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SOUTH HAMS SALCOMBE HARBOUR BOARD - MONDAY, 31ST MARCH, 2014

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 - Topical Harbour Issues (Pages 3 - 6)

b) Item 9 - Matters for Future Consideration (Pages 7 - 12)

c) Item 11 - Exempt - Commercial venture (Pages 13 - 28)

3. **Minutes** (Pages 29 - 32)

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Agenda Item 1

To: Chairman & Members of the Salcombe Harbour Board
(Cllrs M J Hicks, K R H 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

21 March, 2014

Dear Member

A meeting of the **Salcombe Harbour Board** will be held at **Quay House, Kingsbridge** on **Monday, 31 March, 2014** at **4.30 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 MEMBER SERVICES MANAGER 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 3 February 2014 (pages 1 to 5);
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. **Topical Harbour Issues** – to consider a report which brings together a number of issues that do not warrant a separate report in their own right (pages 6 to 9);
9. **Matters for Future Consideration** – to consider a report which identifies matters for future consideration by the Harbour Board (pages 10 to 14);
10. **Exclusion of Public and Press** - to consider the following resolution to exclude the public and press:-

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”;
11. **Commercial venture** – to consider a report in relation to a commercial venture (pages 15 to 27).

* * * * *

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

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AGENDA
ITEM

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SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

8

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	31 March 2014
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:

- a. Note the report.**
- b. Relax the maximum boat size on Kingsbridge Pontoon to 5.5m boat length.**

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 Appointment of Harbour Master.

- 2.1.1 The Council have appointed Mr Adam Parnell to the post of Salcombe Harbour Master; he will take up his new position on 9 May 2014.

2.2 Kingsbridge Berthing Improvements Project.

- 2.2.1 The Kingsbridge Berthing Improvements Project is almost complete. There are several items of the pontoon furniture still to be installed, which will be progressed over the next couple of weeks.

2.2.2 The berths are available to berth holders from 1 April 2014.

2.2.3 Now that the pontoons are in place and the ample manoeuvre room between the quay wall and the fingers is apparent, it is proposed to relax the max boat size to 5.5m boat length rather than 5.5m length overall.

2.3 **Victoria Quay Pontoons.**

2.3.1 The Harbour Board resolved on 3 February to bring forward the replacement of the Victoria Quay Pontoons (SH41/13).

2.3.2 The replacement pontoons will be in place for 11 April 2014. Berth holders wanting to use their berths before this date will be offered an alternative berth.

2.4 **Salcombe Harbour Hotel**

2.5 The Salcombe Harbour Hotel, having been granted planning permission and awarded an MMO licence to undertake the installation works requested a Private Foreshore Mooring Licence (PFML) for the proposed 31m pontoon.

2.6 As all of the conditions of the proposed pontoon met the guidelines of the Moorings Policy, most notably an element of public access for patrons of the Hotel, a PFML has been granted.

2.7 **Harbour Management System**

2.7.1 The 2014 invoice run was sent electronically from the updated harbour management system, e-harbours.

2.8 **Marine Navigation Act**

2.8.1 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.

2.8.2 The Harbour Board resolved on 3 February 2013 (SH43/13), to progress an application for the powers to make Harbour Directions.

2.8.3 An expression of interest has been made to the DfT.

2.9 **Normandy Pontoon, Storm Damage.**

2.9.1 The bridge landing pontoon, installed ten years ago, suffered damage and partials sank following one of the numerous storms in January 2014.

2.9.2 To remove the pontoon for repair and maintenance has been a particularly difficult problem because of the size and weight of the bridge.

2.9.3 This has been resolved by providing a davit which fits into the pontoon pile to suspend the bridge when the pontoon is removed for maintenance.

2.10 Deep Water Finger Pontoons

2.10.1 Following a successful trial in 2012/13 with finger pontoons for vessels under 8m the harbour Board approved the installation of a further 12 berths have been created for the 2014/15 season (SH26/13).

2.10.2 This has enabled the smaller boats to be accommodated so freeing up berthing capacity to get the deep water mooring waiting list moving for larger boats of 12m plus.

2.11 Calendar of Events

2.11.1 The following events are planned for the forthcoming season:

- 2.11.1.1 27 March to 3 April – Royal marines Landing Craft Exercise.
- 2.11.1.2 31 March – Opening of Kingsbridge Pontoons.
- 2.11.1.3 1 April – Hydrographic Office Training Visit.
- 2.11.1.4 12 to 13 April – Merlin Rocket Silver Tiller Regatta.
- 2.11.1.5 22 April – Marine Crime Awareness Day.
- 2.11.1.6 3 to 5 May – National 12 and Salcombe Yawl Open.
- 2.11.1.7 25 to 26 May – 'D' Day Little Ships West Country Cruise visits Salcombe.
- 2.11.1.8 8 June Topper SW Regatta Open.
- 2.11.1.9 21 to 22 June – Classic Lifeboat Rally.
- 2.11.1.10 28 June – UNESCO Commemoration of the First World War Centenary.
 - Vessels fly ship's flags/ensigns at half mast.
 - Vessels moored in harbours encouraged to use a remembrance sound signal at 1800(L).
- 2.11.1.11 29 June – Salcombe Gig Regatta.
- 2.11.1.12 6 to 12 July – Merlin Rocket Week.
- 2.11.1.13 19 to 26 July – Kingsbridge Fair Week
- 2.11.1.14 3 to 10 August – Salcombe Yacht Club Regatta.
- 2.11.1.15 11 to 15 August – Salcombe Town Regatta.
- 2.11.1.16 23 to 24 August – Shrimper, Hawk and Yawl Open.
- 2.11.1.17 20 to 21 September – Salcombe and Devon Yawl Open.
- 2.11.1.18 18 to 19 October – National 12 and Solo Open.

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:	None

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SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

9

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	31 March 2014
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:

- 2 June 2014
- 14 July 2014
- 29 September 2014

2.3 Performance Management

2.3.1 Reviewed quarterly with the report for the 4th quarter of financial year 2013/14 being presented on 2 June 2014.

2.4 Customer Satisfaction Survey

2.4.1 A customer satisfaction survey has been conducted annually since 2007. It is the intention to compliment the in office survey with an on line edition this year. The results of the 2014 survey will be reported to the Harbour Board in November 2014.

2.5 Year End Budget Report

2.5.1 To be presented to the Board in July Annually.

2.6 Revenue Budget and Review of Fees and Charges.

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

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

2.6.3 AT the 2014/15 review of charges in September 2013, the Board indicated that a review of the deep water mooring charges should be undertaken for the 2015/16 review of charges.

2.7 Harbour Board Annual Report

2.7.1 The Harbour Board Annual Report will normally be presented at the July Board meeting annually.

2.8 Harbour Annual Inspection

2.8.1 To take place in July Annually. Next year's inspection will take place on the morning of 14 July 2014 before the scheduled Board Meeting.

2.8.2 The Harbour's Designated Person has been invited to attend.

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 in December with the results being reported to the Board in February 2015.

2.9.3 Compliance was reported to the MCA in March 2014, this report is required every five years.

2.10 Frogmore Public Landing

2.10.1 Frogmore Parish Council has requested that the Board consider upgrading the Frogmore public landing; their letter is at Appendix 1. This is an issue which could be considered for the next Strategic Business Plan 2018-23.

2.11 Long Term Security of Tenure

2.11.1 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.

2.11.2 The third Harbour Board annual workshop will be held in October 2014, date to be confirmed.

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).
Appendices attached:	1. Letter from Frogmore & Sherford Parish Council dated 27 February 2014.

FROGMORE & SHERFORD PARISH COUNCIL

Clerk: Sall Winstanley
Tel: 01548 550515
Email: frogmoreandsherford.clerk@googlemail.com

Barton Cottage
Woodleigh
Kingsbridge TQ7 4DG

Ian Gibson, Harbour Master
Salcombe Harbour
Harbour Office
Whitestrاند, Salcombe
Devon TQ8 8BU

27th February 2014

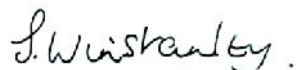
Dear Mr. Gibson

At the recent meeting of the Parish Council in Frogmore & Sherford, the Council discussed the possibility of the pontoon in the Creek being extended.

It was agreed that we write and request that the pontoon be extended by one section in length and by a section being put across the end making a 'T'.

I understand that you are making a report in early March and that this request could be included.

Yours sincerely,



S. Winstanley
Clerk

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**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD
HELD AT QUAY HOUSE, KINGSBRIDGE ON MONDAY 31 MARCH 2014**

Members in attendance			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr M J Hicks	*	Mr G Burrell
*	Cllr K R H Wingate	*	Dr C C Harling (Vice Chairman)
*	Cllr S A E Wright	*	Mr M Mackley
		*	Mr H Marriage
		*	Mr A Thomson
		*	Mr M Taylor
∅	Cllr H D Bastone (lead Executive Member)		

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

Non Board Members also in attendance and participating
Cllr J Brazil

SH.46/13 MINUTES

The minutes of the meeting of the Salcombe Harbour Board held on 31 March 2014 were confirmed as a correct record and signed by the Chairman.

SH.47/13 URGENT BUSINESS

As this was the first meeting of the Council since Cllr Carter had sadly passed away, the Vice Chairman paid tribute to Cllr Carter and the Board proceeded to stand and observe a minutes silence in his memory.

SH.48/13 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 were made:

Cllr Wright, Mr Burrell, Dr Harling, Mr Mackley, Mr Marriage, Mr Taylor and Mr Thomson all declared a disclosable pecuniary interest in all related agenda items by virtue of having moorings or paying harbour dues to the Council, however as the Deputy Monitoring Officer had previously granted a dispensation under Paragraph 8.1 (c) of the Code of Conduct (minute SH.14/13 refers), all Members remained in the meeting and took part in the discussion and debate on all agenda items.

SH.49/13 PUBLIC QUESTION TIME

Cllr Brazil took the opportunity under this agenda item to pay a personal and public tribute to Ian Gibson, the Harbour Master, who was retiring in May. Cllr Brazil stated that the Harbour Master and his team had achieved a great deal, the pinnacle of which were the Kingsbridge Pontoons which would be officially opened after this meeting. He passed his heartfelt thanks and congratulations to the Harbour Master for a job well done and said the residents of Salcombe were in his debt.

Mr Peter Waring, a former Board Member, agreed with the comments made by Cllr Brazil and also gave his thanks and congratulations.

The Vice Chairman advised the Board that a presentation would be made to the Harbour Master before the end of the meeting.

SH.50/13 FEEDBACK FROM HARBOUR COMMUNITY FORUMS

The Board received verbal update reports from the Board Members who attended the Harbour Community Forums. The updates were as follows:

Salcombe Kingsbridge Estuary Association (SKEA)

The representative for SKEA advised that the bunting on Batson pontoons, positioned in an attempt to keep the seagulls clear after the pontoons have been power washed ready for the season, was much improved this year in terms of visual impact as it was green and white rather than red and white.

Salcombe Kingsbridge Estuary Conservation Forum (SKECF)

The representative for SKECF advised that they would be meeting later in the week.

Kingsbridge Estuary Boat Club (KEBC)

The representative for KEBC advised that there were no issues to raise other than delight at the completion of the pontoons.

South Devon & Channel Shellfishermen

Mr A Thomson agreed to become the representative for the South Devon & Channel Shellfishermen.

Kingsbridge and Salcombe Marine Business Forum

The representative advised that there were no issues to raise.

SH.51/13 TOPICAL HARBOUR ISSUES

The Board was presented with a report that set out a range of issues which did not warrant a report in their own right. The Harbour Master introduced and took the Board through the key issues. He began by confirming that a replacement Harbour Master had been appointed and that there would be a short handover period at the beginning of May.

In relation to the Kingsbridge Berthing Improvements Project, the Harbour Master advised that, now the pontoons were in place, it was clear that there would be plenty of space between the fingers and the quay wall, more than recommended by the BMF Code of Conduct for the design of the pontoons. He was therefore recommending that the maximum boat size be relaxed from 5.5m Length Overall (LOA) to 5.5m hull length not including raised outboard motors, provided the boats were moored in line with the Harbour Board policy of covering raised motors with buckets.

During discussion, the following points were raised:

- In response to a query as to whether it would be timely to enforce the policy of buckets to cover outboard motors, the Harbour Master advised that there was no bye law to enable enforcement and it was a matter of education and encouragement. Another Board Member advised that it could become a condition of the licence that granted the mooring;
- In response to a query, the Harbour Master confirmed that the Salcombe Harbour Hotel had relinquished their running moorings;
- In response to a query relating to damage caused by outboard motors that were not protected by a bucket, the Harbour Master confirmed that it would be a matter for an insurance claim and provided the Harbour Board was seen to be doing as much as they could there would be no liability to the Board.

It was then:

RESOLVED that:

- a) The Harbour Board note the report; and
- b) The maximum boat size on Kingsbridge pontoon be relaxed to 5.5m boat length.

SH.52/13

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 highlighted the key issues. He also drew the Member's attention to a letter at Appendix A of the report from Frogmore and Sherford Parish Council requesting that the pontoon at Frogmore be extended. During discussion Members agreed that this matter should be a subject for the next Business Plan. The Harbour Master also agreed to consider whether the pontoon should be withdrawn throughout the winter and respond in a later report.

It was then:

RESOLVED

That the report be noted.

SH.53/13 **EXCLUSION OF PUBLIC AND PRESS**

It was then:-

RESOLVED

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.”

SH.54/13 **COMMERCIAL VENTURE**

Members considered an exempt report that had been presented to the Board. In addition, the Harbour Master and the Head of Assets gave oral updates following a recent meeting. Following a discussion, it was then:

RESOLVED

That any recommendation or decision on this matter be deferred to October 2014 at the latest and pending a business case being worked up.

(Meeting commenced at 4.30 pm and concluded at 5.45 pm)

Chairman