate

Keith was born and bred in Kingsbridge and is passionate about the area. He has lived, worked and played on or around the estuary for his entire life. He is a Kingsbridge Town councillor, a SHDC councillor, a director in a local construction company and has a young family.



Co-opted Members of the Harbour Board

Mr Kit Harling CBE

Kit has been sailing for 40 years, most of which include sailing the South coast of Devon and Salcombe estuary. He spent 10 years in the Royal Naval Reserve and is a member of the Medical and Survival sub committee of the RNLI.



Mr Hugh Marriage OBE

As a former senior civil servant and Home Office Regional Director, Hugh has many years' experience of central and local government. He has been a member of the Harbour Board since 2006.



Mr Jonno Barrett

Has lived in South Hams for 25 years, coming to Salcombe as a skipper at the ICC. MD of software business in Salcombe, specialising in marine trade and retail systems. Degree in Biology informs his view on conservation issues. Active sailor with cruising yacht and dinghy on the harbour.



Mr Mike O'Brien

Mike has lived in Salcombe with his family for the past 10 years and is an active user of the Estuary. As a dinghy and power boat user he understands and has first hand experience of some of the issues the Harbour Board has to deal with. He cares passionately about the Estuary.



Mr Tim Bass

Racing dinghy and boat sailor since childhood. Retired from senior NHS post in 1994. Salcombe visitor for more than 40 years since marriage to a local girl. Resident from 1999. Still boating on the Estuary but no longer racing.



Mr Peter Waring

Peter is a Consultant to the RYA. A keen sailor with small craft moored in the Estuary. He was brought up in South Devon and has continued an enthusiastic association with Salcombe Harbour ever since.



8 The Harbour Community Fora



Gig rowing

To ensure that the Harbour Board has strong and direct links with harbour users, local communities and other external organisations with an interest in the Estuary, a formal consultation mechanism has been established. This enables the Recognised Stakeholder Forums to formally make representations to the Board;

Stakeholders are currently represented by the five Harbour Community Fora detailed here:

- Salcombe and Kingsbridge Estuary Association
- Kingsbridge Estuary Boat Club
- Salcombe-Kingsbridge Estuary Conservation Forum
- South Devon and Channel Shell Fishermen
- Kingsbridge and Salcombe Marine Business Forum

The Board may choose to appoint other Recognised Stakeholders Forums at its discretion in the future if the need arises.

The Kingsbridge Estuary Boat Club maintains an extremely informative web page www.kebc.co.uk and also operates a very successful Boat Watch scheme which has contributed greatly to the reduction in the levels of marine crime experienced throughout the estuary and at Kingsbridge in particular. The Club is very safety and anti crime conscious and has worked in partnership with the Devon and Cornwall Police and the Harbour Authority to combat Marine Crime.

The Salcombe and Kingsbridge Estuary Association maintains a web-based forum www.forum.skea.org.uk for the promulgation of estuary and boating information. It also provides a very useful forum for debate on harbour issues. Members of the public who would like to access this e-forum should contact: secretary@skea.org.uk

9 The Harbour staff

The operational management of the harbour is carried out by a team of thirteen permanent staff augmented during the summer months by up to a further eleven seasonal staff.

All staff are appropriately qualified in port marine operations, seamanship, boat handling, pollution control, first aid, manual handling, mechanical lifting, fire fighting and administrative skills.

During this year Mr Phil Goodhead, one of the Moorings Officers, has been studying for his Harbour Master's Diploma. This is an internationally recognised qualification, which is likely to become a pre-requisite for appointments to the post of Harbour Master in the future.



Ian Gibson
Harbour Master



Vanessa Tabb
Assistant
Harbour Master
Administration



Chris Gill
Assistant
Harbour Master
Logistics &
Maintenance



Bruce Harding
Assistant
Harbour Master
Moorings

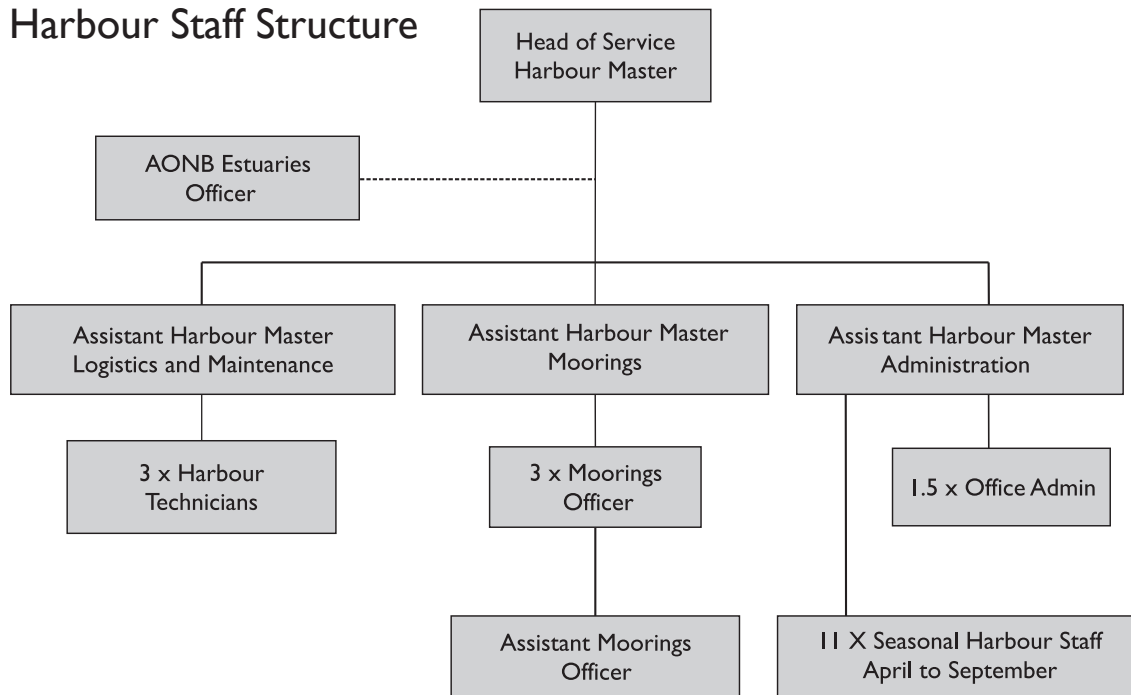


**Nigel
Mortimer**
Estuaries Officer
(based in the South
Devon AONB Unit
at Follaton House)

Harbour Staff

Following the retirement of the Harbour Engineer in September 2011, the opportunity was taken not to replace the engineer's post but to recruit a third technician. This small change has to date been extremely successful.

Harbour Staff Structure



Moorings Team fitting the new finger berths onto Normandy Pontoon

10 Key contacts and calendar

The contact details of key personnel involved in the operations of the harbour are noted here. Any interested party is invited to make contact.

Cllr John Carter

Chairman Salcombe Harbour Board
South Hams District Council
Follaton House, Plymouth Road
Totnes TQ9 5NE
Phone: 01803 861234
E-mail: cllr.carter@southhams.gov.uk

Kate Cassar

Head of Assets
South Hams District Council
Follaton House, Plymouth Road
Totnes TQ9 5NE
Phone: 01803 861234
E-mail: enquiries@southhams.gov.uk

Ian Gibson

Harbour Master
Salcombe Harbour Office
Whitestrاند
Salcombe TQ8 8BU
Phone: 01548 843791
E-mail:
salcombeharbour@southhams.gov.uk

Peter Goldsworthy

The Salcombe Kingsbridge Estuary
Association
Phone: 01548 842583
E-mail: secretary@skea.org.uk

Tony Watson

The Salcombe-Kingsbridge Estuary
Conservation Forum
Phone: 01548 853156
E-Mail: tony@1southwinds.eclipse.co.uk

John Binns

The Kingsbridge Estuary Boat Club
Phone: 01548 856363
E-mail: boats@kebc.co.uk

Brian Pawley

South Devon and Channel Shell Fishermen
Phone: 01548 561160
E-mail: bfpawley@clara.co.uk

Andrew Turner-Jones

Kingsbridge and Salcombe Marine
Business Forum
Phone: 01548 842276
E-mail: andrew@sea-n-shore.com

Calendar

Scheduled Harbour Board meeting dates

The dates of the board meetings scheduled for 2012/13 are as follows:

- 28th May 2012
- 9th July 2012 (Annual Inspection)
- 24th September 2012
- 12th November 2012
- 4th February 2013
- 8th April 2013
- 3rd June 2013
- 9th July 2013
- 23rd September 2013

For further details on these meetings, please contact Kathy Trant on 01803 840554 or e-mail:

kathryn.trant@southhams.gov.uk

Details of Board agendas and past minutes can be found on the Council's website www.southhams.gov.uk

The Harbour's web page is at www.salcombe.harbour.co.uk

The Harbour is also on Twitter, follow [@salcombeharbour](https://twitter.com/salcombeharbour)



Evening at New Bridge

AGENDA
ITEM

9

SOUTH HAMS/WEST DEVON COUNCIL

AGENDA
ITEM

9

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	9 July 2012
REPORT TITLE	Final Accounts 2011/12
Report of	Head of Finance Head of Service – Salcombe Harbour
WARDS AFFECTED	All South Hams

Summary of report:

This report advises Members of the Harbour's final trading position in 2011/2012 together with brief details of the main variations from the original budget. A summary of harbour reserves and balances is also provided.

Financial implications: A trading surplus of £96,233 was generated in 2011/2012

RECOMMENDATIONS:

That the Board RESOLVES to note the final accounts for 2011/2012 as set out within Appendix A.

Officer contact:

John Smith Principal Accountant john.smith@southhams.gov.uk 01803 861417

1. BACKGROUND

- 1.1 The 2011/12 budget was set at a break-even position.
- 1.2 The Harbour's trading accounts have now been finalised, pending external audit certification during August 2012. The accounts have been prepared on an accruals basis and take account of all relevant income streams and expenditure items. The final outturn position for the year is a surplus of £96,233. This is after the following exceptional items:-
 - a. Replacement of Whitestrand pontoons £4,867.

And income from:-

b. Sale proceeds of £5,923 from the sale of equipment and scrap.

When adjusted for the above items the surplus generated from normal trading activities would have been £95,177.

- 1.3 The accounts show how funds have been used to deliver services and form an essential part of public accountability. Inevitably, circumstances that arise throughout the year often differ from the budgeted position, giving rise to financial variations. However, the overall impact is mitigated by continuous monitoring and timely decision making where corrective action is required.

2. ISSUES FOR CONSIDERATION

2.1 Trading Performance - Expenditure

The table below identifies the main variations from budget. Overall, actual expenditure was £64,970 less than the budget.

Item	Explanation	Forecast (Under)/Over expenditure £
Harbour Employees	A reduction in overtime payments and reduced cost of seasonal staff along with additional income from SHDC for operating the winter storage facility and boat licences.	(20,991)
	Employers Liability insurance budget is included under premises.	3,756
	Training, medical fees & recruitment.	<u>342</u>
	Total Employee Variances	(16,893)
Repairs & Maintenance		
a. General Repairs & Maintenance	Overspend due to R&M costs for the Harbour Office and Workshops.	1,465
b. Piers, Landings & Pontoons	Only routine maintenance required this year. Salcombe Town landing improvements funded from reserves.	(3,582)

c. Marks & Beacons	The Sandhill Point sector light was replaced this year. This increased expenditure to more than that initially anticipated for routine maintenance.	4,289
d. Moorings	Under spend due to reduced amount of repairs required and lower tender price for chains and diving.	(10,728)
	Total R&M Variance	(8,556)
Rents	Duchy rent charge is based on actual income earned from the Fundus. Income in the year was higher than budgeted which increases the rent charge.	1,405
Insurance	New policy split out the various covers and is now included under Employee and transport costs as well. Overall cost of insurance for the year was £28,239.	(25,256)
Other Premises variances	Various	<u>(6,163)</u>
	Total Premises Variances	(38,570)
Equipment	No furniture purchased and reduced expenditure on software maintenance.	(3,423)
Printing, Stationery & Advertising	Various minor variations	(1,803)
Communications	Savings on telephone charges	(1,114)
Protective clothing		230
Cash Collection Charges	Charge relates to card payments	1701
Boat & Boatmans Licences	Payment to Dart Harbour Authority for undertaking Boat Inspections and issuing Boatman's Licences.	1,751
Other Supplies & Services variances	Miscellaneous minor variances.	<u>5,112</u>

	Total Supplies & Services Variances	<u>2,454</u>
Transport	Higher R&M costs (£9,812) and Transport insurance (£8,644) budget under Premises. Offset by other minor variations (£-413).	5,275
Capital Charges	Budget included provision for new loan for Whitestrand Landing which was not required. Reserves were used to fund the replacement.	(10,103)
New Projects Funded from Revenue	Whitestrand Plastic Pontoons	4,867
	Less budget	(12,000)
	Total new projects funded from Revenue	(7,133)
Total Expenditure Variations		(64,970)

2.2 Trading Performance - Income

The 2011/12 budget included a 2% increase for all charges other than visiting yachts, these charges were frozen. This was intended to generate sufficient additional income to cover expenditure levels, and enabled a balanced budget to be set.

Overall, income received during the year has out-performed the budget by £24,067 after adjusting for the contribution from Revenue reserve re dredging. The table below shows the main areas of variations from budget.

Item	Explanation	Forecast Under/(Over) Income £
Harbour Dues	Increased income from increased estuary use.	(3,102)
Mooring Hire	Increased income from increased estuary use	(7,269)
Miscellaneous	Small boat pontoon systems	(7,554)
	Water Taxi Service	(3,832)

	Mooring Licences	(945)
	Security Patrol	479
	Proceeds from sale of redundant equipment, including pontoons and scrap metal.	(5,923)
Interest Received	Interest is payable on reserve balances. Interest rates have fallen due to the recession resulting in lower interest being earned.	2,900
Other minor variations	Various	(6,018)
Total Income Variations		(31,263)

2.3 The Overall Position

The net position after taking into account variations in both income and expenditure is a generated surplus of £96,233 This will be confirmed once the Harbour accounts have been subject to external audit verification during August 2012. A schedule of actual income and expenditure against budget is included at Appendix A.

A Balance Sheet Extract is included as Appendix B.

The generated surplus will be incorporated into the General Reserve. An analysis of the closing position of each of the Harbour reserves is included at Appendix C

4. LEGAL IMPLICATIONS

- 4.1 The Statutory Powers that apply to this report are the Local Government Act 1972, Section 151 and The Pier and Harbour Order (Salcombe) Confirmation Act 1954.
- 4.2 The Salcombe Harbour Board is self financing but is required to bring an annual report to the Board to demonstrate it is commercially viable.

5. FINANCIAL IMPLICATIONS

- 5.1 The financial implications of this report are that a trading surplus of £96,233 was generated in 2011/12. It is pleasing to report that the Harbour has generated a trading surplus for the 2011/12 financial year as well as being able to finance additional project work from revenue generated during the year without having to further deplete reserves. This will bolster retained reserves, and will assist with the financing of future initiatives for the benefit of the Harbour users.

6. RISK MANAGEMENT

6.1 The risk management implications are:

Opportunities	Benefits
The report enables informed discussion relating to the budget and accounts for the Harbour	Finalised accounts allow planning for future projects to be considered in an informed manner
Issues/Obstacles/Threats	Control measures/mitigation
Accounts have yet to be subject to the external audit process	Harbour accounts have been prepared with regard to relevant accounting standards and practices. It is unlikely that the external audit process will change the overall position.

Corporate priorities engaged:	Budget considerations support all Council priorities
Statutory powers:	Local Government Act 1972, Section 151; The Pier and Harbour Order (Salcombe) Confirmation Act 1954.
Considerations of equality and human rights:	None directly arising from this report
Biodiversity considerations:	None directly arising from this report
Sustainability considerations:	None directly arising from this report
Crime and disorder implications:	None directly arising from this report
Background papers:	Corporate Finance working papers
Appendices attached:	Appendix A: Schedule of income and expenditure against budget Appendix B: Balance Sheet extract Appendix C: Analysis of closing position of Harbour Reserves

Committee: Salcombe Harbour**Service : Salcombe Harbour**

SUBJECTIVE HEADING	ACTUALS				Budget 11/12 £	Notes
	08/09 £	09/10 £	10/11 £	11/12 £		
COST CENTRE : 3410						
EMPLOYEES - OPERATIONAL	306,444	324,599	328,991	333,307	350,200	
Wages: Summer Seasonal staff	25,642	28,511	24,528	29,942	34,500	Seasonal staff working reduced to reflect demand
Employers NI & Super	45,174	48,011	50,424	56,283	55,400	
Salaries (inc. Shift Pay)	287,331	291,630	298,099	295,992	299,200	Reduced cost due to £250 for staff under £12k not paid.
Overtime	0	6,145	5,642	5,699	10,000	
Recharge to Headquarters	(49,950)	(49,000)	(52,300)	(52,500)	(49,000)	Additional inc due to boat washing duties
Boat Licence Income	(3,834)	(4,379)	(7,060)	(9,594)	(3,900)	
Coast Protection Notice Boards	0	0	(816)	(1,213)	(600)	
Staff Training	2,007	2,558	6,171	3,552	3,500	
Medical Fees / Other	75	40	323	426	500	
Recruitment	0	1,082	582	964	600	
Employers Liability Insurance			3,398	3,756	0	Previously shown under Premises

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Committee: Salcombe Harbour

Service : Salcombe Harbour

SUBJECTIVE HEADING	ACTUALS				Budget 11/12 £	Notes
	08/09 £	09/10 £	10/11 £	11/12 £		
COST CENTRES : 3410,3415,3420,3425						
PREMISES (ASSET) RELATED EXPENSES	294,081	280,994	251,793	259,030	297,600	
General R&M	8,479	8,527	9,477	9,643	8,200	
Tools, Materials and O.H. & C.S.	9,642	2,590	4,217	4,619	5,300	
Health & Safety	1,105	316	558	2,016	1,200	
Communications R&M	146	418	175	487	600	
GENERAL R&M	19,372	11,850	14,427	16,765	15,300	
SECURITY PATROL	37,772	37,302	38,143	37,680	39,400	
PIERS, LANDINGS & PONTOON	16,869	8,821	6,801	5,218	8,800	
MARKS & BEACONS	781	6,434	1,036	7,789	3,500	
Foreshore Moorings	12,486	4,133	6,089	5,049	8,300	
Deepwater Moorings	55,508	6,628	1,304	5,422	3,500	
Diving Maintenance Support		22,169	21,350	21,325	23,000	
Chain Purchase		23,337	21,153	19,573	27,300	
Replacement Mooring Buoys			5,632	5,003	5,000	
Materials used for third party work	119	0	0	0	0	
MOORINGS	68,112	56,267	55,529	56,372	67,100	
Premises-Related Insurance	26,331	26,641	1,545	1,444	26,700	Also see Employees and Transport
Payments Within Excess						
INSURANCE	26,331	26,641	1,545	1,444	26,700	
Electricity	1,328	3,711	2,857	2,237	2,300	New 3 year contract due before 1 April 2012
Gas	1,748	1,822	751	1,016	2,100	
Water	-46	132	131	200	200	Contribution to SHDC for water from Pub Cons
Rates	10,164	10,670	11,941	12,557	12,600	
UTILITY CHARGES	13,194	16,335	15,681	16,010	17,200	
Workshop (1)	10,333	12,621	12,712	12,621	12,600	
Rent To Duchy	95,088	97,017	97,700	99,884	98,500	Based on income. Increased to reflect 2009/10 income levels
RENT	105,421	109,638	110,412	112,505	111,100	
Trade Waste Collection charges	4,529	5,599	4,864	2,423	5,800	Reduced number of lifts new Bartech system.
General Office Costs (including Cleaning)	1,700	2,107	3,356	2,822	2,700	
REFUSE COLLECTION/OFFICE CLEANING	6,229	7,705	8,220	5,245	8,500	

PREMISES

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Committee: Salcombe Harbour

Service : Salcombe Harbour

SUBJECTIVE HEADING	ACTUALS				Budget 11/12 £	Notes
	08/09	09/10 £	10/11 £	11/12 £		
COST CENTRES : 3410, 3435, 3445						
SUPPLIES AND SERVICES:	55,552	53,753	54,848	59,654	57,200	
Furniture & Fittings	348	0	0	0	1,500	
Equipment - New & R&M	506	605	5,858	2,272	1,400	
Hire of equipment				705		Skip and photocopier rental
Hardware, Software and IT Support & maintenance	6,072	6,512	2,083	2,701	6,200	
EQUIPMENT	6,926	7,117	7,942	5,677	9,100	
Printing & Stationery	5,141	6,656	6,058	5,170	6,200	
Harbour Guide	4,830	4,605	4,670	3,980	4,700	Guide costs significantly down on prior years
Advertising	538	659	224	547	600	
PRINTING STATIONERY & ADVERTISING	10,509	11,920	10,952	9,697	11,500	
Postage	3,553	3,024	3,435	5,024	3,000	Reflects increased postal charges
Telephones	4,796	2,498	3,131	2,138	5,200	
Licence Fees	275	275	275	225	300	
COMMUNICATIONS	8,623	5,797	6,841	7,386	8,500	
PROTECTIVE CLOTHING	4,879	4,083	4,137	5,230	5,000	
CASH COLLECTION EXPENSES	3,725	3,938	4,539	5,701	4,000	Relates to bank card charges+ online payment
Fees and Subscriptions (inc Port Marine Safety)	4,038	4,052	3,920	3,830	4,400	
Conference Expenses/Subsistence	535	328	483	877	700	
Tier Two Response	826	826	826	826	800	
General Office Expenditure	685	408	45	5,088	400	includes phosphate free costs offset by income from LAG
Water Dispenser		408	238	0	400	
Legal Fees		440	0	170	0	
Other Professional Fees				2,000		
Shower Tokens	3,787	3,216	3,705	1,751	0	
Estuary Officer Contribution	10,000	10,200	10,200	10,400	10,400	
Chairman - Salcombe Harbour	1,020	1,020	1,020	1,020	2,000	
MISCELLANEOUS	20,890	20,898	20,437	25,962	19,100	
						SUPPLIES&SERVICES

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Committee: Salcombe Harbour					10/11 BUDGET
Service: Salcombe Harbour					WORKING PAPER
SUBJECTIVE HEADING	ACTUALS			Budget 11/12	Notes
	08/09	09/10	10/11		
COST CENTRE : 3410	£	£	£	£	
TRANSPORT RELATED EXPENSES	33,648	50,668	55,742	50,675	45,400
Fixed car payments	2,011	2,186	2,178	2,238	2,200
Variable car allowances	785	483	783	554	800
Repairs & Maintenance:					
Harbour Van	609	4,545	1,431	2,239	1,900
Launches General	15,228	22,846	21,122	5,690	20,000
Crane	1,784	5,819	6,739	2,002	1,500
Fork Lift Truck			344	493	1,500
Mooring Barge	512	2,981	475	417	3,000
Transport Insurance	0	0	8,644	23,039	0 Previously under Premises
Fuel:					
Launches	12,719	12,008	14,026	14,004	14,500
HEADQUARTERS ALLOCATION	58,781	53,400	53,100	53,000	53,000
Personnel & Payroll	12,603	10,800	11,100	11,100	10,800
Strategic Director - Operations/Head of Service	2,333	3,800	3,000	3,800	3,800
Drawing Office	1,275	700	1,300	900	900
Environmental Health	1,181	1,400	1,200	1,400	1,400
Financial Services	11,261	13,500	11,600	11,500	12,600
IT Section	8,821	5,000	6,900	5,800	5,000
Legal	4,357	3,800	4,400	4,000	4,000
Property Services	5,093	4,500	5,000	4,800	4,800
Committee & Member Services	7,836	4,800	4,600	4,800	4,800
Improvement & Development Team (Formerly PR)	1,935	2,900	1,900	2,900	2,900
Internal Audit	2,086	2,200	2,100	2,200	2,200
CAPITAL CHARGES	21,087	29,997	29,997	29,997	40,100
Leasing Payments					
Debt Charges (Depreciation & interest)	34,358	64,788	75,573	35,490	40,100 Budget includes new loan for replacement of Whitestrand Landing
Surplus/Deficit on Capital Charges	(13,271)	(34,791)	(45,576)	(15,493)	0
CONTRIBUTION TO RENEWALS RESERVE	21,000	26,000	26,000	26,000	26,000
CONTRIBUTION TO PONTOON RESERVE	50,000	45,000	45,000	45,000	45,000
ITEMS TO BE MET FROM REVENUE	80,116	45,658	33,971	4,867	12,000
2007/08					
Duchy Lease Negotiations	947	0	0	0	
2008/09					
1008/010 Dredging	79,169	0	0	0	
2009/10					
Disposal of Pontoon		2,110	0	0	2,000
Legal costs associated with new Duchy Lease		709	0	0	
Preliminary costs for Kingsbridge dredging		2,037	0	0	
Kingsbridge Visitors Pontoon		252	0	0	
Refund of dredging licence		-750	0	0	
Replacement engine Winstone		7,961	0	0	
Replacement for damaged engine		3,885	0	0	
Victoria Pontoon Piles		8,193	0	0	
Stamp Duty on Duchy Lease		10,331	0	0	
Minor Pontoon Work		10,830	0	0	
Frogmore Pontoon		2,391			
Whitestrand Plastic Pontoon		9,900	4,867		5,000
Installation of Grove crane		17,475			
Replacement Dory		4,205			
Environmental Projects					5,000 Purchased with engin which required being treated as Capital
ITEMS FUNDED FROM RESERVES.	0	34,947	83,621	176,673	0
1008008 Replacement Dory		3,719	0	0	
1008009 Replacement Dory Engine		3,522	0	0	
1008013 Kingsbridge Visitor Pontoon		9,597	0	0	
1008011 Mooring Barge Major Overall		18,109	0	0	
Estuary dredging			83,621		
Whitestrand Tow Landing				146,199	
Garbage Reception Pontoon				19,121	
Replacement Dory and Engine				10,191	
Showers prelim costs				1,162	

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Committee: Salcombe Harbour					10/11 BUDGET	
Service : Salcombe Harbour					WORKING PAPER	
SUBJECTIVE HEADING	ACTUALS				Budget 11/12	Notes
	08/09	09/10	10/11	11/12		
COST CENTRES : 3410, 3425	£	£	£	£	£	
HARBOUR DUES						
Annual	(153,787)	(162,358)	(148,752)	(150,036)	(149,300)	
Casual Dinghies	(25,606)	(20,446)	(27,555)	(28,285)	(28,800)	
Casual Yachts	(64,459)	(71,973)	(63,172)	(66,865)	(68,800)	
Casual Collected via Creek Boat Park	(9,790)	(16,975)	(17,040)	(17,816)	(13,000)	
MOORING HIRE						
Annual Deep Water	(152,388)	(157,252)	(155,992)	(160,275)	(159,200)	
Casual Deep Water	(58,515)	(68,942)	(73,572)	(77,771)	(63,000)	
Annual Foreshore	(122,483)	(131,299)	(129,736)	(127,890)	(135,000)	
Casual Foreshore	(42,395)	(46,075)	(39,923)	(40,575)	(44,400)	
Dentridge Mooring	0	(11,069)	(10,486)	(12,358)	(10,000)	
MOORING LICENCES	(29,637)	(24,245)	(24,081)	(25,345)	(24,400)	
SECURITY CHARGE	(37,519)	(37,532)	(37,828)	(38,921)	(39,400)	
WATER TAXI SERVICE	(37,078)	(36,741)	(35,763)	(40,832)	(37,000)	
PONTOONS						
Shadycombe Creek Comm Users	(14,816)	(12,975)	(13,474)	(13,536)	(14,200)	
V Quay, Batson & Kingsbridge	(81,236)	(85,929)	(93,017)	(95,583)	(87,400)	
Whitestrand Licence Fees	(2,846)	(2,592)	(3,488)	(3,937)	(2,800)	
Whitestrand Pontoon July/August	(14,655)	(14,004)	(14,515)	(13,498)	(14,600)	
Miscellaneous Income	(69,021)	(34,808)	(38,174)	(42,141)	(30,200)	
Sale of Leaflets	0	(20)	0	0	0	
Sale of Tide Tables	(188)	(166)	(140)	(270)	(200)	
Miscellaneous	(2,170)	(2,615)	(3,098)	(3,166)	(2,200)	
Fire Patrol	(25)	(25)	(25)	(25)	0	
Whitestrand Boat Park	0	0	(2,508)	0	(2,300)	
Whitestrand Notice Board	(633)	(704)	(718)	(732)	(600)	
Towing Charge	(538)	(230)	(278)	(409)	0	
Crane hire incl wage costs	(3,607)	(2,026)	(2,617)	(4,654)	(2,000)	
Hire of Mooring Barge	(1,245)	(3,062)	(2,852)	(2,767)	(1,000)	
Hire of Fork Lift Truck	0	(25)	(168)	(227)	0	
Boatyard Maintenance	(2,722)	(1,065)	(388)	(850)	0	
Pontoon for Fishermen, the Spur	(782)	(723)	(783)	(799)	(800)	
Hire of Safety Launch	(579)	(479)	(134)	(65)	(500)	
Store Boxes at Ditch End	(1,365)	(1,478)	(1,689)	(1,846)	(1,400)	
WIFI Spark Commission	(785)	(634)	(587)	(74)	(800)	
Harbour Guide	(6,811)	(6,765)	(7,510)	(8,340)	(6,900)	
Sale of Equipment	(3,000)	(2,392)	(2,618)	(5,923)	0	
Fuel Duty Repayment	(2,467)	(3,566)	(3,595)	(3,000)	(2,500)	
Cont. from L&R re Security Patrol	(5,600)	(5,600)	(5,600)	(5,600)	(5,600)	
Contribution from GRF Re: Refuse	(1,900)	(1,900)	(1,900)	(1,900)	(1,900)	
Legal Costs Recovered	(50)	0	(476)	(929)	0	
Under lease Kingsbridge Estuary	(1,380)	(1,394)	(494)	(494)	(1,500)	
Under/Over Bankings	227	62	6	(71)	0	
Recovery of VAT on Water Taxi Income	(18,403)	0	0	0	0	
RNLI Contribution to Dredging	(15,000)	0	0	0	0	
			(926,568)	(955,663)	(921,500)	
CONTRIBUTION FROM BALANCES						
CONT. FROM RENEWALS RESERVE	0	(34,947)	(83,621)	(176,673)		
INTEREST	(9,700)	(5,800)	(3,300)	(2,100)	(5,000)	

INCOME-GUIDE-CARDNET

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Salcombe Harbour Balance Sheet Extract for the Year Ending 31st March 2012

Appendix B

Fixed Assets

	Gross Valuation As at 31.3.2012 £	Accumulated Depreciation As at 31.3.2012 £	Net Book Value As at 31.3.2012 £
Total Infrastructure Assets - Pontoons, Bouys, etc	953,657	279,397	674,260
Land & Buildings	120,000	6,000	114,000
Total Vehicles, Plant & Machinery	159,955	136,966	22,989
	<u>1,233,612</u>	<u>422,363</u>	<u>811,249</u>

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Reserves, Debtors and Prepayments

	Balance As at 31.3.2012 £
General (Revenue Account) Reserve	184,722
Pontoons Reserve	86,213
Renewals Reserve	120,929
Harbour Debtors	5,372
Non Refundable Deposits(held against 2009/10 bookings)	214,177
	<u>611,413</u>

Refundable Deposits

	£
Pontoon Waiting List	11,625
Deep Water Mooring Waiting List	30,610
Foreshore Mooring Waiting List	10,260
	<u>52,495</u>

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HARBOUR BALANCES**APPENDIX C****Pontoons Reserve**

	£
Balance 1st April 2011	140,613
ADD	
Contribution 2010/2011	45,000
Interest	<u>600</u>
	186,213
Less expenditure on:-	
Whitestrand Town Landing	100,000
Balance as at 31st March 2012	<u><u>86,213</u></u>

Renewals Reserve

	£
Balance 1st April 2011	123,341
ADD	
Contribution 2010/2011	26,000
Interest	<u>900</u>
	150,241
Less expenditure on:-	
Garbage Reception Pontoon (capital)	19,121
Replacement Dory and Engine	10,191
Balance as at 31st March 2012	<u><u>120,929</u></u>

General (Revenue Account) Reserve

	£
Balance 1st April 2011	134,688
ADD	
Surplus 2010/2011	<u>96,233</u>
Less expenditure on:-	
Whitestrand Town Landing	46,199
Whitestrand Showers	1,162
Balance as at 31st March 2012	<u><u>184,722</u></u>

Total Reserves Balances as at 31 March 2012**391,864**

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AGENDA
ITEM

10

SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

10

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	9 July 2012
REPORT TITLE	MOORINGS POLICY ENFORCEMENT
REPORT OF	Salcombe Harbour Master
WARDS AFFECTED	All South Hams

Summary of report:

To review the draft Moorings Policy and approve the publication of the draft for public consultation.

Financial implications:

There are no direct financial implications from this report.

RECOMMENDATIONS:

That the Harbour Board RESOLVES to publish the Draft Moorings Policy Public Consultation document with a consultation closing date of 21 September 2012.

Officer contact:

Ian Gibson – 01548 843791 (Internal 7104)

1. BACKGROUND

- 1.1 The current edition of the Moorings Policy was published in 2007 following an extensive public consultation. The Salcombe Harbour Board (“SHB”) recommended to Full Council on 21 September 2007 that the updated Moorings Policy be adopted (SH32/07). The Moorings Policy was adopted by Full Council on 15 November 2007 (59/07).

- 1.2 The Moorings Policy is reviewed every five years and is now due for review.
- 1.3 A first round of consultation on the 2012 draft with the Harbour Community Forums closed on 25 May 2012. The feedback from this round of consultation is at Appendix 1.

2. Review of Moorings Policy

- 2.1 A working group of Harbour Board members consisting of Cllrs Carter and Wright, Mr Harling, Marriage and Barrett has been established **SH42/11**.
- 2.2 The working group met on 13 June and worked through the 1st round of consultation feedback and agreed the draft revised draft Moorings Policy for the full Board's approval, which is incorporated into the draft Public Consultation Document at Appendix 2.
- 2.3 It is proposed that the draft Moorings Policy be published for the second round of consultation with the general public, with a closing date of 21 September 2012.
- 2.4 Thereafter the consultation feedback will be considered and incorporated where appropriate with the aim of bringing the final draft to the Board on 12 November 2012.

3. LEGAL IMPLICATIONS

- 3.1 Statutory Powers: Local Government Act 1972, Section 151. The Pier and Harbour Order (Salcombe) Confirmation Act 1954 (Sections 22-36).
- 3.2 A local authority is entitled to make policies in order to provide guidelines for its own decision-making (whether by members or officers) but it should not regard itself as completely restricted by policy. It must always be possible for the authority to make an exception to policy; if it isn't, the authority will be regarded as having "fettered its discretion" and that is unlawful. However, in order to be fair to everyone, the authority should have good reasons both for making an exception, or refusing to do so.

4. FINANCIAL IMPLICATIONS

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

5. RISK MANAGEMENT

5.1 The risk management implications are:

Risk	Mitigation
The Harbour Authority is not delivering a satisfactory service to harbour users.	The Harbour Board, through its contact with harbour Community Forums and the public consultation process will monitor the stakeholders' reaction to the service provided and keep the Moorings Policy under regular review in order to remain relevant to the majority of harbour users' requirements.
The Harbour Board fails to comply with its statutory responsibilities.	Continuous monitoring and an annual audit by an independent designated person will highlight potential issues early to enable corrective action to be taken.
The Harbour Board is accused of discrimination in its allocation of harbour facilities.	As part of the policy review an Equality Impact Assessment has been undertaken to ensure compliance with equality legislation and the needs of Harbour users. The Harbour Authority will have a fit for purpose moorings allocation policy which is strictly adhered to and kept under constant review. Mooring allocation has an appeals process.
Data Protection, disclosure of information and Freedom of Information (FOI).	Harbour records, including customer accounts are maintained within the office. Staff training is given to prevent any unauthorised disclosure. FOI forms are required before any information is given out.
Corporate activity with an impact on Areas of Outstanding Natural Beauty, National Parks, and Sites of Scientific Interest.	The Harbour Authority part fund a Marine Conservation Officer who monitors all activity within the estuary to ensure the harbour Authority fully respects the ANOB and SSSI status of the Estuary. The moorings policy clearly sets out what activity is allowed within the various areas of the Estuary.
Financial Risks and Impact on Councils Assets	By monitoring performance in relation to the moorings policy, the Harbour Board will be in a strong position to invest Harbour Funds where they can provide the best value for money and return on investment and safeguard the Harbour's future on behalf of the District Council.

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	Community Life Economy
Statutory powers:	Local Government Act 1972, Section 151. The Pier and Harbour Order (Salcombe) Confirmation Act 1954 (Sections 22-36).
Considerations of equality and human rights:	None
Biodiversity considerations:	None
Sustainability considerations:	None
Crime and disorder implications:	None
Background papers:	Moorings Policy 2007 (SH 32/07) Harbour Board Working Group (SH 42/11)
Appendices attached:	1. Consultation feedback from Harbour Community Forums. 2. Moorings Policy 2 nd Edition 4 th draft, Draft Consultation Document.

Ian Gibson
Harbour Master

Salcombe Harbour Board
9 July 2012

Moorings Policy Consultation

- Q1. Do you support the principle of continuing to give priority to people ordinarily resident in the South Hams described in paragraph 6.2?**
- Q2. Do you support the proposal for two waiting lists as described in paragraph 6.3 and, if so, what criteria should be used to distinguish between the two lists in future?**
- Q3. Would you prefer there to be just one waiting list with all Council Tax payers on the same list?**
- Q4. In your opinion does the draft Moorings Policy require any further clarification?**

Forum	Comments	Remarks
Fishermen	<p>Our members have discussed your Consultation on Mooring Policy document & are most grateful for the opportunity to have been included in the circulation list.</p> <p>By in large our members who fish out of Salcombe are very happy with the existing situation. When it comes to discussing Mooring Matters we find your staff to be understanding & helpful with the problems specific to the Commercial Fleet e.g. store boxes, need for all state of the tide moorings, etc. We would hope that the division between the commercial mooring area & the leisure areas will be maintained so that if more commercial boats wish to join the fleet they can be accommodated as this is, we believe, in the best interests of Salcombe generally, due to the year round contribution that the commercial fleet makes to the economy of the Town.</p> <p>Being all locals our members naturally believe that the principle of priority to local full time residents should be maintained as we do not want to see a situation where Salcombe becomes a ghost town in the winter. It seems to us that the two list system has worked well & in the absence of a better idea we would be happy to support its continuation & the criteria for inclusion on the “local” list should simply be that the address in the South Hams must be a rate payer’s principal residence.</p>	<p>Requesting priority for moorings for commercial fishing boats, this is a current policy which should not be changed.</p> <p>Support for priority to local people, ascertained by the payment of Council Tax.</p>

<p>The Salcombe & Kingsbridge Estuary Conservation Forum</p>	<p>I circulated the Moorings Policy Questionnaire to all Estuary Conservation Forum members and received the following response.</p> <p>Q.1 Yes. There is strong support for the two tier system.</p> <p>Q.2 We support the proposal for two waiting lists. Applicants should declare that they qualify to vote in General Elections in the South Hams constituency or they should sign a written statement that they are normally resident in the South Hams for the majority of the year. The Election suggestion should be able to be checked at Follaton on the Electoral Roll. It is legal for British Citizens to vote on more than one occasion for Council Elections but illegal to vote more than once in a General Election.</p> <p>Q.3 No. As above it is strongly felt that permanent residents should take priority</p> <p>Q.4 Being very familiar with SHA requirements I find the document clear and in no need of any further clarification. Whether this would apply to a newcomer I am not sure. There were no comments from Forum members.</p> <p>the Mooring Policy question of how to differentiate between full time and part time residents, people are only allowed to vote in one constituency in a General Election. There is therefore presumable a way of checking residential qualifications which could be used to ensure only voters in either the Totnes or SW Devon constituencies are given access to waiting list A. I did mention this in the reply from the Forum but it was right at the bottom (as is this) so might have been missed.</p>	<p>Support for priority to local people and continuance of two waiting lists.</p> <p>Proposal to use the electoral roll as qualification of residency.</p>
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SKEA	<p>Q1 - 17 voted for giving priority to local people, 2 voted against it.</p> <p>Q2 - 15 supported the principal of two waiting lists, 4 voted against it. No comment received regarding the criteria that should be used to distinguish between the two lists.</p> <p>Q3 – 7 voted for one waiting list while 13 voted against it.</p> <p>Q4 – 11 felt the draft6 moorings policy required further clarification, 6 felt it was OK.</p> <p>The poll went out to 158 members of SKEA but, disappointingly and rather surprisingly there are only about 20 replies, and they require some explanation. Next to the Q1 to Q5 . there is a drop-down menu , which shows the nominal answers that I posted. SKEA members, having marked each reply as read, were asked to indicate "I agree" or "I disagree", by the 'thumbs-up' or 'thumbs-down' sign. But see my cautionary note at the foot of the list. Clearly there has been some confusion!</p>	<p>Support for priority to local residents in allocation of moorings.</p> <p>But seems SKEA would like to see one waiting list.</p> <p>Although there was a suggestion that further clarification was required, it is not clear where the clarification is required.</p>
KEBC	<p>At the last KEBC committee meeting it was agreed to obtain the clubs position on the Moorings Policy in 2 stages. The first was to obtain a view from the April meeting, the second to put that view to all members for comment. After the vote on the Moorings Policy questions, I believe this to be the result:</p> <p>Q1 Majority in favour of continuing to give priority to people ordinarily resident in the South Hams.</p> <p>Q2 Majority in favour of 2 lists the main criteria being residency.</p> <p>Q3 Majority in Favour of not having a single list with all Tax Payers on it.</p> <p>Q4 No clarifications have been identified yet for the Moorings Policy.</p>	<p>Support for priority to residents.</p> <p>Majority in favour of 2 waiting lists</p> <p>Utilisation of Council Tax as qualification criteria.</p>

<p>K/B & SALCOMBE MARINE BUSINESS FORUM- ANDREW TURNER-JONES</p>	<p>Q1 Yes, ordinary residents should have the priority and this should continue dependant on selective criteria. A permanent resident is determined in what way?</p> <p>Q2 My personal opinion is that a point scoring system is implemented to distinguish the priority of the waiting list. I think two lists are moreover not really relevant as the applicant would be scored against a pre-set criteria to determine their ranking and eligibility in the list. A set of questions is set and then ranked to give a total score that is fair. Fairness is determined on not just the fact you are a resident here but how long you are here, how long your family has lived here such as your parents, what the mooring is for- leisure use, business use, syndicate, length of time you have been waiting, also if you have been prepared to accept a less desirable mooring in the meantime.</p> <p>Some example questions with proof required- Are you a permanent resident? How long have you been a permanent resident? Is the mooring for personal/business use? Has your family been resident for 10 yrs+ Has person been prepared to accept mooring such as upper harbour/foreshore?</p>	<p>Support for priority to residents</p> <p>Points system, which would be complicated to administer</p>
<p>To Andrew Turner-Jones</p> <p>From Tim Tucker (South Sands Ferry) 26/05/2012</p>	<p>Comments on the proposed Mooring Policy are:-</p> <p>4.0.1. There are a number of Private Moorings in South Sands Bay, a number owned by the Tides Reach Hotel and some by private individuals.</p> <p>6.0.2. I think a mooring should be passable from “father to son/daughter as well, ie when next generation take over the family home and boat etc.</p> <p>6.0.14 Mooring should belong to a syndicate, as long as any one or more member is a SHC rate payer.</p>	<p>There are no private moorings at South Sands, they are mooring licences.</p> <p>The transfer of moorings through the family would tie up moorings for generations and would make it more difficult for newcomers to get a mooring.</p>

	<p>6.0.15 Private Moorings belonging to a business, eg Tides Reach Hotel, Boat Hire Company should be transferable when that business is sold.</p> <p>6.0.18 Same comment as 6.0.2.</p> <p>6.2.1 What is definition of “ordinary resident”? ie someone who lives within SHDC for more than 6 months? How could this be verified?</p> <p>6.3. I agree with the principle of two waiting lists but again the definition of “ordinary resident” should be clarified as many second home owners are in residence for a number of months.</p> <p>6.6.1. Again, there are a number of private and commercial moorings (deep water) at South Sands which are not owned by SHA.</p> <p>6.13. Is there a priority for “marine engineers” to have a pontoon berth for their work boat?</p> <p>6.13.5 The South Sands Hotel (and others) own a number of private moorings; they are part of the assets when the business is sold and should pass to the new owner.</p>	<p>There are many boats with a mooring which are owned by a syndicate, providing one member of the syndicate has qualified for the mooring.</p> <p>There is provision in the policy for the transfer of business moorings when a business is sold.</p> <p>The definition of Ordinary resident is the exam question which is still to be resolved.</p> <p>There are no Deep Water moorings at South Sands which are not in SHA ownership. The transfer of business moorings is covered by 6.13.5.</p>
<p>Dave Halsell – Singing Paddles</p>	<p>Q1. Do you support the principle of continuing to give priority to people ordinarily resident in the South Hams described in paragraph 6.2? YES</p> <p>Q2. Do you support the proposal for two waiting lists as described in paragraph 6.3 and, if so, what criteria should be used to distinguish between the two lists in future?</p>	<p>Support for priority to residents, maintenance of two lists and</p>

	<p>YES - ELECTORAL ROLE</p> <p>Q3. Would you prefer there to be just one waiting list with all Council Tax payers on the same list?</p> <p>NO</p> <p>Q4. In your opinion does the draft Moorings Policy require any further clarification?</p> <p>NO</p>	<p>use of electoral role.</p>
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**South Hams
District Council**

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

South Hams District Council

Salcombe Harbour Authority

Consultation on Salcombe Harbour Moorings Policy

Introduction

The Moorings Policy was last reviewed in 2007. As part of the Five-Year Plan 2012-2017 the Harbour Board has undertaken to review the Moorings Policy this year.

There has already been consultation on this draft policy with the Harbour Community Forums; it is now time for the Public Consultation.

The draft Moorings Policy is set out below and the Harbour Board would welcome your views on the document. Two questions have been formulated to help gauge the public's response; however any suggestions you might have to clarify the Moorings Policy would be welcome.

Q1. Do you support the continuation of the existing policy or prioritising the allocation of Harbour Moorings to residents of the South Hams?

Q2. Are there any areas of the draft Moorings Policy that require any further clarification?

Please send any comments you may have on this consultation paper to:

Salcombe Harbour Authority
Whitestrans
Salcombe
Devon
TQ8 8DU

Email: Salcombe.harbour@southhams.gov.uk

by Friday 21 September 2012



**South Hams
District Council**

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

South Hams District Council

Salcombe Harbour Authority

Moorings Policy

July 2012

Contents

1. Introduction
2. Ownership of the Estuary Bed
3. Consultation Process
4. Categorisation of the Estuary
5. Review of Policy
6. Mooring Policy
 - 6.0 General Principles
 - 6.1 Overall number of moorings
 - 6.2 Waiting Lists
 - 6.3 Qualification criteria for the allocation of Mooring Facilities
 - 6.4 Annual Mooring Facility Allocation Process
 - 6.5 Provision of Moorings for Visitors
 - 6.6 Deep Water Moorings
 - 6.7 Foreshore Moorings
 - 6.8 Pontoon Berths
 - 6.9 Salcombe Town Landings – Whitestrand & Normandy
 - 6.10 Normandy Pontoon
 - 6.11 House Boat Moorings
 - 6.12 Fishing Boat Moorings
 - 6.13 Commercial Moorings
 - 6.14 Laying up
 - 6.15 Insurance
 - 6.16 Disabled Access
 - 6.17 Mooring Licence
 - 6.18 Private Foreshore Mooring Licences

6.19 Crime Prevention Security

Appendices:

1. Foreshore Mooring Tackle Specification
2. Terms and Conditions of a Mooring Licence
3. Terms and Conditions of a Mooring Licence (for laying private mooring tackle or pontoons on the Council's fundus or foreshore).

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 finance safe port operations.
- 1.0.2 The provision and management of mooring facilities within the harbour is one of Salcombe Harbour Authority's (SHA) core activities.
- 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 mooring facilities 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 is not in accordance with the stated policy.
- 1.0.4 With every decision over mooring facilities a number of factors will be considered. These are too numerous and varied to list; however the principal factors will always be:
- safety
 - 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 visitors for the 21st century.

and the core principles of safety, stakeholder involvement, value for money, environmental stewardship 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 majority of 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. The current lease with the Duchy runs until 24 March 2028. The areas not leased to SHDC include the RNLI's lifeboat berth, the upper reaches of Waterhead and Southpool Creeks, 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 Under the terms of the Harbour Authority Lease from the Duchy of Cornwall licences to customers for harbour facilities may be for no more than one year.

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

- The permission of the owner of the fundus where the mooring facility 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 facility is entirely different from a lease and therefore it is not an assignable property right.

2.0.4 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 The 2012 review of the Moorings Policy will include two rounds of consultation. The first was with the Harbour Community Forums:

- Salcombe and Kingsbridge Estuary Association
- Kingsbridge Estuary Boat Club
- Salcombe Kingsbridge Estuary Conservation Forum
- The South Devon Shell Fishermen
- The Kingsbridge and Salcombe Marine Business Forum

The second round of consultation will be with the general public. The aim is to have the document complete and accepted by Full Council by September 2012.

4.0 Categorisation of the Estuary

4.0.1 Below Ferry Crossing – seawards to harbour limits – a limited number of visitors mooring facilities, a number of licensed moorings particularly on private foreshore on both sides of the Estuary, seasonal moorings at South Sands, recognised anchorages off Small's and Sunny Cove and store box moorings in Castle Bay.

4.0.2 Above Ferry Crossing – inwards to Fishpond Corner and Snapes Point – Victoria Quay Pontoons, Whitestrand and Normandy landing facilities Foreshore moorings, commercial moorings, crab store box moorings, 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 has a number of deep water mooring at the entrance to South Pool and a public landing pontoon at the head of South Pool Creek.

4.0.4 Batson and Shadycombe creeks north of Fishpond Corner – Foreshore mooring, Batson and Shadycombe Pontoons, commercial fish quay, 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, Dentridge Commercial Pontoons, Egremont (ICC) and Winters Pontoons and Boatyard.

4.0.6 Saltstone, Blanksmill Creek, Collapit Creek and Frogmore Creek west – no moorings in this area, recognised anchorage north of Halwell Wood and East of Heath Point.

4.0.7 Frogmore Creek East – Foreshore moorings and public landing pontoon.

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, Public landing/visitors' pontoon, 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 – General Principles

6.0.1 The Harbour Authority's Policy is to give priority in the allocation of mooring facilities to customers who live in the South Hams.

6.0.2 All Salcombe Harbour Authority mooring licences are issued annually to a named individual or company and are not transferable, except between spouses and or civil partners.

6.0.3 Mooring licence 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.

6.0.4 Mooring facilities left unused for a period of two years will be reallocated.

6.0.5 The Harbour Master retains the right to move vessels to the most suitable mooring. The Harbour Authority retains absolute control of berth allocation. Accordingly the licensee shall not be entitled to the exclusive use of any particular berth but shall use such berths as is from time to time allocated by the Harbour Authority.

6.0.6 Vessels, which in the opinion of the Harbour Master are un-seaworthy, will be directed to be removed from the Harbour.

6.0.7 Where a mooring facility is no longer required, it is passed to the Harbour Authority for allocation to the next person on the waiting list.

6.0.8 Mooring Facility Allocations will take place annually, normally in January and February, for the following financial year.

6.0.9 A mooring facility shall only be used to accommodate one boat unless previously agreed by the Harbour Master.

6.0.10 A notice to quit for breach of Licence will be given to any facility holder sub-letting their berths either on a long-term or temporary basis.

- 6.0.11 Installation of Raft Pontoons. Raft pontoons are prohibited on any swinging mooring without the written permission of the Harbour Master (SH15/10).
- 6.0.12 The cumulative effects of a proliferation of walk-ashore jetties or pontoons would represent a loss of foreshore within the Site of Special Scientific Interest (SSSI) and be detrimental to the appearance of the estuary within the Area of Outstanding natural Beauty (AONB). Even when located on private fundus, moored pontoons require a Mooring Licence which will not normally be granted if the pontoon is for private use. Applications for commercial pontoons and pontoons providing public access to the estuary will be assessed on their individual merits and environmental impact. However when and if the commercial activity (and/or the public access) cease the mooring licence will be withdrawn and the pontoon should be removed. In no cases will its use as a private mooring be permitted (SH 5/10).
- 6.0.13 The Harbour Master is authorised to approve discounted mooring rates for registered charities.
- 6.0.14 Boats owned by a syndicate need to have one member of the syndicate who has qualified, by living in the South Hams (see 6.2.1) and reaching the top of the waiting list, for a mooring facility. If the mooring licence holder leaves the syndicate, another member of the syndicate has to have qualified by living in the South Hams and reaching the top of the waiting list for a mooring facility allocation if the mooring licence is to be renewed.
- 6.0.15 Mooring Licences will not be transferred to purchasers of boats and/or mooring tackle from persons holding such licences. If such a berth is vacated by the holder of a licence not acquiring a suitable replacement boat or suitable replacement mooring tackle, then that berth will be reallocated in accordance with the appropriate waiting list.
- 6.0.16 A Harbour mooring Licence:
- a. is personal to the holder of such a 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 licence.
 - e. In relation to a business is for the maximum size of a vessel specified for that berth.
- 6.0.17 Mooring Licence
- a. Mooring Licence was the term used for individuals to lay and maintain their own tackle on the harbour leased fundus. These will now be termed Mooring Licence (for the laying of private tackle).

- b. Mooring Licences (for the laying of private tackle) are not permitted to be transferred to another individual. When relinquished, mooring licences, with the exception of licences for running moorings, will cease to exist and a Harbour Authority mooring will be established and allocated to the waiting list.

6.0.18 Where a mooring facility holder has held a mooring Licence for many years and a member of the family, who is a Council Tax payer in their own right, is likely to wish to continue on the death or incapacity of the mooring Licence holder they should join the appropriate waiting list to acquire a mooring facility in their own name. However, in the event of sudden death or very serious illness of a longstanding mooring facility holder where the immediate family wish to maintain their mooring Licence, the Harbour Authority will consider the issue of a Licence to a close family member for an agreed period to enable alternative arrangements to be made.

6.0.19 In the event of a dispute over the allocation of a mooring facility, an ad hoc sub-committee to consist of any three members of the Harbour Board will convene to resolve or determine any single (individual) case dispute in respect of berthing or mooring licences. Any such determination will be final and binding upon the parties (SH 26/10).

6.0.20 Length Overall (LOA) means the overall length of the space occupied by the boat including any fore and aft projections, temporary or permanent including pushpits, bowsprits, bumpkins, davits, tilted outboards, rudders etc.

6.0.21 It is a requirement for all owners to appoint an agent. This can be a friend or a professional boatyard, but they must have agreed to be the agent. An agent is a locally based person who can act on the owners' behalf at such times that the owner is unavailable.

6.1 Overall number of moorings

6.1.1 A number of years ago the Harbour Board capped the numbers of mooring facilities within the Estuary. This policy will be kept under constant review but is unlikely to change except in exceptional circumstances. It is acknowledged that Collapit Creek, Blanksmill Creek, Lower Frogmore Creek and Widegates are areas that will normally 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
Dentridge Commercial Pontoons	16
Foreshore Moorings	630
Pontoon Berths	

Victoria Quay	77
Shadycombe	64
Batson	254
Kingsbridge	49

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 Lincombe Bay and Yeowards who have moorings at Yalton, South Pool Creek.

6.2 Waiting Lists

6.2.1 The Harbour Authority maintains a waiting list for all of its mooring facilities.

6.2.2 A registration fee at current rates, which is refundable on mooring facility allocation, will be required for all mooring facility applications.

6.2.3 Once on the waiting list, applicants will be given priority for booking of visitor foreshore mooring facility. Bookings will be accepted for customers who are on the waiting list for a foreshore facility for finite period before bookings are accepted from the general public.

6.2.4 Should there be no applicants on a particular waiting lists, the mooring facility may be offered to a non resident. Mooring facilities which are allocated to non residents in these circumstances will be reviewed annually and, should a Resident be waiting for that facility, after a two year period of grace the mooring facility will not be renewed for the non-resident.

6.2.5 In addition to the waiting list for initial allocation, the Harbour Authority also maintains a waiting list for current facility holders who would like to move berth, mooring facility or change to a different facility.

6.2.5 Waiting list members should inform the harbour office when their residential status changes. In particular, should they become locally resident, the Harbour Authority cannot guarantee to recognise this in the allocation process unless they have been so informed by 1Jan in the year of allocation, and thus the applicants’ new allocation may be delayed.

6.3 Qualification Criteria for the Allocation of Mooring Facilities

6.3.1 The Harbour Board’s policy is to give priority for the allocation of mooring facilities to:

a. Locally resident South Hams Council Tax payers.

Then,

b. South Hams Council Tax payers, but not locally resident.

Then,

c. Other applicants.

- 6.3.2 Customers who move away from the South Hams will normally be given two years to make alternative mooring arrangements before the mooring facility licence is not renewed.
- 6.3.3 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, one foreshore pontoon 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.
- 6.3.4 Mooring facilities that were allocated prior to the requirement to be a resident of the South Hams (SH26/10).
- a. The requirement to be a resident of the South Hams for a mooring facility to be allocated has been a longstanding policy of the Harbour Authority. Records prior to the mid 1980s have been lost therefore the requirement to be a resident of the South Hams is taken as having been introduced on 23 January 1985, when the policy was re-confirmed.
 - b. Mooring facility holders who are not resident but who claim to have been allocated a mooring facility prior to the requirement to be a resident may apply to have their request to maintain annual renewal of their licence reviewed by the Board.
 - c. If the Board (or sub-committee of the Board convened for that purpose) is satisfied both that the applicant was allocated a mooring facility prior to the requirement to be a resident of the South Hams and that all other requirements of the licence are met, their mooring facility will be renewed annually until 24 March 2028¹, or until they have found a suitable alternative mooring facility.

6.4 Annual Mooring Facility Allocation Process

- 6.4.1 Under the terms of the Harbour Authority Lease from the Duchy of Cornwall, licences to customers for harbour facilities can only be for one year. Consequently all mooring facilities are re-allocated annually.
- 6.4.2 Providing customers continue to fulfil the mooring facility allocation criteria, mooring re-allocation will be straightforward. Where mooring holders no longer meet these criteria, the facility will be re-allocated.

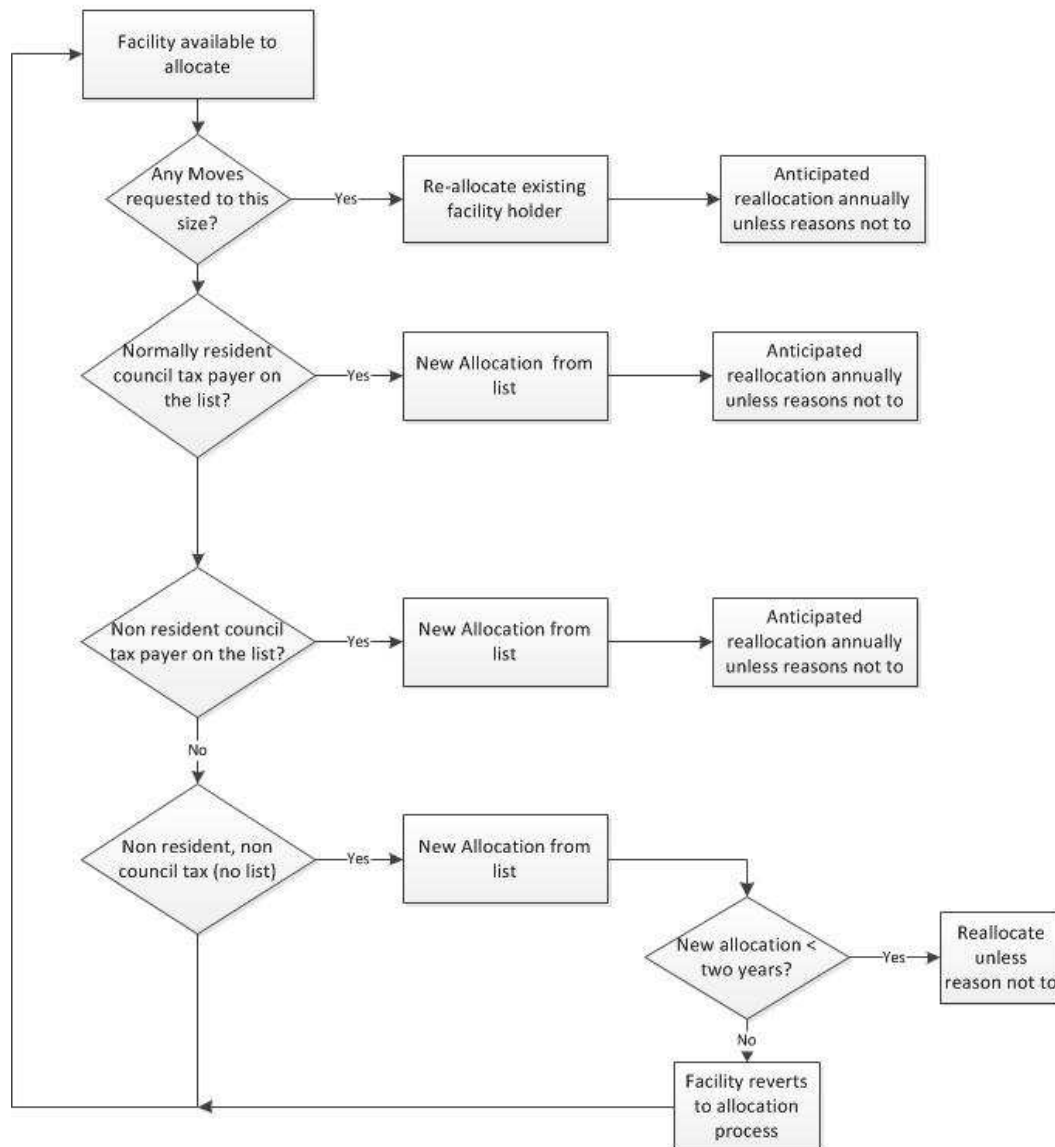
6.4.2.1 The Harbour Authority retains the right to request mooring licence holders to prove their residency of the South Hams by production of valid Council Tax in the facility holder's name.

¹ Expiry date of the current lease from the Duchy of Cornwall.

- 6.4.2.2 Customers whose main address, to which correspondence is routinely posted, is outside the South Hams will be required to produce a valid SHDC Council Tax Bill in the name of the facility holder annually to renew a mooring licence.
- 6.4.3 The annual mooring facility allocation process will normally commence in October for the following year with the distribution of “retention” letters to current mooring facility holders.
- 6.4.4 Once the retention letters are returned, normally by the penultimate working Monday in December, the reallocation process will begin for customers who continue to satisfy the allocation criteria.
- 6.4.5 Persons renting Harbour Authority mooring facilities and arranging cruises for periods in excess of 12 months and under 2 years may be permitted to retain their mooring facility on payment of a fee equivalent to 50% of the full mooring facility charge, subject to the mooring facility holder signing an undertaking not to resume the use of the mooring facility until the expiry of the agreed period. If the mooring facility 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 facility fee. During the absence of the mooring facility holder the Harbour Authority reserves the right to let the mooring facility to visiting craft. Should this option be required it must be made known to the Harbour Office by December.
- 6.4.6 The first round of allocations is to the waiting list of current customers who have requested a mooring facility move.
- 6.4.7 The second round of allocations will be to customers from the waiting list whose primary residence is in the South Hams. At this stage the residency criteria will be checked. Before allocation, applicants will be required to present a copy of their Council Tax for their primary residence within the South Hams, ie not a second home. The harbour office will then check with SHDC Revenues and Benefits Department that the Council Tax Bill is for the applicant’s primary residence.
- 6.4.8 The third round of allocations, if there are still facilities available for allocation, will be to customers from the waiting list whose primary residence is not within the South Hams.
- 6.4.9 In the event that there is no demand from the waiting list for a particular facility, the mooring facility may be offered to a non-resident of the South Hams. The terms of 6.2.4 will apply.
- 6.4.10 The entire mooring facility allocation process should be complete by mid March.

6.4.11 Customers who indicate their desire to retain a facility and pay a retention fee will be contracted to pay for the facility. If they change their mind and the mooring facility is returned to the harbour before 1 March, the contract will be cancelled and the deposit lost. If the mooring facility is returned to the harbour after 1 March the contract will stand unless the facility can be re-let, when a pro rata refund will be made. Mooring facilities which are not required and become available after 1 March will be offered to the waiting list. If offers to the top quarter of the waiting list are not accepted, the facility will be used for visitors for that season, so keeping the facility available to the waiting list for the following season. The deposit payable for the retention of a Harbour facility will be set by the Harbour Board and reviewed annually.

SHB Facility Allocation Policy Flowchart



- **Initial Allocation** refers to the initial allocation of a facility in a class where a facility was not allocated to this customer in the previous year.
- **Re-allocation** refers to the annual allocation of facilities to customers who have been allocated a facility in this facility class in the previous year.
- **Facility Class**, for example deep water mooring is used since existing customers can move from one particular facility to another within a class without affecting new allocation wait lists. Initial allocations will be made considering suitability of facility within a class.
- Locally resident based on definition and declaration of normally resident. If this changes, facility is reallocated unless the customer ceases to be an SHDC Council tax payer, in which case there is a 2 years notice.
- Facility can be allocated to non SHDC Council Tax payers, but are in effect immediately on two years notice, so will normally be reallocated for a second year, then the facility reverts to the New Allocations process.

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6.5 Provision of Moorings for Visitors

- 6.5.1 Visitors' moorings are a significant element of the Harbour Authority's service to yachtsmen. The Harbour Authority provides a number of mooring facilities, both pontoon berths and swinging moorings, for the use of visitors.
- 6.5.2 The water taxi and the provision of convenient and adequate visiting dinghy facilities on Normandy Pontoon complement the mooring facility for the crews of visiting yachts.
- 6.5.3 Visiting vessels are charged in 1 metre bands.
- 6.5.4 Vessels anchoring will be charged Harbour Dues.
- 6.5.5 To encourage visiting yachts to visit the Salcombe and Kingsbridge Estuary the Harbour Board offer a range of promotional offers and discounts, which will be authorised and reviewed annually.
- 6.5.6 Multi-hulled vessels. Where moorings are shared, the standard mooring charge will be made, but where a multi-hulled vessel requires an individual mooring, a surcharge of 100% may be levied.

6.6 Deep Water Moorings

- 6.6.1 All deep-water mooring facilities will be owned, maintained and controlled by the Harbour Authority.
- 6.6.2 The only exceptions to this policy for deep water mooring facilities applies to the longstanding arrangements with Winters and Yeowards Boat Yard.
- 6.6.3 The western half of The Bag is identified as the site for high-density berthing.
- 6.6.4 Deep water swinging moorings will be charged according to the length of the boat, with a minimum charge for the facility.
- 6.6.5 Deep water pontoon berths will be charged according to the maximum length for which the facility is designed.

6.7 Foreshore Moorings

- 6.7.1 The Harbour Master is authorised to lift and impound any unauthorised mud mooring tackle.
- 6.7.2 Licensees of moorings which are not maintained by the Harbour Authority must confirm annually their compliance with the Harbour Authority's foreshore mooring tackle specifications detailed at Appendix 1.

- 6.7.3 Foreshore mooring facilities will be charged according to the length of the boat using the facility.
- 6.7.4 Foreshore mooring facility holders not using their mooring facility for a period of seven days or more are to inform the Harbour Authority. These mooring facilities, where practicable, will be made available to visitors on weekly contracts. In the event of a mooring facility being re-let by the Harbour Authority, the mooring Licence holder will receive a rebate of their mooring fees. The level of rebate will be set and reviewed annually.

6.8 Foreshore Pontoon Berths

- 6.8.1 The Harbour Authority pontoon berths are generally for vessels up to 2 metres beam and 5.5 metres length overall. There are a small number of larger berths for vessels up to 2.3m beam.
- 6.8.2 Pontoon berths at Batson, Victoria Quay and Kingsbridge will be allocated to private vessels only. Priority on Shadycombe Pontoon is given to business berths. Private berths given up on Shadycombe will normally transfer to business usage on re-allocation.
- 6.8.3 Pontoon facilities are rated for a maximum size of vessel. Customers will be charged according to this maximum size rather than the length of boat they berth on the facility.
- 6.8.4 Mooring facility holders not using their pontoon berth for a period of seven days or more are to inform the Harbour Authority as detailed in 6.7.4. These pontoon berths, where practicable, will be made available to visitors on weekly contracts. In the event of a mooring facility being re-let by the Harbour Authority, the mooring Licence holder will receive a rebate of their mooring fees. The level of rebate will be set and reviewed annually.

6.9 Salcombe Town Landings – Whitestrand and Normandy Pontoons

- 6.9.1 Following the redevelopment and improvements to the Salcombe Town Landings in 2011, the function of Whitestrand and Normandy Pontoons has changed.
- 6.9.2 From October to March Whitestrand Pontoon will be the Salcombe Town Landing. Between April and September Whitestrand Pontoon will be the commercial landing for all commercial vessels that have paid for a Whitestrand landing licence. Between 1900 and 0800 daily there will be two visitors' berths for vessels up to 12m. These berths can be booked in advance through the Harbour Office and will be charged at the normal visitor rates for the full 12m berth.
- 6.9.3 Whitestrand will, for the time being, continue to provide tender berthing for craft up to 4.25m. This service will be charged for in July and

August when a courtesy launch and remote overflow parking facilities will be provided.

6.9.4 From October to March Normandy Pontoon will provide berthing for visiting yachts for up to 30 minutes. Between April and September Normandy Pontoon will be extended and provide two distinct functions. The Northern section will be the Town landing for picking up and setting down only, no unattended berthing. On the back of the Northern section Town Landing there will be berthing for craft of up to 5.5m for 2 hours in any 24 hour period. The southern section of the Normandy Pontoon will provide temporary berthing for visiting yachts for up to 30 minutes and tender berthing for visiting yachts.

6.10 Normandy Pontoon

6.10.1 Overnight berthing is generally not allowed on Normandy Pontoon. The southern end of Normandy Pontoon will be kept available overnight for the RNLi to berth casualty vessels. In exceptional circumstances the Harbour Master's permission may be given for longer berthing on Normandy Pontoon. Generally visiting yachts are limited to 30 minutes.

6.10.1 Double berthing on Normandy Pontoon is prohibited as it constrains the channel.

6.11 House Boat Moorings

6.11.1 The number of commercial houseboats will not exceed three. 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 Board.

6.11.2 Permanent residence on houseboats is prohibited.

6.11.3 The charge for houseboats shall be twice the basic harbour dues and moorings charge for the size of an equivalent vessel.

6.12 Fishing Boat Moorings

6.12.1 The total number of fishing vessels on deep water mooring facilities shall not exceed 25.

6.12.2 Fishing vessel mooring facilities will be charged at the standard annual rate.

6.12.3 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 facility. Six months' notice will be required for new fishing vessels, excluding replacement vessels, requiring a harbour mooring facility.

6.12.4 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.

6.12.5 The Harbour Authority will make a number of Store box mooring facilities available in Castle Bay and Ditch End for allocation to Fishermen and Fish Merchants.

6.13 Commercial Moorings

6.13.1 Businesses requiring additional mooring facilities, and new businesses requiring facilities to support that business, will submit a written request with their justification for additional mooring facilities to the Harbour Board by 30 November annually for consideration during mooring facility 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 mooring facilities available for allocation and the overall % of mooring facilities allocated to commercial activity;
- b. the number of mooring facilities currently available to that business;
- c. the number of boats (licensed as pleasure boats) belonging to that business which are regularly hired out as part of a hire boat business;
- d. 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.
- e. The service the business is proposing to offer.

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 commercially 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 mooring facilities to the new owners so long as there is no change of usage of the mooring facilities. If the mooring facilities are held on licence (private mooring tackle), 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 Moorings Licence (or Harbour Moorings Licence) to the Harbour Authority. In addition, where a recognisable or significant quantity of business assets have been purchased from an existing holder of a Mooring Licence or Harbour Moorings Licence) in the expectation of such licences being surrendered by the present holder to the Harbour Authority and the Harbour Authority granting new licences to the purchaser of those business assets, or on expiry of the present holder's Moorings Licences, the Harbour Authority may in accordance with the policies contained herein adjust the number of licences allocated to the seller of those business assets, and may, at its discretion, grant an appropriate number of new licences 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 licences, 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 Harbour facilities used by businesses for commercial sub-letting purposes will be charged a 50% surcharge on the standard facility charge.

6.14 Laying up

6.14.1 No vessel shall be permitted to lay-up on its mooring facility for more than two years.

6.14.1 Laying up on the foreshore is not permitted without the written permission of the Harbour Master.

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 facility will revert to the Harbour Authority for re-allocation.

6.15 Insurance

- 6.15.1 All craft using the Harbour must be covered for third party liabilities. The level of third party liability will be reviewed annually by the Harbour Board and will invariably follow the current industry standard amount. Failure to maintain insurance cover will result in the withdrawal of mooring/launching facilities.
- 6.15.2 Customer invoices state that in paying the invoice they are “confirming that they have and will maintain third party liability insurance”.
- 6.15.3 The licensee shall, if requested, be obliged to produce evidence to Salcombe Harbour Authority of all such insurance within 2 days of being requested to do so. If the insurances have lapsed or been withdrawn or avoided, the Harbour Authority have the right to remove the boat from the berth and either to place it ashore on hard standing or to place it on a mooring or staging or other facility in the harbour or elsewhere. The costs of any such removal will be charged to the owner at normal commercial rates.

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:

Whitestrand Pontoon Salcombe
Normandy Pontoon Salcombe
Batson Pontoon Salcombe
Kingsbridge Basin Pontoon, Kingsbridge

- 6.16.2 The Harbour Authority has no dedicated berthing arrangements for sailors with disabilities, however if a customer has a specific need or requirement the Harbour Authority will endeavour to make arrangements to meet the requirement.

6.17 Private Foreshore Mooring Licences

- 6.17.1 Private Foreshore Mooring Licences are private mooring facilities established on foreshore which is privately owned within the statutory harbour limits. Prior to the granting of a Private Foreshore Mooring Licence, for which there is no charge, the Harbour Authority will consider the implications of the mooring facility on safe navigation and the pre-existence of any Harbour Authority Moorings or licences within the vicinity. Private Foreshore Mooring Licences will be recorded on

the Harbour Records of Mooring facilities and must be maintained in accordance with the mooring specifications in Appendix 1. Failure to do so will lead to the licence being withdrawn.

6.17 Crime Prevention

- 6.17.1 The Harbour Authority levies a security charge on all facility holders. This finances a Crime Prevention Security Contractor to augment the presence and patrolling outside of the hours covered by the Harbour Staff.
- 6.17.2 Free mooring facilities will be provided, and harbour dues be waived for vessels operating temporarily within the Harbour on behalf of Devon and Cornwall Constabulary and the Severn and Devon IFCA.

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 reinforced, 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 1/4" cwt block – suitably flat and reinforced, 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 1/4 cwt block – suitably flat and reinforced, 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 reinforced, 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 reinforced, 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 reinforced, 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 reinforced, 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 LICENCE
(for berthing a vessel against the Council's pontoon or mooring facility)

1. Duration of Licence

The Licence will:-

- (a) run for the maximum duration of 12 months or such other period as may be specified² (in accordance with Section 16 of the Schedule to the Pier and Harbour Order (Salcombe) Confirmation Act 1954) and is only effective for the year of issue or the alternatively specified period;
- (b) commence on 1 April and expire on 31 March³ of the following year ("the expiry date") unless the licence is for an alternative period, subject to the licensee remaining a resident of the South Hams as defined in the Moorings Policy.
- (c) except that if before the expiry date:-
 - (i) the Council has sent to the licensee a retention form and request for a registration fee; and
 - (ii) the licensee has within the period specified by the Council returned the retention form, indicating that he wishes the licence to continue, and has paid the registration fee; and
 - (iii) the Council has subsequently sent to the licensee an invoice demanding the licence fee (less the registration fee) for the year commencing immediately after the expiry date; and
 - (iv) the balance of the licence fee demanded on the invoice is paid before the expiry date,

then the berthing licence shall be deemed to run for a further 12 months period (or such alternative specified period) immediately following the expiry date; this being subject to the residency requirements of the Moorings' Policy.

² Batson and Victoria Quay Pontoons 7 months, South Sands 5 months.

³ Batson and Victoria Quay Pontoons 1 April – 31 October, South Sands 1 May – 30 September.

2. Unless a berthing licence is renewed as mentioned in paragraph (b) above then it will expire on the expiry date of the 31 March or such alternative date as is specified.

3. Entitlement to a Berthing Licence

The berthing licence is issued subject to the terms and conditions contained herein 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 and is for either:-

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

4. Forfeiture of Licence

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

5. Determination of Licence by the Licensee

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

6. Removal of vessel from Mooring Facility

On the expiration or earlier determination of this licence the licensee shall remove the vessel from the mooring facility.

7. Prohibition on Assignment/Sub-letting etc.

- (a) This berthing licence is personal to the licensee, and cannot be transferred or assigned by the licensee to any other person.
- (b) Subject to paragraph 7(c), the licensee must not sublet, subcontract, hire out, license or lend to any other person its right to use the mooring facility.
- (c) A licensee 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 licence only enables the licensee to berth against the mooring facility the vessel described on the Council's berthing licence 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 licensee 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 licence and shall indemnify the Council against all such claims.

9. Insurance

- (a) The licensee shall at all times have an effective third party/public liability 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 licensee shall provide such third party insurance policy for inspection together with a current premium receipt.

10. Reckless Conduct and Disorderly Behaviour

- (a) The licensee (including any person in control or in charge of any vessel using the mooring facility by virtue of this licence) 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 licensee (including any persons on board a vessel berthed against the mooring facility by virtue of this licence) 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 licensee (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. Re-siting of Berthing Facility

If so required by a notice in writing from the Harbour Master the licensee shall on the expiration of 14 days from the date specified in such Notice cease using the mooring facility allocated initially by this licence and shall only use the mooring facility relocated 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 licence 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 licence to be berthed against it.

15. Contract for services

Customers who indicate their desire to retain a mooring facility and pay a deposit of £125 are contracted to pay for that facility. If the facility is returned to the harbour before 1 March the contract will be cancelled and the deposit lost. If the facility is returned to the harbour after 1 March the contract will stand unless the facility can be re-let, when a pro rata refund will be made.

16. Temporary absence of the Licensee'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 licensee (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 licensee's vessel the Council reserve the right for the Council to permit other vessels to use the mooring facility.
- (c) Should the licensee'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 licensee a temporary alternative mooring facility or remove any vessel preventing the licensee from using the mooring facility.

17. Absence of Licensee's Vessel for a period of at least one year but no longer than two years

If a licensee'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.

18. 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 licensee 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.

19. 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.

20. Service of Notices

Any notice which is required to be given to the Harbour Master or to the licensee 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 licensee addressed to him at his last known place of abode or business. It is the responsibility of the licensee to ensure that contact address details are up to date at all times. Service of notices and documents will be deemed effective to that address as notified by the licensee.

21. Documentary Evidence of Licence

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

- (a) on payment of the appropriate berthing licence fee together with the issue of a printed berthing licence signed by the Harbour Master or

- (b) on payment by the licensee (before the expiry date referred to in paragraph 1(b) above) of an invoice issued by the Council in respect of a berthing licence.

22. Definitions

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

Terms/conditions of berthing licence Revised July 2011

SOUTH HAMS DISTRICT COUNCIL

BERTHING VESSELS within Salcombe Harbour and Kingsbridge Estuary

TERMS AND CONDITIONS of a MOORING LICENCE
(for laying private mooring tackle or pontoons
on the Council's fundus or foreshore)

16. Duration of Licence

The Licence will:-

- (d) 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) and is only effective for the year of issue;
- (e) commence on 1 April and expire on 31 March of the following year ("the expiry date"), subject to the licensee remaining a resident of the South Hams as defined in the Moorings Policy.
- (f) except that if before the expiry date:-
 - (v) the Council has sent to the licensee a retention form and request for a registration fee; and
 - (vi) the licensee has within the period specified by the Council returned the retention form, indicating that he wishes the licence to continue, and has paid the registration fee; and
 - (vii) the Council has subsequently sent to the licensee an invoice demanding the licence fee (less the registration fee) for the year commencing immediately after the expiry date; and
 - (viii) the balance of the licence fee demanded on the invoice is paid by the date demanded on the invoice,

then the mooring licence shall be deemed to run for a further 12 months period immediately following the expiry date; this being subject to the residency requirements of the Moorings' Policy.

17. Unless a mooring licence is renewed as mentioned in paragraph (b) above then it will expire on the expiry date of the 31 March of the relevant year.

18. Entitlement of Mooring Licence

Subject to the terms and conditions herein contained :-

- (c) to lay down mooring tackle or pontoons of the type and specification (if any) and in the position shown on the mooring contract or the invoice demanding the licence fee (the mooring facility”); and
- (d) to berth against the mooring facility either:-
 - (i) the vessel named on the printed mooring licence or the invoice demanding the licence fee; or
 - (ii) (if no particular vessel is named on the said licence or the said invoice) a vessel of the maximum length, beam, draught and type specified in the said licence or said invoice.

19. Forfeiture of Licence

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

20. Determination of Licence by the Licensee

The licensee can determine this licence by giving 14 days notice in writing to the Council, however the licence fee already paid shall be retained by the Council.

21. Removal of vessel from Mooring Facility

- (a) On the expiration or earlier determination of this licence the licensee shall remove the mooring facility from all those parts of Salcombe Harbour and the Kingsbridge Estuary within the freehold or leasehold ownership of the Council.
- (b) Should the licensee fail to comply with the obligation set out in 6 (a) then the Council may do so at the expense of the licensee.
- (c) Should the Council be put to the expense of removing the mooring facility in accordance with paragraph 6 (b) then the Council may at its discretion after the removal of the mooring facility sell the same (in complete or partial satisfaction of the expenses due to the Council under the said paragraph 6 (b)) or destroy the same.

22. Prohibition on Assignment/ Sub-letting etc

- (e) The mooring licence is personal to the licensee, and cannot be transferred or assigned by the licensee to any other person.

- (f) Subject to paragraph 7(c), the licensee must not sublet, subcontract, hire out, license or lend to any other person its right to use the mooring facility.
- (g) A licensee which is a marine business
 - (iii) MAY use the mooring facility to berth a customer's vessel, in order to provide a "complete service" to that customer;
 - (iv) 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.
- (h) 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.

23. Laying Down and Maintenance of the Mooring facility

- (a) Initially the mooring facility shall be laid down in a proper manner to the satisfaction of the Harbour Master.
- (b) Thereafter the mooring facility shall be maintained in a proper manner to the satisfaction of the Harbour Master.
- (c) Should the need for repairs or replacement of the mooring facility arise (over and above usual maintenance) howsoever such damage is caused, then such repairs or replacement (with a similar type of compatible mooring facility) shall be carried out without delay.

24. Own Risk and Indemnity

- (c) This licence only enables the licensee to berth against the mooring facility that vessel described on the Council's mooring licence or invoice. The Council gives no guarantee as to the safety or security of any vessel (or its contents) berthed against the mooring facility.
- (d) The licensee 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 licence and shall indemnify the Council against all such claims subject to the insurance provisions below.

25. Insurance

- (c) The licensee shall at all times have an effective third party/ public liability 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.

- (d) If required the licensee shall provide such third party insurance policy for inspection together with a current premium receipt.

26. Reckless Conduct and Disorderly Behaviour

- (c) The licensee (including any person in control or in charge of any vessel using the mooring facility by virtue of this licence) 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
- (d) The licensee (including any persons on board a vessel berthed against the mooring facility by virtue of this licence) shall not cause unreasonable noise, nuisance or annoyance to other users of the Harbour and Estuary.

27. Compliance with Byelaws and Directions of the Harbour Master

The licensee (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.

28. 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.

29. Re-siting of Berthing Facility

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

30. Recovery of Unpaid Licence Fee

Without prejudice to any other method of recovery of any unpaid licence 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 licence to be berthed against it.

16. 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.

17. Service of Notices

Any notice which is required to be given to the Harbour Master or to the licensee 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 licensee addressed to him at his last known place of abode or business. It is the responsibility of the licensee to ensure that contact address details are up to date at all times. Service of notices and documents will be deemed effective to that address as notified by the licensee.

18. Documentary Evidence of Licence

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

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

19. Definitions

- (c) “the mooring facility” is defined in paragraph 3 above.
- (d) “the expiry date” of this licence is described in paragraph 1(b) above.

Terms/conditions of berthing licence Revised Sept 2010

AGENDA
ITEM
11

SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM
11

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	9 July 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:

- a. **Note the report and key dates;**
- b. **Extend the Public Consultation on the Kingsbridge Future Berthing Options to 21 September 2012.**

Officer contact:

Ian Gibson – 01548 843791 (Internal 7104)

1. BACKGROUND

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

2. MATTERS FOR FUTURE CONSIDERATION

2.1 Harbour Board Dates

- 2.1.1 The following dates have been set for Harbour Board Meetings:
 - 24 September 2012
 - 12 November 2012
 - 4 February 2013
 - 8 April 2013
 - 3 June 2013
 - 9 July 2013
 - 23 September 2013

2.3 Performance Management

2.3.1 Reviewed quarterly with the report for the 1st quarter of financial year 2012/13 being presented on 24 September 2012.

2.4 Year End Budget Report 2011/12

2.4.1 To be presented to the Board in July Annually. The Final Accounts Report is an agenda item for this meeting on 9 July.

2.5 Harbour Annual Inspection

2.5.1 To take place in July Annually. This year's inspection will take place on the morning of 9 July before the scheduled Board Meeting.

2.6 Moorings Policy

2.6.1 The Draft Moorings Policy has been out to consultation with the Harbour Community Forums, closing date was 25 May 2012.

2.6.2 The working group met on 13 June 2012 to consider the consultation feedback and considered the draft Consultation Document for the Public Consultation, which forms a separate agenda item for this meeting.

2.6.3 To allow longer for the Public Consultation the closing date is proposed to be moved to 21 September 2012.

2.6.4 The target date for the finalisation of the Moorings Policy review is now 12 November 2012.

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 Kingsbridge – Future Berthing Options

2.8.1 The Public Consultation commenced in June.

2.8.2 A Public Meeting was held at Quay House Kingsbridge on Wednesday 27 June at 19:00.

2.8.3 If any other groups want a consultation meeting, this will be facilitated.

2.8.4 Kingsbridge Town Council have requested that the public consultation be extended to enable more time to consider the issue. It is proposed to extend the Public Consultation to 21 September 2012.

2.8.5 Members of the public should forward their comment to:
Salcombe.harbour@southhams.gov.uk.

2.9 Long Term Security of Tenure

2.9.1 The Strategic Business Plan 2012-2017 set out within its key Strategic Objectives task 4.1 - To consider future boating trends and provide suitable and appropriate facilities and Services through an annual Harbour Board Workshop.

2.9.2 A Harbour Board workshop will be held on 24 October 2012 at Follaton House between 1000 and 1500.

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 2nd Edition dated 26 March 2012. Constitution of the Salcombe Harbour Board (as adopted by Council on 25 June 2009). Report on Moorings Policy dated 9 July 2012.

	Final Accounts Report dated 9 July 2012. PMSC Audit Report dated 30 January 2012.
Appendices attached:	

Ian Gibson
Harbour Master

Salcombe Harbour Board
9 July 2012

**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD
HELD AT CLIFF HOUSE, SALCOMBE ON MONDAY, 9 JULY 2012**

Members in attendance			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr R J Carter (Chairman)	∅	Mr J Barrett
*	Cllr M J Hicks	∅	Dr C C Harling (Vice Chairman)
*	Cllr K R H Wingate	*	Mr M Mackley
*	Cllr S A E Wright	*	Mr H Marriage
		*	Mr A Thomson
		*	Mr P Waring

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

SH.10/12 MINUTES

The minutes of the meeting of the Salcombe Harbour Board held on 28 May 2012 were confirmed as a correct record and signed by the Chairman.

SH.11/12 URGENT BUSINESS

The Chairman advised that there were no items of urgent business.

SH.12/12 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, and the following was made:

Cllr S A E Wright, Mr M Mackley, Mr A Thomson and Mr P Waring all declared a personal interest by virtue of having moorings and remained in the meeting and took part in the debate and vote on all agenda items.

SH.13/12 PUBLIC QUESTION TIME

Members of the public were in attendance, and advised that they did not wish to utilise the Public Question Time session.

SH.14/12 **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

Cllr S A E Wright advised that the Conservation Forum had no issues to raise.

Salcombe Kingsbridge Estuary Association (SKEA)

Mr M Mackley advised that SKEA had reactivated their webpage, and they had no issues to raise.

Kingsbridge Estuary Boat Club (KEBC)

Mr H Marriage advised that there was no update from the KEBC.

South Devon & Channel Shellfishermen

Cllr R J Carter advised that the Shell fishermen had no issues to raise.

Kingsbridge and Salcombe Marine Business Forum

Cllr S A E Wright advised that a request had come forward for signage at the bottom of the pontoon at Whitestrand which set out ferry timetables. As other signs had recently been put up, the Board decided to wait until the next meeting before making a decision on further signage. The Harbour Authority is keen to support businesses whilst keeping the level of signage to a minimum.

SH.15/12 **ANNUAL REPORT**

The Board considered a report which presented the Harbour Board's Annual Report.

The Harbour Master introduced the report and advised the Board that it drew together the end of the five year plan. Members considered increasing the circulation of the report, as they felt it was a well presented document that put information on the record, however, following a brief discussion it was agreed to retain the current circulation numbers as the report was also available on the website.

The Board thanked the Harbour Master for a well presented report.

It was then:

RESOLVED

That the Annual Report 2012 be published.

SH.16/12 FINAL ACCOUNTS 2011/12

The Board considered a report which advised Members of the Harbour's final trading position in 2011/2012 together with brief details of the variations from the original budget.

The Harbour Master introduced the report, and advised Members that the final accounts showed a surplus of over £96,000. He explained that the reason for the surplus was that the Harbour had over performed on all income targets set and reduced operating costs for the second year in a row. This would impact on the budget setting process for 2013/14. One area for savings had been the disposal of redundant pontoons which had been sold and generated an income, rather than costing the Authority to dispose of to land fill.

During discussion the following points were raised:

- The surplus would be placed in the General Reserve, and would be needed to help any deficit for 2012/13 as visitor numbers were 35% down so far in comparison to 2011/12;
- South Hams District Council procurement processes had helped to keep the cost of contracts down which had been aided by the keen trading environment that the Council was currently in;
- The presentation of the accounts had improved and the accuracy of figures predicted was good;
- The Harbour Master advised that increasing costs included postage and staff. He hoped to bring a report to the September 2012 Board meeting to help address the postage costs.

The Harbour Master then provided clarification on other minor points.

It was then:

RESOLVED

That the final accounts for 2011/2012 as set out in Appendix A of the presented report be noted.

SH.17/12 MOORINGS POLICY – PUBLIC CONSULTATION

The Board considered a report that reviewed the draft Moorings Policy which sought approval of the publication of the draft for public consultation.

The Harbour Master introduced the report and asked Members to note the change of closing date for the consultation. Previous concerns relating to identifying those who were primary residents had been allayed, as second home owners would still be identifiable on their council tax bill after the anticipated removal of the Council Tax discount for second homes.

Following a brief discussion it was agreed that a fuller debate would take place once the consultation had been completed.

It was then:

RESOLVED

That the Draft Moorings Policy Public Consultation document be published with a consultation closing date of 21 September 2012.

SH.18/12 **MATTERS FOR FUTURE CONSIDERATION**

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

The Harbour Master introduced the report, and particularly asked Members to note the date of the workshop in October. He also advised Members that agenda items for the next meeting would include setting the 2013/14 budget, fees and charges.

In relation to the consultation on Kingsbridge Estuary – Future Berthing Options, he asked that if any Member was aware of any groups that had not yet been consulted, could they please let him know.

It was then:-

RESOLVED:

That the report and key dates be noted; and

That public consultation on the Kingsbridge Future Berthing options be extended to 21 September 2012.

(Meeting commenced at 2.30 pm and concluded at 3.25 pm).

Chairman