

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT  
FOLLATON HOUSE, TOTNES ON FRIDAY 17 JULY 2009**

**MEMBERS**

\* Cllr J W Squire - Chairman

\* Cllr P H Cook - Vice-Chairman

* Cllr K J Baldry	* Cllr C W Jones
* Cllr J H Baverstock	* Cllr D W May
* Cllr J I G Blackler	* Cllr C M Pannell
∅ Cllr B E Carson	∅ Cllr S L Rankin
* Cllr R J Carter	∅ Cllr M F Saltern

\* Denotes attendance

∅ Denotes apology for absence

Also in attendance and participating  
Cllr M J Hicks

Officers in attendance:

All Agenda Items: Head of Service (Salcombe Harbour), Licensing and Administration  
Manager, Licensing Officer and Member Support Officer

**L.1/09 MINUTES**

The minutes of the meetings of the Licensing Committee held on 26 August 2008, and of the Licensing Sub Committees held during the period 8 October 2008 to 7 May 2009, were confirmed as a correct record and signed by the Chairman.

**L.2/09 DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as:-

Cllr J H Baverstock declared a personal interest in Item 5: 'Licensing of Beach Floats' (Minute L.4/09 below refers) by virtue of him being the Interim Chairman of the Salcombe Harbour Board and remained in the meeting and took part in the discussion thereon.

**L.3/09 URGENT ITEM – JOINT MEETING WITH POLICE**

The Chairman informed the Committee that a joint meeting had been held on Monday 13 July 2009 with local Senior Police Officers, the Licensing and Administration Manager and the Chairman and Vice Chairman of the Licensing Committee.

A paper outlining the summary points of the meeting, along with background information, was tabled setting out key points regarding the process of representations by the Police to licensing applications.

During discussion, a Member questioned the purpose of a joint Public Relations (PR) campaign if it were to involve time and financial implications for the Council. He further added that if Members were unhappy with the restrictions in the Licensing Act, they should be addressing those concerns directly to Government. Furthermore, a Member requested that any costs incurred for PR should be borne by the Police Authority.

In response, the Vice Chairman informed that she had made the suggestion for a joint PR campaign (which the Police had supported) in order to address any negative misconceptions within the public about the extent of the powers the responsible authorities had at their disposal. The Chairman agreed citing that it was important to communicate and clarify these issues to the public. He went on to reassure that the joint PR campaign was about working more closely with the Police on joint press releases to ensure the correct message was being relayed. Other Members voiced their agreement that this would be a positive and useful exercise.

L.4/09

### **LICENSING OF BEACH FLOATS**

The Salcombe Harbour Master presented his report and informed that he had asked for the item to be raised as a result of observing first hand a few incidents involving beach floats, where members of the public had got into severe difficulty having launched from Whitestrand.

As a result, he sought permission from the Committee to add conditions to the licence which would enable him to grant them on a case by case basis and in compliance with the guidance in the 'Recommendations and Regulations Affecting the Licensing and Operation of Small Craft' publication. The recommendations were set out by the South West Regional Standing Committee on the Safety of Small Craft. The key recommendations were that local and harbour authorities should have the power to licence beach floats and, in licensing them they should:

- Licence the Operator;
- Restrict the area of operation where necessary (e.g. such as areas of strong tidal currents); and
- Stipulate that an Operator provide either a safety boat or a means of retrieving the beach floats

The Harbour Master also felt that if people had purchased their own beach floats and were using them, then this was their choice and therefore, the authority was not liable. However, strong concerns were expressed that should members of the public 'hire' beach floats to use in the harbour waters, then they would assume that it was safe to do so and that it was therefore a properly regulated activity.

In addition, it was noted that there were a number of geographical issues with the use of beach floats in the Whitestrand area of Salcombe Harbour. The issues were that the floats had to cross two busy waterways and at times strong tidal currents could reach up to four knots. Once the floats had crossed the waterways, they were soon out of sight of the Licensed Operator and thus potentially had no means of recovery if they got into difficulties.

The Harbour Master re-emphasised his concerns about the potential for serious incidents to develop quickly with the use of these floats in this area of the harbour waters. However, he added that he had no concerns over their use further up the Estuary.

The Interim Chairman of the Salcombe Harbour Board stated his support for the proposal and following a discussion, an amendment to the recommendation was **PROPOSED** and **SECONDED** to read:-

‘That the Licensing Committee agree to the Licensing of those Operators in the business of hiring beach floats, subject to compliance with the guidance in ‘Recommendations and Regulations Affecting the Licensing and Operation of Small Craft.’

In discussion, the following points were raised:

- a) Members requested clarity that the amendments sought were to enable the Harbour Master to restrict operations wherever necessary. In reply, it was confirmed that this was the correct interpretation;
- b) It was asked if the Council would be liable in relation to any incident. In response, the Harbour Master informed that whilst Operators had insurance, the Council would be liable if it had not set the parameters for the hired use of floats or other small craft within safe areas;
- c) A Member queried whether, in the unlikely event that an Operator were to be refused a licence, but went on to operate regardless, did the Council have the power to stop operations. The Committee was informed that the Council had the authority to prosecute any offending Operator, and the Harbour Master would effectively police operators of hired beach floats within the Salcombe Harbour limits.

It was then:-

### **RESOLVED**

That the Licensing Committee agree to the Licensing of those Operators in the business of hiring beach floats, subject to compliance with the guidance in ‘Recommendations and Regulations Affecting the Licensing and Operation of Small Craft.

(Meeting commenced at 10.00 am and concluded at 11.00 am).

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Chairman