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SOUTH HAMS SALCOMBE HARBOUR BOARD - MONDAY, 20TH MAY, 2013

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 - Performance Management (Pages 3 - 24)

b) Item 9 - Matters for Future Consideration (Pages 25 - 28)

c) Item 10 - Report on Topical Harbour Issues (Pages 29 - 48)

3. **Minutes** (Pages 49 - 54)

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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 G Burrell, Mr C C Harling,
Mr H Marriage, Mr M Mackley, Mr A Thomson and Mr M Taylor)

Our Ref: CS/KT

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

10 May, 2013

Dear Member

A meeting of the **Salcombe Harbour Board** will be held at **Cliff House, Salcombe** on **Monday, 20 May, 2013**, 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>

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 8 April, 2013 (pages 1 to 3);
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 disclosable pecuniary 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. **Performance Management** – to consider a report which reports the Harbour’s performance against agreed Performance indicators (PIs) (pages 4 to 22);
9. **Matters for Future Consideration** – to consider a report which identifies matters for future consideration by the Harbour Board (pages 23 to 26);
16. **Report on Topical Harbour Issues** – to consider a report which sets out a range of topics that do not require a report in their own right (pages 27 to 43).

* * * * *

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

THIS AGENDA HAS BEEN PRINTED ON ENVIRONMENTALLY FRIENDLY PAPER

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AGENDA
ITEM

8

SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

8

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	20 May 2013
REPORT TITLE	PERFORMANCE MANAGEMENT
REPORT OF	Salcombe Harbour Master
WARDS AFFECTED	All South Hams

Summary of Report

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

RECOMMENDATION

That the Harbour Board RESOLVES to:

Note Harbour Performance against agreed Performance Indicators.

Either

Reaffirm the Moorings allocation Policy

or

Direct a review of the Moorings Allocation Policy be undertaken, review to be lead by a working group.

1. BACKGROUND

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

2. ISSUES FOR CONSIDERATION

- 2.1 This report of Harbour Performance Indicators covers the period from 1 January to 31 March 2013. The detailed report against the agreed performance Indicators with comments for the period is at Appendix A. Detailed comments below are limited to where targets have not been met or have exceeded by a considerable margin:

2.1.1 SH 5(L) Slipways and steps Inspected and cleaned. **Kingsbridge slipway** is breaking up which makes it difficult for the Harbour Authority to keep the slipway clean and free of slippery weed. Slipway remains serviceable but needs remedial work. **Cliff House Garden steps** were damaged by storms during the winter and finally collapsed on 13 June. The Cliff House Garden steps will be replaced by the Harbour Authority in May 2013.

2.1.2 SH22 (L) Accidents involving Members of Staff. A member of staff walked off the end of the fish quay slipway while clearing the slipway of silt. The water was extremely turbid making it impossible to see where the end of the slipway was. His lifejacket inflated and no injuries were sustained.

2.1.3 SH30(L) Marine Crime. The Harbour Staff and Devon and Cornwall Police pursued proactive crime prevention campaign throughout the season, sending out 37 letters to customers alerting them to “criminal opportunities” presented by their boats and equipment. This may have contributed to the 22% annual reduction in reported crime.

2.1.4 SH32A(L) Staff days Lost to Sickness Absence. There has been a massive improvement in days lost to sickness absence with an 86% reduction from 246 days in 2011/12 to 33 in 2012/13.

2.1.5 SH33(L) Customer Complaints.

2.1.5.1 There was one complaint about the bird scaring tape at Batson, which was deployed temporarily in an attempt to stop the seabirds fouling the pontoons after they had been pressure washed ready for the season.

2.1.5.2 There were a further 8 complaints during this quarter about the Moorings Allocation Policy, detailed at Appendix 2, following the announcement that SHDC were removing the second home discount. There have been many more customers who expressed disbelief that the Policy still favours permanent residents when they are now paying 100% Council Tax.

2.1.5.3 Because of the number of complaints about the Moorings Allocation Policy, and the tone of several of the complaints, advice was sought from the SHDC Legal team requesting is the current policy discriminatory now that the reduction in Council Tax for second home owners has been removed. The current policy states:

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.

The advice is from the Council's Legal Department is at Appendix 3.

- 2.1.5.4 Following the removal of the discount for second homes, it is becoming increasingly difficult to use the Council Tax Bill as proof of residency. South Hams Council Tax Office have recorded second homes as having 0% discount, but as there is no financial penalty, any customer who contacts the Council Tax Office can get this remark removed. The document has to be accepted at face value as evidence of permanent residency. Examples of the Council Tax Bills being presented, highlighting the differences can be found at Appendix 4.
- 2.1.5.5 The next round of mooring allocations starts in November 2013. This will be the first full allocation following the change to the Council Tax. A decision on the way ahead will be required before this allocation commences.
- 2.1.5.6 It is recommended that the Board consider the factors appertaining to mooring allocation and how the current Policy is being implemented and makes a decision on how it wants to proceed. The options are:
- a. No change to the current policy of giving priority to permanent residents of the South Hams.
 - b. To consider a change to the policy, which would potentially require further Public Consultation, which was overwhelmingly in favour of maintaining the status quo when the Policy was reviewed in 2012. If this course of action is taken it is recommended that a working group lead this work.
- 2.1.6 SH34(L) Income from Visiting Yachts. Visiting yacht income was down by 78% in the 4th quarter and down 14% for the year. There were three factors which affected these disappointing figures, the protracted recession, the Olympics and the atrocious weather conditions throughout the year.
- 2.1.7 SH 35(L) Visiting Yacht Numbers. Visiting yacht numbers were down by 70% during the 4th quarter and 20% for the year compared with 2011/12 figures.
- 2.1.8 SH 36(L) Visiting Yacht Length of Stay. The average length of stay for the visiting yachts in 4th quarter was only 1.18 nights. Overall for the year, the average length of stay was a more respectable 1.87 days. Now that the 1.5 days average length of stay has been achieved it is proposed to change the target to 2 days for 2013/14.
- 2.1.9 SH37(L) Yacht Taxi. Despite a very small increase in the number of yacht taxi passengers carried during the 4th quarter, the total numbers carried during the year were down by 22%. This reflects the reduced number of visitors to the Estuary throughout the year.

2.1.10 SH40(L) Pollution Incidents. There was one pollution incident reported at Kingsbridge in the 4th quarter. The source of the pollution was not identified by the Environment Agency.

2.1.11 SH43(L) Recycling of Yacht Refuse. The drop in performance this year is attributed to the contamination of the dry recycling, which once contaminated has to go to landfill.

3. LEGAL IMPLICATIONS

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

3.2 There are no other legal implications to this report.

4. FINANCIAL IMPLICATIONS

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

4.2 It is forecast that despite the poor performance figures during the wettest year on record, the harbour account will be in balance at the end of the financial year.

5. RISK ASSESSMENT

5.1 The risk management implications are:

Risk/Opportunity	Risk Status			Mitigating and Management Actions
	Impact/Severity	Likelihood/Probability	Risk Score	
The setting and monitoring of realistic Performance Targets will enable the Harbour Board to ensure that statutory obligations are met and that there is real improvement in the service offered to users of Salcombe harbour. The Harbour Authority is not delivering a satisfactory service to harbour users. Trends and issues can be identified early and policies and strategies developed to address issues.	3	2	6	The Harbour Board, through its contact with harbour Community Forums and by setting and monitoring performance standards will be in a position to amend the Strategic Business Plan ensuring it remains relevant and that Harbour funds are invested wisely.

Corporate priorities engaged:

Consideration of equality and human rights:

Biodiversity considerations:

Sustainability considerations:

Crime and disorder implications:

Background Papers:

Appendices attached:

Community Life, Economy, Environment

Equality issues are dealt with in the report under the discussion of the Mooring Policy.

Harbour Board performance and policies have a bearing on biodiversity.

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

The Report considers reported marine crime within the Estuary.

Salcombe Harbour Moorings Policy dated 12 November 2012.

1. Salcombe Harbour Performance Management Grid.
2. Summary of Customer Comments/Complaints following the removal of the Second Home Council Tax Discount
3. Legal Advice Memo dated 15 April 2013 - Exempt
4. Examples of Council Tax Bills.

Ian Gibson
Harbour Master

Salcombe Harbour Board
20 May 2013

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SALCOMBE HARBOUR BOARD – PERFORMANCE MANAGEMENT REPORT SECOND QUARTER 2012/13

Lead Officer – Ian Gibson

REF	ACTIVITY	YEAR	ANNUAL TARGET 2012/13	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS
			----- ACTUAL FOR 2011/12							
SH1 (L)	A visual check of all harbour owned and maintained facilities, landings, pontoons, mooring berths, navigational marks and beacons.	2012/13	Monthly	3 inspections	3	3	3	3	☺	
		2011/12	Monthly	3 inspections	3	3	3	3		
SH2 (L)	Defects rectification of major harbour infrastructure and facilities.	2012/13	Investigated within 24 hours, repaired within 7 days	All Defects not repaired within 7 days	0	0	0	1	☺	Fish Quay Slipway unavailable due to planned major repairs.
		2011/12	As for 2012/13	As for 2012/13	0	0	0	0		





REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH3 (L)	Launch serviceability	2012/13	Apr to Sep 8 available Sep to Mar 4 available	3 Available	7	8	4	3	☺	
		2011/12	As for 2012/13	3 Available	7	8	4	3		
SH4 (L)	Major Plant un-serviceability (Crane, Barge, Fork lift truck & Van)	2012/13	Available except for planned maintenance, defects rectified within 5 working days.	0	0	0	0	0	☺	
		2011/12	As for 2012/13	0	0	1	0	0		
SH5 (L)	Slipways and steps Inspected and cleaned	2012/13	Inspected weekly, cleaned Monthly	3	3	3	3	3	☺	Kingsbridge slipway is deteriorating rapidly and is crumbling so in parts cannot be power washed.
		2011/12	As for 2012/13	3	3	3	3	3		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH6 (L)	Failure of navigation lights and marks will be rectified or Local Notice to Mariners issued	2012/13	Within 24 hours	0	0	0	0	0	☺	
		2011/12	Within 24 hours	0	0	0	0	0		
SH7 (L)	Patrol of estuary and harbour to ensure no hazards to navigation exist	2012/13	Daily	90	91	92	89	90	☺	
		2011/12	Daily	90	91	92	89	90		
SH8 (L)	Inspection and preventative maintenance of Deep water and Foreshore Moorings	2012/13	100% Annually	100%	Complete	Complete	100%	Complete	☺	
		2011/12	100% Annually	100%			100%			

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH20 (L)	Compliance with Port Marine safety Code	2012/13	100% Annual audit	Compliance	Compliance	Compliance	Annual Inspection	Compliance	☺	
		2011/12	100% Annual audit	Compliance	Interim Inspection	Compliance	Annual Inspection	Compliance		
SH21 (L)	Compliance with Merchant Shipping Act 1995 Section 198(1) Trinity House inspection of local aids to navigation.	2012/13	100% Annual Audit	Compliance	Annual Inspection	Compliance	Compliance	Compliance	☺	
		2011/12	100% Annual Audit	Compliance	Annual Inspection	Compliance	Compliance	Compliance		
SH22 (L)	H&S Incidents and accidents (Staff)	2012/13	10% reduction year on year	≤1	1	1	0	1	☺	Member of staff walked off end of fish quay slipway whilst clearing it of silt.
		2011/12	10% reduction year on year		1	1	3	1		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH22 A (L)	H&S Incidents and accidents (Public)	2012/13	10% reduction year on year	≤1	1	2	0	0	☺	
		2011/12	10% reduction year on year		2	2	1	0		
SH23 (L)	Speeding Offences detected	2012/13	5% annual reduction	≥1	7	32	0	0	☺	
		2011/12	5% reduction		7	60	2	1		
SH24 (L)	Minor Collisions	2012/13	5% annual reduction	≥2	5	16	0	0	☺	
		2011/12	5% annual reduction		0	39	2	1		
SH30 (L)	Crime figures	2012/13	10% annual reduction	≤3	8	6	6	1	☺	Reported crime during 2012/13 was down by 22% on 2011/12.
		2011/12	10% annual reduction		5	12	7	3		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH31 (L)	Night Security Patrols	2012/13	100% of contracted patrols	100%	100%	100%	100%	100%	☺	
		2011/12	100% of contracted patrols		100%	100%	100%	100%		
SH32 (L)	Permanent Staff Turnover	2012/13	< 10% annually	0	1	0	0	0	☺	
		2011/12	< 10% annually		0	2	0	0		
SH32A (L)	Staff days Lost to Sickness Absence	2012/13	< 10% annually	≤89	23	7	3	0	☺	Staff days lost to sickness absence were down by 86% in 2012/13 compared with 2011/12
		2011/12	< 10% annually		62	39	98	47		
SH33 (L)	Customer Complaints	2012/13	10% annual reduction	≤1	0	3	0	9	☹	There were 8 complaints about the Moorings Allocation Policy following the news that SHDC were removing the second home discount and one complaint about bird scaring tape at Batson.
		2011/12	10% annual reduction		2	2	0	0		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH34 (L)	Income from visiting yachts	2012/13	5% increase	2,019	43,736	96,438	4,954	402		Visiting yacht income was down 78% in 4 th quarter and down 14% for the year
		2011/12	5% increase		58,550	103,304	5,336	1,992		
SH35 (L)	Visiting Yachts	2012/13	5% Increase	91	1,407	3,191	174	26		Visiting yacht numbers down by 70% in 4 th quarter and 20% overall for the year
		2011/12	5% increase		2,094	3,631	239	87		
SH36 (L)	Visiting Yacht length of Stay	2012/13	Increase length of stay to 1.5 nights	1.5	2.1	1.69	1.8	1.18		The average length of stay for the visiting yachts in 4 th quarter was only 1.18 nights. Overall for the year the average length of stay was a more respectable 1.87 days.
		2011/12	Increase length of stay to 1.5 nights		1.8	1.37	2.07	1.25		
SH37 (L)	Yacht Taxi – Passengers carried	2012/13	5% Annual increase in passenger usage	193	6,168	12,863	45	190		Despite a very small increase in the number of yacht taxi passengers carried during the 4 th quarter, the total numbers carried during the year were down by 22%.
		2011/12	5% Annual increase in passenger usage		8,427	16,007	203	184		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
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SH38 (L)	Visiting boats Harbour dues collected at Slipway	2012/13	Annual increase		7,142	9,983	0	186	☺	
		2011/12	No Information							
SH40 (L)	Water Quality Recorded number of pollution incidents	2012/13	Pollution Incidents	0	6	7	1	1	☹	1 x incident reported at Kingsbridge
		2011/12	Pollution Incidents	0	1	12	3	0		
SH41 (L)	Guided Events	2012/13	3/Quarter	3	4	5	5	3	☺	
		2011/12	Monthly	3	3	7	5	5		
SH42 (L)	Litter Pick Up Events	2012/13	Quarterly	1	2	2	2	2	☺	
		2011/12	Quarterly	1	3	1	2	2		
SH43 (L)	Recycling of yacht refuse	2012/13	Annual Increase	≥ 51%	0	26.93%	0	0	☹	Total recycled – 3.005 tonnes Total residual – 8.153 tonnes Total waste arisings – 11.158 tonnes
		2011/12	Annual Increase		0	51%	0	0		

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Summary of Customer Comments following the removal of the Second Home
Council Tax Discount

Date	Comment/Complaint
3 January 13	Salcombe Harbour has long operated a discriminatory mooring allocation policy where second home owners have not been entitled to join the residents' waiting list for moorings. If the 692 second homes in Salcombe were to be required to pay the full rate they will expect and demand the same rights as locals.
4 January 13	Mr ██████ complained about the Moorings Policy and his perception that the policy discriminates against second home owners.
10 January 13	██████████ o/r ██████ came in to office to see if his application for a wall mooring in Kingsbridge would be successful this year. He was told he would not be allocated one as there are permanent residents also waiting. He asked what will happen when he has to start paying 100% Council Tax. Customer informed that the Harbour Board have discussed and priority still given to permanent residents. He says he will take us to the European Court of Human Rights.
14 January 13	I bought a Holiday Home in Salcombe 24 years ago. We have been on the 'Non Resident' mooring list for many years. We are aware that the Council Tax discount for Second Home owners is to be withdrawn from April this year. We welcome this decision and have long believed all property owners should pay their equal share in the maintenance of public services and facilities. With this equality comes the need to rectify certain anomalies. One of these is the adverse distinction between 'Resident' and 'Non Resident' when it comes to the allocation of council moorings. Following the change in Council Tax we hope the Harbour Authority will amend its policy to form 'one' waiting list and treat all residents as equals.
4 February 13	Having holidayed every year in Salcombe since 1977, I purchased a home here in Salcombe in 1999 and my application for a foreshore mooring for my dinghy is still unfulfilled. I retained my home in Berkshire but my home in Salcombe is not rented out but is regularly occupied by members of my family throughout the year. When I made the mooring application in 1999 I was advised that I would be put on a waiting list but since I only paid 50% of the normal council tax on my Salcombe property, it was likely that my wait would be lengthy. Very shortly, I will be paying the full council tax on my Salcombe property and this would seem to draw a line under the separation of mooring applications between local residents and owners of second homes. The differentiation between local and second home owners has always provoked controversy – some of it rather ungracious on both sides. It is reasonable to conclude that both groups need the other for Salcombe's economic

	<p>survival to be assured and maintained and opportunities to remove past obstacles to integrating the Salcombe community should be readily grasped. I therefore hope you can respond to me by indicating how future mooring applications both on the foreshore and at Shadycombe will be processed.</p>
16 March 13	<p>As the non-resident discount in Council Tax has now been abolished, can you confirm that the “A” and “B” waiting lists for moorings in Salcombe Harbour will also now be abolished? Given that there is now no financial difference in contribution from Council Tax payers, I would imagine that a differential waiting list would be legally unsustainable, and moorings should now be allocated according to time on the waiting list alone .</p>
21 March 13	<p>In December 2012, I wrote to you regarding the unfair policy for the allocation of moorings operated by the Salcombe Harbour Office. In response to this, Ian Gibson said that ‘it had been the longstanding policy for the allocation of moorings and facilities to allocate to customers who are permanently resident in the South Hams’.</p> <p>At that time I was paying 90% council tax and had to reluctantly accept this decision to positively discriminate in favour of local residents. However, from the 1st April I will be become a 100% council tax payer and can no longer see any justification in this policy which the Harbour Office has confirmed to me, will continue. My family and I have spent the last thirty years holidaying in Salcombe and spend a considerable amount of time and money in the town whilst putting no strain on local services and we receive little in return. We have been second homes owners for seven years and on the waiting list for a mooring since February 2009. The system operated by the Harbour Office has always been open to abuse and because the new council tax form no longer shows who is permanently resident and who is not, there is no way the Harbour Office will be able to distinguish between the two. Is it lawful for this discrimination to continue?</p> <p>I would be interested in your comments.</p> <p>I am sending a copy of this to the MP for Salcombe, Dr Sarah Wollaston and also to the local paper.</p>
20 April 13	<p>Hi, Following the recent change in council tax how does this affect my position in the South Sands mooring waiting list I have had my name down for approx seven years 2005 Regards</p> <p>████████████████████ HM replied:</p> <p>The Harbour Board Policy is to give priority for the allocation of Harbour Moorings to customers who are permanently resident within the South Hams. Council Tax has been taken as an indicator of residency. Customers who have a second home in Salcombe or the surrounding area will have their CT bill annotated, 0% discount.</p>

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**South Hams
District Council**

COUNCIL TAX BILL 2013/14

Follaton House Plymouth Road Totnes Devon TQ9 5NE
Tel. Totnes (01803) 863414
Web site www.southhams.gov.uk
e-mail: customer.services@southhams.gov.uk

[REDACTED]

Date of Issue: 11-MAR-2013

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Valuation Band and Range:

Band: H (Over £320,000)

Property Address, if different to opposite

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

147
00015



The Council Tax for this band is made up of the amounts collected for:

	Amount	% inc
Devon County Council	2232.72	0.0
South Hams District Council	285.42	3.5
Salcombe Town Council (precept of £63,971)	68.60	0.0
Devon and Somerset Fire & Rescue Authority	150.78	2.0
Devon and Cornwall Police and Crime Commissioner	325.84	2.0

Annual Charge £3063.36 0.6

Reason for Bill: Annual

Charge For Period	Band H	01-APR-2013	31-MAR-2014	3063.36
Empty Furnished Property Discount - 0%		01-APR-2013	31-MAR-2014	0.00

Total £3063.36

Please see over for payment methods and customer information

****HAVE YOU CONSIDERED PAYING BY DIRECT DEBIT****
****TO HELP KEEP COSTS DOWN****

Instalment(s) Due:
01-JUN-2013 £3063.36

If there is a discount or exemption shown on this bill and you are no longer entitled to it, you must notify the Council within 21 days, or you may face a penalty.



COUNCIL TAX BILL 2013/14



Follaton House Plymouth Road Totnes Devon TQ9 5NE
Tel. Totnes (01803) 863414
Web site www.southhams.gov.uk
e-mail: customer.services@southhams.gov.uk

**South Hams
District Council**

[REDACTED]

Date of Issue: 11-MAR-2013

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Valuation Band and Range:

Band: D (£68,001 - £88,000)

Property Address, if different to opposite

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

188
00053



The Council Tax for this band is made up of the amounts collected for:		Amount	% inc
Devon County Council		1116.36	0.0
South Hams District Council		142.71	3.5
West Alvington Parish Council (precept of £4,010)		16.50	11.4
Devon and Somerset Fire & Rescue Authority		75.39	2.0
Devon and Cornwall Police and Crime Commissioner		162.92	2.0
		Annual Charge	£1513.88 0.7
Reason for Bill: Annual			
Charge For Period	Band D	01-APR-2013 31-MAR-2014	1513.88
			Total £1513.88

Please see over for payment methods and customer information

****TAKE NO ACTION - THESE AMOUNTS WILL BE****
****COLLECTED BY DIRECT DEBIT****

Instalment(s) Due:			
01-APR-2013	£154.88	01-OCT-2013	£151.00
01-MAY-2013	£151.00	01-NOV-2013	£151.00
01-JUN-2013	£151.00	01-DEC-2013	£151.00
01-JUL-2013	£151.00	01-JAN-2014	£151.00
01-AUG-2013	£151.00		
01-SEP-2013	£151.00		

If there is a discount or exemption shown on this bill and you are no longer entitled to it, you must notify the Council within 21 days, or you may face a penalty.



AGENDA
ITEM

9

SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

9

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	20 May 2013
REPORT TITLE	MATTERS FOR FUTURE CONSIDERATION
REPORT OF	Salcombe Harbour Master
WARDS AFFECTED	All South Hams

Summary of Report

To identify matters for future consideration by the Harbour Board.

RECOMMENDATION

That the Harbour Board RESOLVES to note the report.

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:

- 15 July 2013
- 23 September 2013
- 11 November 2013
- 3 February 2014
- 31 March 2014
- 2 June 2014
- 14 July 2014
- 22 September 2014

2.3 Performance Management

2.3.1 Reviewed quarterly with the report for the 1st quarter of financial year 2013/14 being presented on 23 September 2013.

2.4 Year End Budget Report 2011/12

2.4.1 To be presented to the Board in July Annually.

2.5 Revenue Budget and Review of Fees and Charges.

2.5.1 The annual revenue budget for the following financial year will normally be brought to the Harbour Board for consideration in September annually.

2.5.2 The Harbour fees and charges will be reviewed annually and brought to the Board for consideration directly after the Budget in September annually.

2.6 Harbour Board Annual Report

2.6.1 The Harbour Board Annual Report will be prepared for the Board Meeting on 15 July. The draft will be circulated in May, once the yearend financial figures have been finalised, for Board Members to comment.

2.7 Harbour Annual Inspection

2.7.1 To take place in July Annually. Next year's inspection will take place on the morning of 15 July 2013 before the scheduled Board Meeting. The Board will be joined by Mr Peter Nicholson, Salcombe Harbour's Designated Person for compliance with the Port marine safety Code.

2.7.2 The program for the 2013 inspection will start at Batson Boat Park at 1030 and will include the following:

- Fish Quay
- Batson Boat Park and slipway
- Batson Pontoons
- Shadycombe Pontoons
- Victoria Quay Pontoons
- Visitor Pontoon
- Gash reception facilities
- Coad Cove Pontoons – Finger trial
- Black Water pump out facilities
- Kingsbridge
- New Bridge
- Dentrige Commercial Pontoons
- Houseboats
- South Sand
- Castle bay Store Boxes
- Cliff House gardens

- Jubilee Pier
- Salcombe Town Landings

2.7.3 On completion of the tour of inspection a light lunch will be served at Cliff House at 1330. This will present an opportunity for Board Members to meet the Harbour Staff.

2.8 Review of Trial use of fingers on Coad Cove Pontoons

2.8.1 As part of a review of Deep Water Mooring Options The Harbour Board agreed to a trial use of fingers on the Coad Cove Pontoons for vessels up to 8m during the 2013 Season (SH 27/12).

2.8.2 The aim of the finger berths for small vessels is to make full use of the deep water pontoon asset and free up some space in order to make some additional larger berths to get the mooring waiting list moving.

2.8.3 Four fingers were installed and allocated for the 2013 season on Coad Cove B Pontoon.

2.8.4 The Board will review the viability of this trial in September 2013.

2.9 Compliance with the Port Marine Safety Code

2.9.1 The Harbour is audited bi-annually by the designated person. A report of the Audit forms part of the agenda of this meeting.

2.9.2 The next inspection will be on 15 July 2013 to coincide with the Annual Inspection.

2.10 Long Term Security of Tenure

2.10.1 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.

2.10.2 The second Harbour Board annual workshop will be held on 30 October 2013.

2.11 Visiting Yacht Shower facility

2.11.1 The Showers were sufficiently complete to be available for public use by Good Friday.

2.11.2 To mark the milestone event of providing shower facilities there will be an opening ceremony on Tuesday 21 May at 1500 at Whitestrand. Following the ribbon cutting ceremony light refreshments will be provided for the invited guests.

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	Risk Status			Mitigating and Management Actions
	Impact/Severity	Likelihood/Probability	Risk Score	
The Harbour Authority is striving to deliver an improving service to harbour users.	3	2	6	The Harbour Board, considers many routine issues annually, topical items will be brought to the Board as they arise. The objective being 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). Harbour Board Constitution (as adopted by Council on 25 June 2009). SH 27/12 – Review of Deep Water Mooring Options
Appendices attached:	None

Ian Gibson
Harbour Master

Salcombe Harbour Board
20 May 2013

AGENDA
ITEM

10

SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

10

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	20 May 2013
REPORT TITLE	TOPICAL HARBOUR ISSUES
REPORT OF	Salcombe Harbour Master
WARDS AFFECTED	All South Hams

Summary of Report

To consider a range of topical harbour issues which do not warrant a separate report in their own right.

RECOMMENDATION

That the Harbour Board RESOLVES to note the report.

1. BACKGROUND

- 1.1 As the season approaches, there are a range of issues which the Board and the Public should be aware of.

2. TOPICAL HARBOUR ISSUES

2.1 Showers.

- 2.1.1 The formally opening ceremony for the Salcombe Shower Facility will be on Tuesday 21 May 2013.
- 2.1.2 A range of Council and local dignitaries, and the artists who painted the tiles, have been invited to attend.
- 2.1.3 The showers will be available in the season between 0700 and 2100 and during normal office hours out of season.

2.2 Salcombe Fish Quay Re-development

- 2.2.1 The contractor is on site and progressing. To date, the completion date has been moved forward by 3 weeks, from the 1st of July. The date when the slipway shall be available to the fisherman once more shall be before that time, but is yet to be clarified (with the contractor for programming).

- 2.2.2 Salcombe Harbour are working closely with SHDC and the Contractor to look at ways to mitigate any impact on recreational users and the fishermen.
- 2.2.3 Factors under consideration at present is maintaining some tender berthing for the fishermen in deep water with shore access and minimising disruption from trucks at the head of the public slipway and throughout the Boat park.

2.3 **Kingsbridge Berthing Improvements Project**

- 2.3.1 Following a competitive tender process the Council is in the process of awarding a contract, subject to the successful award of planning permission and a Marine Management Organisation (MMO) Licence, to WALCON Marine Ltd.
- 2.3.2 A Planning application and MMO Licence application have been submitted.
- 2.3.3 If all the permissions and Licences are gained in good time, it is anticipated that the project will go ahead between January and March 2014.

2.4 **Harbour Management System**

- 2.4.1 The upgrading of the Harbour Management System to a web based system is now well advanced. The advantages of the improved system will include, but not be limited to:
- Electronic invoicing and payment system (Complete)
 - Customer access to view their account details (June 13)
 - Electronic point of sale afloat and ashore (Fine tuning)
 - Merging of boat park system into the harbour system (June 13)
 - Cutting edge system, fit for purpose for at least next decade

2.5 **Marine Navigation Act**

- 2.5.1 The Marine Navigation Act 2013, Appendix 1, was enacted by Parliament on 25 April 2013. This gives the Harbour Authority the opportunity to apply for the Power to make Harbour Directions.

2.6 **Night Security Patrol.**

- 2.6.1 The Night Security Contractor, Security Solutions, has recently been trained by the Devon and Severn IFCA and holds a limited Inshore Fisheries Conservation Officer (IFCO) warrant.
- 2.6.2 This course of action has been taken in an attempt to enforce the IFCA's Byelaws, specifically with regard to the illegal netting of Sea Bass, within the Salcombe and Kingsbridge Estuary.

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.

5. Risk Assessment

5.1 The risk management implications are:

Risk/Opportunity	Risk Status			Mitigating and Management Actions
	Impact/Severity	Likelihood/Probability	Risk Score	
The Harbour Authority is striving to deliver an improving service to harbour users.	3	2	6	The Harbour Board, considers many routine issues annually, topical items will be brought to the Board as they arise. The objective being 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.
Appendices attached:	1. The Marine Navigation Act 2013.

Ian Gibson
Harbour Master

Salcombe Harbour Board
20 May 2013

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Marine Navigation Act 2013

CHAPTER 23

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

£5.75

Page 33



Marine Navigation Act 2013

CHAPTER 23

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Marine Navigation Act 2013

2013 CHAPTER 23

An Act to make provision in relation to marine navigation and harbours.
[25th April 2013]

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Pilotage

1 Power to remove harbour authorities’ pilotage functions

- (1) In section 1 of the Pilotage Act 1987 (meaning of “competent harbour authority”) after subsection (4) insert—
 - “(4A) A harbour authority in England or Wales is not a competent harbour authority for the purposes of this Act while it is specified in an order of the Secretary of State under this subsection.
 - (4B) A harbour authority in Scotland is not a competent harbour authority for the purposes of this Act while it is specified in an order of the Scottish Ministers under this subsection.”
- (2) For subsection (5) of that section (power to revoke or amend where circumstances change) substitute—
 - “(5) An order under this section may be amended or revoked by further order.”
- (3) In subsection (7) of that section (procedure for certain orders) for “this section” substitute “subsection (3) or (4)”.
- (4) After subsection (8) of that section insert—
 - “(8A) Before making an order under subsection (4A) or (4B) the person making the order must consult—

- (a) any harbour authority to which the order would apply, and
- (b) anyone else who the person making the order thinks appropriate.

(8B) An order under this section may include transitional, consequential, incidental or supplemental provision.”

- (5) In section 1A(1) (procedure for certain orders: Scotland) after “other than subsection (4)” insert “or (4B)”.

2 Pilotage exemption certificates: grant

- (1) In section 8(1) of the Pilotage Act 1987 (grant) –
 - (a) for “the master or first mate” substitute “a deck officer”, and
 - (b) in paragraph (a) for “master or first mate” substitute “a deck officer”.
- (2) In section 8(5)(a) (renewal) for “the master or first mate of a ship” substitute “a deck officer of a ship”.
- (3) In sections 10(3), 15(1)(b) and 20(1)(a) (pilotage charges, compulsory pilotage and boarding facilities for pilots) for “master or first mate” substitute “deck officer”.
- (4) In section 31(1) (interpretation) at the appropriate place insert –
 - ““deck officer”, in relation to a ship, includes the master and first mate;”.

3 Pilotage exemption certificates: suspension and revocation

- (1) After section 8 of the Pilotage Act 1987 insert –

“8A Pilotage exemption certificates: suspension and revocation

- (1) A competent harbour authority may by written notice suspend or revoke a person’s pilotage exemption certificate in the following cases.
- (2) Case 1 is where an event has occurred as a result of which the authority is no longer satisfied of the matters specified in section 8(1)(a).
- (3) Case 2 is where the authority thinks that the person has provided false information to the authority as to any of those matters.
- (4) Case 3 is where the authority thinks that the person has been guilty of professional misconduct while piloting a ship.
- (5) Case 4 is where –
 - (a) pilotage notification was given under section 15(4)(b) in reliance on the person’s certificate, and
 - (b) in the event, the pilotage was carried out by a person who was neither an authorised pilot nor acting in accordance with a pilotage exemption certificate.

8B Section 8A: supplementary

- (1) The maximum period for which a pilotage exemption certificate may be suspended is 28 days.

- (2) But if a harbour authority has suspended a person's certificate and is considering whether to revoke it, the authority may by written notice extend the suspension for a single period of up to 28 days.
 - (3) A suspended certificate may be revoked (on the same or different grounds).
 - (4) Before revoking a person's certificate a harbour authority must—
 - (a) give the person written warning, stating the reasons for the proposed revocation, and
 - (b) allow the person a reasonable opportunity to make representations.
 - (5) A competent harbour authority which has suspended or revoked a certificate may pay compensation to any person who has suffered, or is likely to suffer, loss as a result.”
- (2) In section 8—
- (a) omit subsection (6) (revocation and suspension of certificates), and
 - (b) in subsection (7) (notice) omit “or suspending or revoking a certificate held by any person”.

4 Pilotage notification

For section 15(3) of the Pilotage Act 1987 (notification by master navigating ship) substitute—

- “(3) The master of a ship commits an offence if—
- (a) the ship is navigated in an area in which a pilotage direction applies to it, and
 - (b) the competent harbour authority which gave the direction has not been given pilotage notification.
- (4) Pilotage notification is notification that the ship will be navigated in an area in which a pilotage direction will apply to it and—
- (a) that an authorised pilot is required to pilot the ship, or
 - (b) that an authorised pilot is not required because the ship will be piloted by a specified person acting in accordance with a pilotage exemption certificate.
- (5) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.”

Harbour authorities

5 Harbour directions

- (1) After section 40 of the Harbours Act 1964 insert—

“Harbour directions

40A Directions

- (1) A designated harbour authority may give directions (“harbour directions”) in respect of ships—

- (a) within their harbour, or
 - (b) entering or leaving their harbour.
- (2) A harbour direction may relate to—
- (a) the movement of ships;
 - (b) mooring or unmooring;
 - (c) equipment (including nature and use);
 - (d) the manning of ships.
- (3) A harbour direction may require the master of a ship to provide information to a specified person in a specified manner.
- (4) “Designated harbour authority” means—
- (a) a harbour authority for a fishery harbour in Wales who are designated by order of the Welsh Ministers,
 - (b) a harbour authority for any other harbour in England or Wales who are designated by order of the Secretary of State, and
 - (c) a harbour authority for a harbour in Scotland who are designated by order of the Scottish Ministers.
- (5) A harbour direction is subject to any direction under section 52 of the Harbours, Docks and Piers Clauses Act 1847 (directions by harbour master).
- (6) A harbour authority may not give a harbour direction which conflicts with an enactment.
- (7) An order designating a harbour authority may amend or repeal any statutory provision of local application which the person making the order thinks is—
- (a) inconsistent with the power to give harbour directions, or
 - (b) unnecessary as a result of the power.

40B Procedure

- (1) Harbour directions must be in writing.
- (2) Before giving harbour directions a harbour authority must consult such representatives of users of the harbour as the authority think appropriate.
- (3) A harbour authority must make such arrangements as they think appropriate for publicising a proposed harbour direction for at least 28 days before it is given.
- (4) A harbour authority must—
- (a) make harbour directions available for inspection, and
 - (b) supply a copy to anyone who requests it.
- (5) A harbour authority may charge for the supply of copies.
- (6) As soon as is reasonably practicable after giving a harbour direction the harbour authority must publish a notice in a newspaper specialising in shipping news—
- (a) stating that a harbour direction has been given, and
 - (b) giving details of the arrangements for the inspection and supply of copies of harbour directions.

40C Enforcement

- (1) The master of a ship must ensure that harbour directions are complied with.
- (2) Breach of subsection (1) without reasonable excuse is an offence.
- (3) A person guilty of the offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

40D Supplemental

- (1) Harbour directions –
 - (a) may make provision that applies generally or only in relation to specified circumstances, areas, periods or descriptions of ship, and
 - (b) may make different provision for different circumstances, areas, periods or descriptions of ship.
- (2) Harbour directions may be varied or revoked by subsequent harbour directions.
- (3) In section 40A –
 - “mooring” includes casting anchor, and
 - “unmooring” includes weighing anchor.”
- (2) In section 54 (orders and regulations) at the end insert –
 - “(5) A power of the Secretary of State or Welsh Ministers to make an order under section 40A is exercisable by statutory instrument.
 - (6) A statutory instrument containing an order under section 40A –
 - (a) if made by the Secretary of State, is subject to annulment in pursuance of a resolution of either House of Parliament,
 - (b) if made by the Welsh Ministers, is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- (3) In section 57(1) (interpretation) insert at the appropriate place –
 - ““master”, in relation to a ship, means the person who has command or charge of the ship for the time being;”.

6 Harbour closure orders

- (1) After section 17 of the Harbours Act 1964 insert –

“Harbour closure orders

17A Power to make closure order

- (1) The Secretary of State may make an order under this section in respect of a harbour (a “closure order”) –
 - (a) on the application of the harbour authority,
 - (b) with the consent of the harbour authority, or
 - (c) if the Secretary of State has consulted the harbour authority and is satisfied that they are unlikely to object.

- (2) The Secretary of State must publish guidance about the circumstances in which a closure order will be made. The guidance –
 - (a) must require the Secretary of State to have regard to the underlying purpose, and
 - (b) must be reviewed and (if appropriate) revised from time to time.
- (3) In this section –
 - (a) “the underlying purpose” means the purpose of permitting or requiring harbour authorities to cease to maintain harbours which are no longer commercially viable or necessary;
 - (b) “the harbour authority” in relation to a harbour means any harbour authority which has statutory duties to manage, maintain or improve the harbour.

17B Content of closure order

- (1) A closure order must relieve the harbour authority of –
 - (a) all statutory functions in respect of the harbour, or
 - (b) specified statutory functions in respect of the harbour.
- (2) A closure order may transfer specified functions of the harbour authority to a specified body (with the body’s consent).
- (3) A closure order must include transitional provision about the cessation of the harbour authority’s functions (including provision about rights and liabilities in relation to the performance of functions before the closure order takes effect).
- (4) A closure order may –
 - (a) permit or require the harbour authority to carry out works in respect of the harbour;
 - (b) permit the Secretary of State to carry out works in respect of the harbour;
 - (c) require a harbour authority to pay for works carried out under paragraph (b);
 - (d) confer on the harbour authority or the Secretary of State power to acquire (whether by agreement or compulsorily) land described in the order as the site of works to be carried out under paragraph (a) or (b).

17C Harbour closure orders: property etc

- (1) A closure order may include provision for the transfer of property, rights and liabilities of the harbour authority.
- (2) In particular, a closure order may include provision –
 - (a) transferring things that would otherwise not be capable of being transferred;
 - (b) creating interests, rights or liabilities in relation to things transferred or in connection with a transfer;
 - (c) for enforcement of rights or liabilities (whether transferred or created by the order);
 - (d) about the transfer of rights and liabilities in relation to employment (including provision for deemed continuity);

- (e) about pension schemes (including provision for amending schemes, winding them up, transferring their administration, and saving rights existing before a transfer takes effect);
 - (f) terminating appointments;
 - (g) for compensation for loss of employment (or office).
- (3) A closure order may include provision –
- (a) extinguishing liabilities to the Secretary of State;
 - (b) about the winding up of the harbour authority's affairs;
 - (c) about the winding up of any company wholly owned by the harbour authority;
 - (d) about the dissolution of the harbour authority.
- (4) A provision of a closure order transferring property, rights or liabilities may –
- (a) make the transfer subject to a condition (such as the grant of an interest in favour of a third party), and
 - (b) include provision about the effect of failure to comply with the condition.
- (5) Provision under this section may confer a function on the Secretary of State.

17D Harbour closure orders: procedure

- (1) Part 1 of Schedule 3 has effect in relation to closure orders as in relation to harbour revision orders.
- (2) In relation to closure orders made otherwise than on the application of the harbour authority Part 1 of Schedule 3 has effect with any necessary modifications, in particular –
- (a) ignore paragraphs 3, 5, 6, 7, 9, 13 and 14,
 - (b) treat a reference to the applicant as a reference to the Secretary of State,
 - (c) treat a reference to the application for an order as a reference to the proposal to make an order,
 - (d) treat a reference to being notified of a proposed application as a reference to proposing to make an order, and
 - (e) paragraph 8 applies if the Secretary of State decides that the order would relate to a project which falls within Annex I or II to the Directive and is a relevant project, in which case –
 - (i) the Secretary of State must prepare the environmental statement, having consulted bodies with environmental responsibilities, and
 - (ii) the statement must include the information specified in sub-paragraph (2) (and may include other information).
- (3) Section 44 applies in relation to closure orders as in relation to harbour revision orders.

17E Harbour closure orders: devolution

- (1) In relation to fishery harbours in Wales –
- (a) the power to make closure orders vests in the Welsh Ministers, and

- (b) a reference in this group of sections to the Secretary of State is to be treated as a reference to the Welsh Ministers.
- (2) In relation to harbours in Scotland –
 - (a) the power to make closure orders vests in the Scottish Ministers,
 - (b) a reference in this group of sections to the Secretary of State is to be treated as a reference to the Scottish Ministers, and
 - (c) the reference in section 17D(1) to Schedule 3 is a reference to that Schedule as it has effect in relation to Scotland.

17F Supplemental

- (1) A closure order may include incidental, consequential, transitional or saving provisions.
- (2) In particular, a closure order –
 - (a) may amend, repeal or revoke an enactment of local application, and
 - (b) may disapply or modify the application of any other enactment.
- (3) A closure order –
 - (a) may make provision generally or only for specified purposes, and
 - (b) may make different provision for different purposes.”
- (2) At the end of section 44 (limitation of right to challenge orders) insert –

“(9) Section 17D(3) applies this section to closure orders.”
- (3) In section 57(1) (interpretation) insert at the appropriate place –

““closure order” has the meaning given by section 17A;”.

Port constables

7 Port constables: extension of jurisdiction in England and Wales

- (1) A port constable may, for policing purposes connected with the port constable’s police area, act outside that area.
- (2) A port constable may act under subsection (1) only with the consent of the chief officer of police for the police area in which the port constable is acting.
- (3) Consent –
 - (a) may be given in relation to a particular port constable or any description of port constables;
 - (b) may be given generally for all policing purposes connected with the port constable’s police area or may be limited (whether as to particular purposes, particular occasions or in any other way);
 - (c) may be given subject to conditions.
- (4) When acting under subsection (1) a port constable has all the powers and privileges of a constable.
- (5) “Port constable” means –
 - (a) a person appointed by virtue of provision incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847,

- (b) a person appointed under provision made by virtue of paragraph 8 of Schedule 2 to the Harbours Act 1964, or
 - (c) a person appointed under section 154 of the Port of London Act 1968 (c. xxxii).
- (6) A port constable's police area is the area in which the port constable has jurisdiction to act, ignoring –
- (a) subsection (1), and
 - (b) any provision, made by or under an enactment, under which the port constable has jurisdiction to act in an area for limited purposes only.
- (7) "Policing purposes connected with the port constable's police area" means any of the following –
- (a) the prevention of the commission of offences in the port constable's police area;
 - (b) the detection or investigation of offences committed in the port constable's police area;
 - (c) the apprehension or prosecution of offenders in respect of offences committed in the port constable's police area;
 - (d) the preservation of the peace in the port constable's police area;
 - (e) the apprehension of offenders within the port constable's police area in respect of offences committed outside that area and the transport of them to police stations outside that area;
 - (f) the regulation of traffic in the port constable's police area.
- (8) Nothing in this section limits the circumstances in which a port constable may act apart from this section.

General lighthouse authorities

8 General lighthouse authority areas

- (1) In section 193 of the Merchant Shipping Act 1995 (general lighthouse authorities etc) at the end insert –
- “(6) In subsection (1) references to the seas include seas in an area specified by virtue of section 129(2)(b).”
- (2) In section 255C (locating and marking wrecks) –
- (a) at the end of subsection (4) insert “(and for this purpose a general lighthouse authority has the powers conferred by section 253 throughout their area)”; and
 - (b) omit subsection (5).
- (3) In section 255F (removal in default) omit subsection (4).

9 General lighthouse authorities: commercial activities

- (1) After section 197 of the Merchant Shipping Act 1995 insert –
- “197A General lighthouse authorities: commercial activities**
- (1) A general lighthouse authority may enter into agreements –
- (a) for the use by others of assets of the authority (“hire agreements”);

- (b) for the provision of consultancy or other services by the authority (“service agreements”).
- (2) But an authority may enter into a hire or service agreement only if –
 - (a) they are satisfied that it is not likely to prejudice the discharge of their functions under section 195, and
 - (b) the Secretary of State consents.
- (3) Where an authority enter or seek to enter into hire or service agreements –
 - (a) expenditure of the authority incurred in connection with the agreements, and with the Secretary of State’s consent, must be paid out of the General Lighthouse Fund, and
 - (b) sums received by the authority under the agreements must be paid into the General Lighthouse Fund.
- (4) The Secretary of State may consent to expenditure in acquiring an asset for the purpose of entering into hire agreements only if the Secretary of State thinks that the expenditure is merely preparatory or subsidiary to hire agreements in respect of other assets (such as in the case of acquiring one asset to be used with another or to be used in fitting, maintaining or converting another).
- (5) An authority must send a copy of any hire or service agreement to the Secretary of State.
- (6) Consent under this section –
 - (a) may be subject to conditions,
 - (b) may be general or specific, and
 - (c) may be prospective or retrospective.”
- (2) In section 197 omit subsections (8) to (11) (power to exploit spare capacity).

Manning requirements and marking wrecks

10 Manning requirements for ships

In section 47 of the Merchant Shipping Act 1995 (manning requirements) after subsection (4) insert –

- “(4A) Standards of competence or other conditions prescribed or specified by the Secretary of State under subsection (1)(b) may be expressed by reference to other documents.
- (4B) A reference to a document in reliance on subsection (4A) may include a reference to amendments of the document which are –
 - (a) made after the conditions are prescribed or specified, and
 - (b) approved for the purposes of the regulations by the Secretary of State.”

11 Marking wrecks

- (1) In section 252 of the Merchant Shipping Act 1995 (c. 21) (powers of harbour and conservancy authorities in relation to wrecks) in subsection (2)(b) for “light or buoy” substitute “mark the location of”.

- (2) After subsection (3) of that section insert –
- “(3A) For the purposes of subsection (2)(b) a location may be marked by –
- (a) buoys, lights or other physical devices;
 - (b) the transmission of information about the location.”

General

12 Extent

- (1) An amendment or repeal made by this Act has the same extent as the enactment to which it relates.
- (2) Section 7 extends to England and Wales only.

13 Commencement

- (1) Sections 1 to 11 come into force on such day or days as the Secretary of State may by order made by statutory instrument appoint, subject to subsections (2) and (3).
- (2) Sections 5 and 6 come into force in relation to fishery harbours in Wales on such day or days as the Welsh Ministers may by order made by statutory instrument appoint.
- (3) Sections 1 to 6 come into force in Scotland on such day or days as the Scottish Ministers may by order appoint.
- (4) An order under this section –
- (a) may make provision generally or only for specified purposes,
 - (b) may make different provision for different purposes, and
 - (c) may include incidental or transitional provision (including savings).

14 Short title

This Act may be cited as the Marine Navigation Act 2013.

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**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD
HELD AT CLIFF HOUSE, SALCOMBE ON MONDAY 20 MAY 2013**

Members in attendance			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr R J Carter (Chairman)	∅	Mr G Burrell
*	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 M Taylor

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

SH.01/13 CHAIRMAN'S ANNOUNCEMENTS

In his introductions, the Chairman wished to congratulate and welcome those Co-Opted Members who had been successful during the recent Board recruitment exercise. In addition, the Chairman also wished to formally record his thanks to Mr Jonno Barrett and Mr Peter Waring for their hard work and valuable contributions during their respective terms of office.

The Chairman also proceeded to advise the Board that the Leader of the Council had revised the Executive Member Roles and Responsibilities and, as a consequence, Cllr Hilary Bastone had now been appointed as the Executive Member with responsibility for Assets.

SH.02/13 ELECTION OF VICE CHAIRMAN

RESOLVED

That Dr C C Harling be appointed as Vice-Chairman of the Board for the period until May 2016.

SH.03/13 MINUTES

The minutes of the meeting of the Salcombe Harbour Board held on 8 April 2013 were confirmed as a correct record and signed by the Chairman.

SH.04/13 **DECLARATIONS OF INTEREST**

Prior to any interests being declared, the Democratic Services Manager informed the Board that the dispensations, which had been granted to those Board Members who had a mooring, had expired on 9 May 2013 (Minute SH.21/12 refers). Unfortunately, neither the Monitoring Officer nor Deputy Monitoring Officer was able to attend this meeting to grant a revised dispensation. However, the Democratic Services Manager was comfortable that in the event of the Board supporting the proposal to conduct a review of the Moorings Allocation Policy (Minute SH.07/13 refers), then a dispensation could be granted at the next meeting on 15 July 2013, before the review commenced.

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

SH.05/13 **PUBLIC QUESTION TIME**

No members of the public who were in attendance wished to utilise the question time session.

SH.06/13 **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 Association (SKEA)

There were no issues raised.

Salcombe Kingsbridge Estuary Conservation Forum

A Member informed that the Chairman of the Forum, Mr Tony Watson, was retiring in October 2013.

As a general point, a Member also highlighted the extent of the potential implications arising from the Marine Protected Zones and felt that it may be worthwhile for the Board to receive an update on this matter either at a formal meeting or a workshop.

Kingsbridge Estuary Boat Club (KEBC)

There were no issues raised.

South Devon & Channel Shellfishermen

There were no issues raised.

Kingsbridge and Salcombe Marine Business Forum

A Member tabled correspondence he had received from a Boat Company in respect of concerns regarding the use of buckets to cover the propeller of an outboard motor left in the raised position and the potential for boat users to fall in the water.

Following a lengthy discussion on this matter, it was concluded that the policy in this regard should be revisited as part of the long-term strategy discussions at the Board workshop to be held in October 2013.

SH.07/13 **PERFORMANCE MANAGEMENT**

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

During discussion, reference was made to:-

- (a) the dramatic improvements in Marine Crime statistics. In welcoming this improvement, the Board also acknowledged the role played by the Kingsbridge Estuary Boat Club and the Night Security Patrol;
- (b) the income from Visiting Yachts. The windy wet summer coupled with the ongoing recession and the Summer Olympics had resulted in Visiting Yachts income being adversely affected. However, this was a national trend, with similar results being incurred throughout the south coast;
- (c) the visiting yacht numbers. The comment was expressed that performance should improve in this regard due to the construction of the showers at Whitestrand;
- (d) pollution incidents. It was the understanding of some Members that Kingsbridge's drainage plans were out of date, which made the Environment Agency (EA) task of tracing the source of pollution extremely difficult. In reply, the Harbour Master advised that he would raise this matter with the new EA Area Officer;
- (e) the number of complaints regarding the Moorings Allocation Policy. The majority of Members supported the need for a review for two main reasons, which could be summarised in terms of whether or not the policy was fair and enforceable. To progress this matter further, it was felt that the review should commence with a workshop on the rising of the next Board meeting (on 15 July 2013), with legal officers in attendance.

It was then:

RESOLVED

1. That the performance of the Harbour against agreed Performance Indicators be noted; and
2. That a review of the Moorings Allocation Policy be undertaken, which will commence on the rising of the next Board meeting on 15 July 2013.

SH.08/13 MATTERS FOR FUTURE CONSIDERATION

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

In discussion, the following points were raised:-

- (a) The Harbour Master encouraged Members to give consideration to any potential agenda items for discussion at the annual harbour workshop and inform him accordingly. In reply, a Member felt that the Harbour Guide should be included on the agenda for this session;
- (b) With regard to the recent fatal accident in Padstow, Members questioned whether they should be considering if any lessons could be learned from this tragedy. In the debate, it was apparent that a number of Members supported rolling out the wristband connected on a loop to the kill cord to boat users and it was suggested that funding initiatives (e.g. sponsorship, external grant funding opportunities and the Member Locality Fund) be explored in order to purchase these attachments.

It was then:

RESOLVED

That the report be noted.

SH.09/13 TOPICAL HARBOUR ISSUES

The Board considered a report that had set out a range of topics that did not require their own reports.

In discussion, reference was made to:-

- (a) the Salcombe Fish Quay re-development. With the completion date of the works fast approaching, a detailed discussion took place in respect of a charging structure for the fishermen to use the facility. In particular, the Board noted that discussions were taking place within the Council's Asset Management Group and Members expressed the importance of the Harbour Board and Harbour Master being consulted. In conclusion, it was agreed that the Deputy Leader of Council, in consultation with the Harbour Board Chairman, would immediately pursue this matter with lead Council officers and inform the Board accordingly of progress;
- (b) the Kingsbridge Berthing Improvements Project. A Member highlighted the importance of the silent majority writing in support of the submitted application;

- (c) the potentially significant ramifications arising from the Marine Navigation Act. The Board felt that it would be appropriate to wait until the Act began to take effect before it reacted;
- (d) the Night Security Patrol. The Board noted the request of the Harbour Master to take up the option to extend the current contract by a further one year. Thereafter, it was then considered appropriate to discuss the issue at a future Harbour Board Workshop meeting.

It was then:

RESOLVED

That the report be noted.

(Meeting commenced at 2.30 pm and concluded at 4.10 pm)

Chairman

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