

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	12 November 2012
REPORT TITLE	MOORINGS POLICY
REPORT OF	Salcombe Harbour Master
WARDS AFFECTED	All South Hams

Summary of report:

To review the draft Moorings Policy and recommend its adoption.

Financial implications:

There are no direct financial implications from this report.

RECOMMENDATIONS:

That the Harbour Board RECOMMENDS to Council the adoption of the revised Moorings Policy.

Officer contact:

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1. BACKGROUND

- 1.1 The current edition of the Moorings Policy was published in 2007 following an extensive public consultation. The Salcombe Harbour Board (“SHB”) recommended to Full Council on 21 September 2007 that the updated Moorings Policy be adopted (SH32/07). The Moorings Policy was adopted by Full Council on 15 November 2007 (59/07).
- 1.2 The Moorings Policy is routinely reviewed every five years. The latest review has included two rounds of consultation, initially with the Harbour Community Forums and subsequently with the general public.

The consultation feedback from the first round of Consultation is at Appendix 1 and has been reviewed and reflected in the revised draft, which went to Public consultation between 9 July and 21 September. There was no feedback from this second consultation.

2. Review of Moorings Policy

- 2.1 A working group of Harbour Board members consisting of Cllrs Carter and Wright, Mr Harling, Marriage and Barrett was established **SH42/11**.
- 2.2 The working group met on 13 June and worked through the 1st round of consultation feedback and agreed the draft revised draft Moorings Policy for the full Board's approval, which is incorporated into the draft Public Consultation Document.
- 2.3 The draft Moorings Policy was published in July for the second round of consultation with the general public, with a closing date of 21 September 2012.
- 2.4 As there was no feedback to the second published draft it is proposed that this draft, at Appendix 2 is recommended for adoption.

3. LEGAL IMPLICATIONS

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

4. FINANCIAL IMPLICATIONS

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

5. RISK MANAGEMENT

5.1 The risk management implications are:

Risk/Opportunity	Risk Status			Mitigating and Management Actions
	Impact/Severity	Likelihood/Probability	Risk Score	
The Harbour Authority is not delivering a satisfactory service to harbour users.	3	2	6	The Harbour Board, through its contact with harbour Community Forums and the public consultation process will monitor the stakeholders' reaction to the service provided and keep the Moorings Policy under regular review in order to remain relevant to the majority of harbour users' requirements.
The Harbour Board fails to comply with its statutory responsibilities.	3	1	3	Continuous monitoring and an annual audit by an independent designated person will highlight potential issues early to enable corrective action to be taken.
The Harbour Board is accused of discrimination in its allocation of harbour facilities.	3	2	6	As part of the policy review an Equality Impact Assessment has been undertaken to ensure compliance with equality legislation and the needs of Harbour users. The Harbour Authority will have a fit for purpose moorings allocation policy which is strictly adhered to and kept under constant review. Mooring allocation has an appeals process.

Data Protection, disclosure of information and Freedom of Information (FOI).	3	1	3	Harbour records, including customer accounts are maintained within the office. Staff training is given to prevent any unauthorised disclosure. FOI forms are required before any information is given out.
Corporate activity with an impact on Areas of Outstanding Natural Beauty, National Parks, and Sites of Scientific Interest.	3	1	3	The Harbour Authority part fund a Marine Conservation Officer who monitors all activity within the estuary to ensure the harbour Authority fully respects the ANOB and SSSI status of the Estuary. The moorings policy clearly sets out what activity is allowed within the various areas of the Estuary.
Financial Risks and Impact on Councils Assets	3	2	6	By monitoring performance in relation to the moorings policy, the Harbour Board will be in a strong position to invest Harbour Funds where they can provide the best value for money and return on investment and safeguard the Harbour's future on behalf of the District Council.

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	Community Life Economy
Statutory powers:	Local Government Act 1972, Section 151. The Pier and Harbour Order (Salcombe) Confirmation Act 1954 (Sections 22-36).
Considerations of	None

equality and human rights:	
Biodiversity considerations:	None
Sustainability considerations:	None
Crime and disorder implications:	None
Background papers:	Moorings Policy 2007 (SH 32/07) Harbour Board Working Group (SH 42/11) Moorings Policy Public Consultation Document
Appendices attached:	1. Consultation feedback from Harbour Community Forums. 2. Moorings Policy Final Draft

Ian Gibson
Harbour Master

Salcombe Harbour Board
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