

**MINUTES OF THE MEETING OF  
THE SALCOMBE HARBOUR BOARD  
HELD AT CLIFF HOUSE, SALCOMBE, ON MONDAY, 24 JANUARY, 2022**

<b>Members in attendance</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr J Brazil (Chairman)	∅	Ms A Jones
*	Cllr D Brown – remote access	*	Mr H Marriage (Vice-Chairman)
*	Cllr R J Foss	∅	Mr A Owens
*	Cllr M Long	∅	Mr C Plant
		*	Mr I Shipperley
		*	Mr I Stewart

**Other Members in attendance and participating:**

Cllr H Bastone; Cllr J Pearce (remote)

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Director of Place and Enterprise; Salcombe Harbour Master; Monitoring Officer; Deputy Harbour Masters; Democratic Services Officer; and Finance Manager via remote access

**SH.29/21 APOLOGIES FOR ABSENCE**

Apologies for absence for this Board Meeting had been received from Ms A Jones, Messrs A Owens and N Mortimer.

**SH.30/21 MINUTES**

The minutes of the meeting of the Salcombe Harbour Board held on 15 November 2021 were confirmed as a correct record, subject to removing the statement that Mr I Shipley had a disclosable pecuniary interest, which he had not.

**SH.31/21 URGENT BUSINESS**

There were no items of urgent business raised at this meeting.

**SH.32/21 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:

Mr I Stewart declared a disclosable pecuniary interest in all related agenda items by virtue of paying harbour duties. As a result of the Deputy Monitoring Officer having granted each Board Member a dispensation, he was able to take part in the debate and vote on any related matters (Minute SH.04/21 above refers).

**SH.33/21 PUBLIC QUESTION TIME**

In accordance with the Public Question Time Procedure Rules, there were no issues raised at this meeting.

**SH.34/21 FEEDBACK FROM HARBOUR COMMUNITY FORUMS**

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

**Salcombe Kingsbridge Estuary Conservation Forum (SKECF)**

The Forum had not met since the last Board Meeting and therefore there was no further update. The next meeting would be on 5 April 2022.

**South Devon & Channel Shellfishermen**

The Board was updated that it had been a good season but all was currently quiet with fishermen performing maintenance on their boats, in preparation for the next season. It was confirmed that a grant application was being collated. Main critical issues of safety had been achieved, with next step to look at parking, vehicle access, etc.

**Kingsbridge and Salcombe Marine Business Forum**

The Board were informed that there was no update for this meeting.

**Kingsbridge Estuary Boat Club (KEBC)**

The Harbour Master confirmed there was nothing further to report.

**East Portlemouth Parish Council**

The representative advised that there was no update to give to the Board.

**SH.35/21 DUTY HOLDER ARRANGEMENTS**

The Monitoring Officer presented the Board with his report outlining the need for clarification as to the Duty Holder for Salcombe Harbour, in line with the Port Marine Safety Code 2016.

It was highlighted that the Allington and Strete Ward would also be affected and therefore would need to be added to the report's front sheet. The report outlined the three options available to the Board: the duty holder could be a) all Members of South Hams District Council (SHDC); b) all Board Members of Salcombe Harbour Board (SHB); or c) a senior Council officer. The Monitoring Officer confirmed that the Scheme of delegation would be re-written imminently, but that there was a need to identify the duty holder before this.

In discussion, the following points were raised:-

- (a) An issue, which had been highlighted before, was that some areas under the responsibility of the duty holder were without the jurisdiction

of SHB and therefore SHB could not currently be appointed as duty holder.

- (b) Several Members agreed that the report did not give any analysis of the three options available, with one Member querying whether this report should have been produced by the Legal department at all.
- (c) A Member highlighted that, as SHB does not have control of all assets, then the role of duty officer could not currently sit with the Board. It was pointed out that, as with Cornwall Council, all SHDC Members could receive free training to be signed up as joint duty holders. In this instance SHB would be safety advisors to the Duty Holder.
- (d) Paragraph 3.4 of the attendant report stated that it would be beneficial to maintain a clear split between the democratic function of SHB (strategy and policy) and the Duty Holder's function regarding safety. Several Members felt that safety could not be separated out from strategy and policy as all three areas were integral to each other.
- (e) It was commented that the senior officer role recommended as duty holder was already a busy role within the Council, with limited free time and that a short course on the duty holder role could not replace experience.
- (f) It was recommended that there was a need to have a breakdown of who does what, outlining the responsibility of SHB, responsibility of the duty holder, and how these responsibilities interacted and overlapped. It was felt that this information should be available alongside the report.
- (g) One Member offered to do the duty holder training for free if required – this was due to the experience he already had in training others.
- (h) It was also noted that the new Board Member, who would be starting in May 2022, was an ex Harbour Master of a very busy port, and who had been working with the Port Marine Safety Code. Therefore his input could be very useful.
- (i) One Member stated that he thought the responsibility for safety should sit with the people who are frontline and therefore knew the issues first hand.
- (j) A couple of the Members were in favour of the Port Holder position being held by the Director of Place from SHDC.
- (k) The Chairman stated that Dartmouth Harbour had recently gone through a similar exercise so he would contact them regarding details of cost and outcomes.

It was then proposed and seconded that the Board needed a review of the issues as outlined above, where the roles of the SHB were agreed, particularly in regard to safety, then an in-depth analysis of the three options available, a written constitution that SHB agreed to, and then the report could be brought back to the Board for review.

It was further agreed that the Monitoring Officer, in consultation with the Chairman and Vice Chairman, would complete the scheme of delegation and re-write the report in line with the above suggestions, to bring back to the next SHB meeting on 21 March 2022. If the Monitoring Officer needed to take external advice, a budget of £5,000 maximum was agreed which was to come from the Harbour General Reserve.

It was then:

**RESOLVED**

That the report should be brought back to next Board meeting (21 March 2022), and, in the meantime the following points should be taken into account by the Monitoring Officer in consultation with Chair and Vice Chair, and external experts if required; any monies for this to be funded by Harbour General Reserve.

- The paper tabled by SHDC to be placed in abeyance for the time being pending a draft governance paper and further options analysis with subsequent consideration by the Harbour Board.
- The current duty holding arrangements to remain in place, pending resolution, accepting that the duty holder is not clearly articulated.
- A governance paper (or constitution document) to be drawn up that clearly articulates the role, responsibilities and authority of the Harbour Board and specifically identifies its role in safety management and its relationship to the duty holder. The constitution should consider all aspects of the Board's role including policy, finance, safety, marine, environmental, infrastructure, harbour staff and membership (this is not an exhaustive list).
- An independent options analysis to be conducted looking at the potential options for discharging the duty holder role with a clear articulation of the benefits, costs and ease of implementation of each option. (Terms of Reference of the scope of the analysis to be agreed OOC by the Board).
- The draft governance/constitution document and duty holding options analysis paper to be brought back to the Harbour Board for consideration and if agreed passed to the full Council (as Harbour Authority) for ratification.
- SHDC undertook to bring this back to the Board for the next meeting (21 March 22).

## SH.36/21 **HARBOUR MASTER'S REPORT – VERBAL UPDATE**

The Harbour Master updated the Board and raised the following points:

- Blazeby Maritime Consultants had been appointed to put together a safety management system, the draft of which was to be completed in February 2022, and the report brought to the next Board meeting in March. The Harbour Master (HM) cited this was an important piece of work.
- Security contract:– following the discussions at the workshop held before the last Board meeting (15 November 2021), a way forward had been drafted. As the present security contract was due to expire in September 2022, this had now been extended to March 2023 to enable explorations into a safer and more cost efficient way forward. A paper would be brought to the June Board meeting, the date of which would be set soon by SHDC.
- Training requirement:– the HM confirmed that all training had been completed. All staff had received first aid training last week.
- The mandatory oil spill response had been completed and returned. Every member of staff (save two officers) were now trained in oil

spill management. The Harbour also had a contractor which ensured a gold standard response.

- One of the Deputy Harbour Masters gave an update on marine maintenance, with all deep water work now completed, and 95% of Fore Shore moorings also finished. Currently preparation was underway to be ready for the coming season with the boat, 'Black Stone', under refit. It was hoped to have the boat back into the water within a fortnight.
- The changes made to the lifting plan last summer had been successful, with a launching plan put together to get all vessels launched in March. According to the Marine Blue Book, it was advised that every five years, an out of water survey of boats should be carried out. This year the Harbour had employed an external investigator to review these and only minor alterations had been identified. It had been a worthwhile process.
- One of the Deputy Harbour Masters had reviewed the moorings alongside the 5-year Plan. He had reviewed the moorings retention process and confirmed that there were fewer moorings being handed back and more people requesting to join waiting lists, therefore the waiting lists were increasing. Facilities had a longer waiting list with only a handful of berths on shoreline changing hands. It was felt that although people joining the waiting lists in 2015/16 were now coming to the top of the waiting lists, with the increase in size of the lists, it was possible that those who had joined in the last two years could potentially be waiting double that time. It was pointed out that the lists may contain duplicate names as some people joined multiple waiting lists in the hope that one would come in sooner. The summer transient mooring booking list was opened on 4<sup>th</sup> January 2022, and was fully booked by 11:30 that morning, which could imply another very busy season. As staff needed to take leave before the start of the next season, it meant each team would be down one person all through the winter.
- Supplies and stock had significantly increased in cost, with many items unavailable. Following a question from the Chairman, the HM confirmed that the budget should be sufficient for the coming financial year as there had been some cost increases built into the budget, but the surplus, which had been earned from filling the harbour for six months instead of the customary two, would help. The HM confirmed he was in regular contact with the Finance Manager at SHDC.

SH.28/21

## **BATSON PROJECTS – VERBAL UPDATE**

The Harbour Master updated on the Batson projects, informing the Board that both projects had fallen behind schedule, six weeks for the commercial units and seven weeks for the depot. Work was now moving forward and the contractors would have time penalties to pay, with the penalties particularly onerous for any delay in handing back the car park, due for Easter. It was confirmed that the current workshop would continue to be available for use during the delay.

Before closing the meeting, the Chairman took the opportunity to thank Mr Marriage for his longstanding commitment and endeavours on behalf of the Board. His impact on the improvements to the Harbour was

considerable.

(Meeting commenced at 2:30 pm and concluded at 4:36pm)

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Chairman