

Salcombe Harbour Board – 22 September 2008**STRUCTURE OF HARBOUR DUES****Report of Head of Service Salcombe Harbour****Statutory Powers: Pier and Harbour Order (Salcombe) Confirmation Act 1954**

Financial Implications: There are no direct financial implications.

Purpose

To appraise Members of the findings and proposals of the Harbour Board Working Group's review of the structure of Harbour Dues.

The Harbour Board's activities 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 RECOMMENDS TO COUNCIL that:

- (a) the resolution determined at its meeting on 24 July 2008 (minute 41/08 (c)) in resolving recommendation SH 18/08 of the Salcombe Harbour Board meeting on 7 July 2008 be rescinded; and**
- (b) the category Tender be redefined as - Tenders 3.65 metres and under with an engine not exceeding 6 shaft horse power, registered to a parent vessel and properly marked T/T (name of parent craft) be exempt from harbour dues.**

Background

1. Harbour dues are collected from users to pay for the discharge of the Harbour Authorities statutory functions.
2. A Harbour Board Working Group led by Cllr Hicks was established to review the way harbour dues are levied and to ensure that the harbour dues are reasonable. An initial report was made on 7 July 2008 (SH 18/08). This report finalises the findings of that Working Group. No financial rates have been decided or discussed. Rates will be considered in the normal way when the budget is set for 2009/10.
3. The arrangements for Harbour Dues prior to (SH18/08) were:

Section A

Every vessel which uses the waters of the estuary is liable to pay statutory harbour dues at a daily, weekly, or annual rate. The annual rates for craft registered by Council Tax payers in the South Hams and moored within the

estuary may not be reduced or divided. Harbour dues apply to a particular vessel and cannot be transferred or count towards the dues of a replacement vessel. Tenders 3.65 m and above are subject to harbour dues unless they can be hoisted on board the parent vessel when that vessel proceeds to sea. Tenders 3.65 m and under used only between shore and parent craft and properly marked T/T (name of parent craft) are exempt harbour dues. Any payment made at a daily or weekly visitors rates will not count towards annual rates and refunds or part refunds on annual rates will not be given.

Category of Harbour Dues

Part 1

Harbour Dues payable by all vessels moored/launched within the estuary and registered at the Harbour Office.

Up to and including 4.5 metres in length per annum

Over 4.5 metres in length per annum

High powered craft under 9 metres with engine or engines of 40 shaft horse power and over with planning or semi-planing hulls – one and a half times the dues

Up to and including 4.5 metres in length per annum

Over 4.5 metres in length per annum

Part 2

Dues payable by any craft launched into the estuary/harbour for any period up to 24 hours to a maximum of 3 days

Visiting sailboards, canoes and dinghies without an engine per annum

Vessels up to 4.5 metres in length with engine per annum

Part 3

For yachts, motor cruisers and other visiting vessels entering the harbour:

Daily harbour dues

Weekly harbour dues

Part day

All charges apply to the overall length of the vessel (excluding bowsprit).

Section B

For Commercial passenger vessels:

For every ship or vessel which shall enter the harbour
Per metre or part thereof

Additionally, per passenger landed

Section C

For Merchant Vessels:

For every ship or vessel which shall enter the harbour

Under 100 tonnes

Of and over 100 tonnes

Section D

For houseboats, yachts and motor cruisers used as houseboats:

Up to and including 4.5 metres in length per annum

Over 4.5 metres in length per annum

Section E

For Tugs which shall enter or use the harbour:

Per day or part thereof

Section F

For laying up merchant vessels

Section G

On goods shipped, unshipped or transhipped within the harbour:

Per tonne

No rates or charges are payable on shellfish

4. SH18/08 proposed the abolition of the classification "Tender" and the introduction of a new category for craft up to 3.5 metres with engines not exceeding 6 shaft horse power.

5. After further consideration, the working group have reconsidered the merits of introducing a new small vessel category, preferring to stick with a redefinition of the Tender. This will ensure that vessels that are truly tenders will experience no change. But vessels which are capable of being used for more than simply a tender, with an engine larger than 6 shaft horse power and or between 3.65 and 4.5 metres, will be charged at the existing category Section A Part 1, negating the requirement for any additional category of charges.

Constitutional Requirements

6. The Council's constitution states that "any motion or amendment to rescind a decision made at a meeting within the past six months cannot be moved unless agreed by at least one third of the Members of the relevant body". Therefore, the Board can recommend to Council, as the decision making body in this instance, that this decision be rescinded, subject to the agreement of one third of the Members present at the Council meeting.

Proposal

7. To recommend that Council rescind the resolution determined at its meeting on 24 July 2008 (minute 41/08 (c)) in resolving recommendation SH 18/08 of the Salcombe Harbour Board meeting on 7 July 2008.
8. Redefine the category Tender as:

Tenders 3.65 metres and under with an engine not exceeding 6 shaft horse power, registered to a parent vessel and properly marked T/T (name of parent craft) are exempt harbour dues.

Risk Assessment

| Risk/Opportunity | Issues / Obstacles | Benefits |
|--|--|--|
| The Harbour Authority must raise sufficient funds from the levy of Harbour Dues to ensure the Statutory functions and fulfilled. | The current system of raising dues has a number of different categories and has been questioned as to its relevance. | Following a complete review of the structure of the Harbour Dues the working group are well placed to justify the current system and propose changes to ensure that the principal of user pays and that no groups of harbour users is disadvantaged. |
| There are no human rights issues within this report. | | |

Conclusion

9. The redefinition of the tender will ensure that boat owners, who have a vessel which is used simply as a tender, will be able to continue to do so with no change. However vessels which are dual purpose, sometimes used as a tender but also used for other purposes, will be charged at the appropriate rate for the use of the Estuary.

Ian Gibson
Head of Service Salcombe Harbour

Salcombe Harbour Board
22 September 2008

Background Documents:

South Hams District Council Salcombe Harbour Board Charges 2008/09.