

**MINUTES OF THE MEETING OF THE SALCOMBE HARBOUR BOARD
HELD AT CLIFF HOUSE, SALCOMBE ON MONDAY, 29 MARCH 2010**

MEMBERS

* Cllr J Brazil – Chairman

* Dr C C Harling – Vice-Chairman

* Cllr J H Baverstock

* Mr J Barrett

* Cllr R D Gilbert

∅ Mr T Bass

* Cllr M J Hicks

* Mr H Marriage

* Mr M O'Brien

∅ Mr P Waring

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance:

All Agenda Items: Head of Service (Salcombe Harbour) and Senior Member Support Officer

SH.47/09 MINUTES

The minutes of the meeting of the Salcombe Harbour Board held on 1 February 2010 were confirmed as a correct record and signed by the Chairman, subject to a minor amendment on pages 2 and 3 where the term 'marine conservation zone' was replaced by 'special area of conservation' (minute SH.43/09 refers).

SH.48/09 URGENT BUSINESS

The Chairman confirmed that he had agreed for one item of urgent business to be raised at this meeting in relation to staffing matters. Raymond Rowe, the Assistant Harbour Master (Logistics and Maintenance) had recently tendered his resignation, and the Harbour Master had requested that a Board Member sit on the interview panel to appoint a replacement. The Chairman thanked Mr Rowe for all his work over the last thirty years, and it was then agreed that Mike O'Brien be involved in the interview process which would take place in April 2010.

SH.49/09 DECLARATIONS OF INTEREST

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

SH.50/09 PUBLIC QUESTION TIME

Two members of the public wished to utilise the public question time session. Their comments were recorded as follows:-

Andy Head – representative of Shoreboard

Mr Head informed the Board about the future of his company, Shoreboard. He stated that the Harbour limits were reinstated last year and at that time, whilst teaching a customer, he had been approached by a member of the Harbour Authority staff and asked not to ski in the harbour as it was a contravention of the Bye-Laws. He expressed the fact that he had been angry about the way he had been approached and felt it would have been more appropriate to have been asked to contact the Harbour office. Since that time he had been trying to see how the school could work, but as there were bye law restrictions he felt the only way forward would be to cease operation of the ski school out of Salcombe Harbour. He understood that there was no obligation to consult on the change in byelaws but felt that, as part of the community, his company should have been told. He would like to work with the Harbour Board to find a solution. If he stopped ski-ing in the restricted areas, he felt there would be others who would continue. He said he would be tempted to sit out on his boat and radio into the Harbour office each time someone was skiing in a restricted area. He had put his heart and soul into his business and did not want to let his customer base down. He felt he could take this issue further.

The Board Members expressed sympathy with his predicament, and stated that they did not want to put anyone out of business. However, there was a bye-law in place and it had to be enforced. The harbour limits had not been changed. The Harbour Master gave a brief background to the actions he had taken in terms of education and enforcement. He also advised that there was some misunderstanding about where the harbour limit started.

The Harbour Master had tried to come up with an alternative location in a report to the Harbour Board in June 2009; however the Board had rejected this proposal (minute SH5/09 refers). Following this decision, at the Board Meeting which Mr Head attended and had been consulted on prior to the drafting of the report, it was necessary to continue to enforce the Bye-laws prohibiting water skiing within the Harbour Limits. The Board are the duty holders and in the event of an accident, the Board could be liable were enforcement action not to be taken.

Tim Tucker – South Sands Ferry

Mr Tucker was concerned about the impact on the contingency plans for transferring the ferry operations from Jubilee Pier to Whitestrand if the Ferry Pier were to be out of bounds. He had many years experience of landing at Whitestrand and felt that the risk would be considerably increased to operations at Whitestrand so wished for something to be done to patch up the Ferry Pier to avoid having to use Whitestrand and Normandy. He went on to say that there seemed to be some difficulty in the fact that a number of parties were responsible for the Pier, South Hams District Council and South West Water, and perhaps the responsibility should lie with just one organisation. In response, the Chairman advised that the Pier would be available for use in 2010, and added that the Pier was the responsibility of South Hams District Council as it was their asset.

SH.51/09 **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:-

South Devon & Channel Shellfishermen

The representative advised that the fishermen were content with the actions of the Harbour Board, however they were becoming increasingly concerned over the condition of the Fish Quay. The representative stated that he had been working hard to action a feasibility study by South Hams District Council.

Salcombe Kingsbridge Estuary Conservation Forum

The representative was not in attendance to provide an update.

Salcombe Kingsbridge Estuary Association (SKEA)

The representative advised that the Forum had been made aware that Jubilee Pier housed a tank used for sewerage, and they wanted to know if there could be recourse to the water company who introduced the tank in terms of making repairs. Concern was also raised that the Harbour Board was working on a twenty year cycle, however it appeared that South Hams District Council was working on a five year cycle. Also, in relation to Jubilee Pier, there was concern over where the Dartmouth Riverlink Ferry would operate from if it returned to Salcombe. Finally, the Forum had received a visit from a representative of 'Finding Sanctuary' to outline the function, operation and timetable of the project. When asked about responsibility for policing restricted areas, the response was that the existing Council or current bodies charged with fisheries protection would be responsible and recruitment of additional persons would be required, but it is likely the Maritime Management Organisation will deploy enforcement officers.

Kingsbridge Estuary Boat Club

The representative circulated the most recent copy of the Kingsbridge Estuary Boat Club newsletter by way of an update.

SH.52/09 **TEMPORARY ARRANGEMENTS TO ACCOMMODATE FERRIES AT WHITESTRAND DURING ESSENTIAL MAINTENANCE TO JUBILEE PIER**

The Chairman prefaced discussion on this item by advising the Board that he understood that Jubilee Pier would, in fact, be available to use during 2010. His view was that this year should therefore be spent impressing on South Hams District Council the importance of Jubilee Pier.

The Board then went on to consider the report which considered the risk involved in accepting increased ferry traffic to Whitestrand Pontoon and what controls and mitigation then needed to be in place to reduce the risks to 'As Low As Reasonably Practicable' (ALARP).

During discussion, points raised included the following:

- The Harbour Master advised that he was now almost certain that the Pier would be available to use this year and work was currently ongoing to stabilise the Pier. He informed that fendering on the seaward side had been replaced, rock drilling was taking place and a stainless steel band would be used to hold the fendering to the structure. The structure would then be stable. In addition, hand rails would also be replaced, but not before Easter, this work should be complete by May;
- The exercise of looking at contingency measures was good, but they would not be required this year. A number of Board Members praised the work that had gone into the report;
- The Harbour Master also advised that the Riverlink from Dartmouth was planned to visit eight times during 2010 and passengers would embark and disembark at Whitestrand;
- A Board Member queried the figures quoted in the report as he felt they were too low, as there was general agreement that some optimism had been shown, and in actual fact, the impact of increased ferry traffic operating from Whitestrand Pontoon could result in a cost to the Harbour Authority. In addition, the Chairman advised that Jubilee Pier was a Council asset and that it did not charge for its use. However, had it done so, then there may have been a sum of money available to put towards the cost of repairs;
- The Harbour Master advised that he had raised his concerns over Jubilee Pier with the Council at his regular briefings with senior management, and that ultimately it was a political decision. A Board Member stated that this case was exceptional in terms of the impact on day to day business;
- A local Ward Member advised that he had recently had a site meeting with South West Water and the problem was that the Pier was hollow inside. South West Water was considering moving the tank to further along the sea wall and the cavity could then be filled with concrete to make it more stable. In terms of holding South West Water liable for damage to the Pier, there was a counter argument whereby South West Water could hold the Council liable for damage to the tank;
- The issue of queuing people at Whitestrand was discussed and the only alternative for the East Portlemouth Ferry was to use Normandy pontoon, which would require stewarding, as the bridge was neither strong enough nor wide enough.

Finally, it was **PROPOSED, SECONDED** and on being put to the vote was declared **CARRIED**, that recommendation a) be amended to allow consultation on Whitestrand, and also that the lead Executive Member for Property Services and Maritime Matters be invited to attend the meeting in September 2010, when this item would be re-discussed.

RESOLVED:

That the Board:

1. support the repairs and reconstruction of the Jubilee Pier by the District Council, and wishes to receive a progress report by September 2010, with the lead Executive Member invited to attend, to allow the Harbour Board to proceed with consultation on Whitestrand; and
2. adopt the measures set out in para 12 of the presented report to enable additional ferry traffic to operate safely from Whitestrand Pontoon, if the repairs completed to the Jubilee Pier were insufficient to make it safe for normal operation.

SH.53/09 **BYE-LAWS – ENFORCEMENT POLICY**

The Board considered a report which proposed an enforcement policy for Harbour bye-laws.

The Harbour Master advised that as part of the Port Marine Safety Code it was appropriate to have a written policy of which enforcement measures would be undertaken.

He also reiterated that he preferred to deal with issues through education, rather than prosecution. A Board Member responded that the policy was suitably flexible to allow discretion yet show teeth if required.

Finally, the Board agreed to the implementation of the policy, subject to minor amendments and the inclusion of an appeal process.

It was then:

RESOLVED

That the Enforcement Policy be adopted as set out in Annex A of the presented report, subject to minor amendments and the inclusion of an appeal process.

SH.54/09 **CONSERVANCY DUTIES – NAVIGATION MARKS AND BEACONS**

The Board considered a report which proposed an enhancement to the navigational marks in the main channel into Salcombe Harbour.

The Harbour Master explained the current situation, and how the maintenance of beacons were not within the capabilities of the Harbour staff. He had gained the approval of Trinity House who accepted the proposals, which would be implemented this year, improving the marking of the deep water channel into Salcombe and bringing the maintenance of the aids to navigation within the means of the Harbour staff.

It was then:

RESOLVED

That an additional four marker buoys in the entrance to Salcombe Harbour be established which would, in time, replace the navigational beacons on Black Stone, Old Harry and Castle.

(Meeting commenced at 2.30 pm and concluded at 3.45 pm).

Chairman