

Memorandum of Understanding between South Hams District Council and Salcombe Harbour Board

“The Board’s objectives are to improve, maintain and manage the whole of the Salcombe-Kingsbridge Estuary for the benefit of users who include local fishermen, local residents and many visitors and to balance the commercial outlook by conserving and protecting the estuarial environment” (from the current Salcombe Harbour Policy Document, 2000).

South Hams District Council (the Council) and Salcombe Harbour Board (the Board) wish to confirm their respective responsibilities to develop and maintain Salcombe Harbour whilst protecting the interests of the community of Salcombe and the environment.

RESPECTIVE POSITIONS AND RESPONSIBILITIES

The Council determines the policy and budget framework for all Council bodies.

The Board, as a Committee of the Council, is established to advise the Council, Executive and Harbour Master about issues relating to the Harbour in accordance with the requirements of the Port Marine Safety Code (the Code) and Health and Safety at Work legislation.

In addition, the Board will work to ensure:-

- That Salcombe Harbour will conduct operations in accordance with the powers granted to the Council as a Harbour Authority by the Salcombe Harbour Order 1954 (The Pier and Harbour Order (Salcombe) Confirmation Act 1954) and any other enabling legislation and, insofar as it falls within the scope of these powers, the policy of the Council in relation to the Harbour as expressed through:-
 - The Harbour Policy Document;
 - Estuary and Environmental Management Plans;
 - Any byelaws approved and adopted in respect of the Harbour;
 - Safety Management Systems in Compliance with the Port Marine Safety Code;
 - Other Council decisions from time to time.
- That the Harbour is self financing and that it maintains commercial accounts in-conjunction with the accounts as required by the authority to demonstrate the harbour’s commercial viability;
- That a strategic business plan for the harbour is produced and published annually following approval by the Council;
- That decisions relating to the Harbour are based on advice from officers who have a clear understanding of the special requirements of the Harbour;

- That they adopt and maintain transparent, speedy and informative communication with relevant Members of the Council's Executive for consultation and reporting purposes;
- That they have due regard for the interests of the local community and user groups, attending community forums seeking views to gain a balanced picture of the effects of policy and decisions;
- That the existing systems for the delegation of functions be kept under review;
- That any matter which is beyond delegated authority is recommended to the Council by the Board;
- That charges and subsidies be recommended by the Board for approval by the Council on a yearly basis;
- That they monitor and review all matters relating to the Harbour land and property in accordance with policies which may be laid down by the Council from time to time, for which financial and other provision has been expressly made by the Council. The Harbour's asset base is laid out in the associated plan;
- That they oversee the running of services to contract and/or to business plan on commercial lines by advising on business direction in the context of the Council's budget and policy framework;
- They monitor and analyse performance against budget, other indicators and performance plans;
- That issues of concern are raised with officers of the Council.

Objectives of the Board are summarised as follows:

- a) Financial self sufficiency;
- b) Maintenance and development of the harbour infrastructure;
- c) Support for the local economy;
- d) Contribution to the character and attraction of the area;
- e) Compliance with legal and regulatory requirements;
- f) Achievement of environmental considerations;
- g) Open and transparent governance;
- h) Development of staff.

The Council anticipate that any financial surpluses from the operation of Salcombe Harbour will be accumulated year on year for the establishment of appropriate reserves to undertake future projects to benefit the Harbour. However, where such funds have risen to a level beyond that reasonably required for the proper operation of the Harbour, the Council may require those funds, or part of them, to be made available for general Council purposes.