

Salcombe Harbour Board – 12 November 2007**HARBOUR BYE-LAWS****Report of Head of Service Salcombe Harbour****Statutory Powers: Pier and Harbour Order (Salcombe) Confirmation Act 1954**

Financial Implications: There will be some minor costs for advertising and printing and distribution of documents. Should the bye-Laws be changed, and the speed limit is reduced, there will be a small maintenance cost to change the signage, in all it is estimated at no more than £500.

Purpose

To appraise Members on the process required to change the Harbour Bye-laws.

The Harbour bye-laws provide the means by which to regulate the Harbour and as such, support the South Hams objectives for good jobs (CP2), retention of the district's character (CP3), an accessible council (CP5) and value for money (CP6).

Recommendations

That the Harbour Board RESOLVES to work towards reducing the speed limit within the Salcombe and Kingsbridge Estuary to 6 knots.

Background

1. Harbour bye-law 45, establishes a speed limit of eight knots within the Harbour.
2. With every year that passes the Harbour gets busier and busier with leisure traffic. With this increase in the level of activity there has been an associated increase in the numbers of complaints resulting from excessive speed and the associated wash. The subject has been raised regularly by the Harbour Community Forums, in particularly by the Salcombe and Kingsbridge Estuary Association, the Salcombe and Kingsbridge Estuary Conservation Forum and the Kingsbridge Estuary Boat Club.
3. Just like a car, the greater the speed of a vessel the shorter the reaction time will be for a master or helm to take avoiding action. This increases the risk to all mariners. A legitimate risk reduction measure is to reduce and enforce the speed limit.
4. The speed limit within the Dart Estuary is six knots, setting precedence for a reduction in the speed limit within the Salcombe and Kingsbridge Estuary.

Way Forward

5. The process for amending bye-laws is as follows:
 - To write amendment and check the draft with Secretary of State for Transport to ensure that they are happy with the wording
 - Inform the SoS of the planned public consultation
 - Consult widely on the proposal
 - Report to Harbour Board recommending to Council amendment or variation to the byelaw in questions
 - Council resolution approving change (Only Council can approve the making of byelaws)
 - make and seal the byelaws
 - advertise in one or more local newspaper the fact that byelaws are made and that the Council intend to apply for confirmation from the Secretary of State – this has to be at least a month after advertisement
 - Deposit bye-laws for inspection at Council offices during period of advertisement – Whitestrand, Kingsbridge, Follaton and local libraries
 - Submit for confirmation
 - Confirmation will include date from which byelaws are to come into effect
 - Bye-laws printed and placed on deposit for inspection
 - Council send a copy of the bye-laws to the County Council and to every parish council or parish meeting where they apply asking them to place them on deposit locally for public inspection without payment
6. Whilst working to change the bye-law relating to the speed limit, it would make sense to review all the other bye-laws relating to the Harbour. Therefore, before the first step in the process is undertaken, Members may wish to consider any other changes which may be considered appropriate to the current bye-laws.
7. Initial investigations suggest that to change the speed limit would be relatively straight forward, therefore could be achieved in a relatively short timescale. Other more fundamental changes could take a lot longer to progress. A realistic strategy may be to amend the speed limit immediately and in tandem, work up a more fundamental change which included proposals for enforcement powers which would avoid the expense of using the criminal justice system.

Value for Money

8. Delivering Value for Money is one of the Harbour Board's Core Principles. Effective bye-laws are essential to the safe and efficient operation of the Harbour, which is directly linked to providing value for money to harbour users.

Risk Assessment

Risk	Mitigation
Excessive speed results in an accident and damage to equipment and injury to personnel	Reduce risk of and impact of any collision by reducing and enforcing the speed limit.
Excessive speed and wash impacts on the attractiveness of Salcombe as a destination and reduces the visitor numbers.	Reduce speed limit. A reduction of the speed limit from 8 to 6 knots will not adversely affect any user group's use of the estuary but has the potential to drastically increase the customer experience for the majority.

Conclusion

9. An amendment to the Harbour bye-laws to reduce the speed limit from eight to six knots would dramatically improve safety and the customer experience of estuary users without adversely affecting and individual user groups' ability to navigate the Estuary.
10. Any more fundamental changes should follow separately.

Ian Gibson
Head of Service (Salcombe Harbour)

Salcombe Harbour Board
12 November 2007

Background Documents:

Bye-laws relating to all parts of the Salcombe Harbour dated 17 March 1994.