

**MINUTES OF THE MEETING OF THE SALCOMBE HARBOUR BOARD
HELD AT SOUTH POOL VILLAGE HALL ON
MONDAY, 8 JUNE 2009**

MEMBERS

* Cllr J Brazil – Chairman

ø Dr C C Harling – Vice-Chairman

* Cllr J H Baverstock	* Mr J Barrett
* Cllr R D Gilbert	ø Mr T Bass
ø Cllr M J Hicks	ø Mr H Marriage
	* Mr M O'Brien
	* Mr P Waring

* Denotes attendance

ø Denotes apologies for absence

Members in attendance and participating:
Cllr P Coulson

Officers in attendance:

All Agenda Items: Head of Service (Salcombe Harbour), Assistant Harbour Master
(administration), Estuaries Officer and Senior Member Support Officer

SH.01/09 **MINUTES**

The minutes of the meeting of the Salcombe Harbour Board held on 23 March 2009 were confirmed as a correct record and signed by the Chairman subject to it being recorded that, under minute reference SH.50/08 'Public Question Time', comments of Andrew Head, an amendment be made to ensure that it read that a safe haven could be created for when conditions were unsuitable outside the **Harbour** (and not Bag as stated in the previously circulated minutes).

SH.02/09 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman stated that, due to the public interest in item 7; 'Topical Harbour Issues' (minute SH.05/09 below refers), specifically in relation to the contentious issue of water skiing in the harbour, this item would be considered as item 6 (following the public question time), to ensure that those present had the opportunity to address the Board with their views prior to the ensuing debate.

Furthermore, the Chairman advised that due to other commitments he would have to leave the meeting following consideration of the 'Topical Harbour Issues' report. Subsequently, the following motion was

CARRIED:-

RESOLVED

'That following the departure of the Chairman, Cllr Baverstock be appointed Chairman for the remainder of the meeting only.'

SH.03/09 **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.04/09 **PUBLIC QUESTION TIME**

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

Peter Reynolds-Jones

Mr Reynolds-Jones expressed concern over the proposed trial for a water skiing area within the Harbour. He noted that he was in attendance on behalf of the East Portlemouth Foreshore Association, whose concerns were recorded as follows:-

- Speed of motor boats and the associated noise nuisance and wake disturbance they would create;
- Disturbance to wildlife and the natural environment; and,
- Health and safety concerns due to the limited space available in the proposed trial zone and the amount of traffic already utilising the area during high tides.

Mr Reynolds-Jones concluded in suggesting a trial zone be investigated elsewhere in the Estuary.

Steven Taylor

Expanding on the previously expressed concerns over a water skiing trial in the estuary, Mr Taylor felt that it was unfortunate that all foreshore owners along the proposed zone were not directly contacted to outline the proposals and inform them of this Board meeting. Furthermore he felt that, if implemented, the trial would be hard to 'police' and open to abuse by skiers. He noted that it was a busy and restricted estuary and a skiing area would create major health and safety problems.

Patrick Smith

Mr Smith advised those present that, following previous discussion, no channel markers were to be established in the South Pool creek.

Watchkeeper from NCI Prawle Point

The Board was advised that the coastal watch stationed at Prawle Point had updated its website to incorporate the weather forecast to aid yachts men. Leaflets and stickers noting the work of the MCTi team were distributed for information.

Tim Tucker

In contrast to fellow members of the public, Mr Tucker aired his support for the proposed water skiing area trail. He noted that it would bring in better restrictions and control to water skiing and hopefully reduce accidents happening outside of the harbours jurisdiction. Mr Tucker felt that a trial period would be an excellent way to gauge how such an area could be facilitated and further suggested that two different areas within the estuary be trialled to enable comparisons to be made.

Elizabeth Bennett

Mrs Bennett reiterated concerns about the proposed water skiing trial highlighting that the area was not of sufficient size to accommodate a skier safely, and also made reference to the disruption to wildlife and health and safety implications for other users of the estuary.

Richard Murray

Expressed concerns over the water skiing trial.

Richard Hosking

Expressed concerns over the potential disturbance of wildlife in combination with the proposed water skiing trial.

SH.05/09

TOPICAL HARBOUR ISSUES

Consideration was given to a report which updated the Board on the progress made against a number of operational projects within Salcombe Harbour.

During discussion, specific reference was made to:-

Qualification for Moorings

The Harbour Master advised those present that facility holders were being given advanced warning that they would need to produce Council Tax bills before their facility was renewed for the 2010/11 season. Subsequently, Members expressed concern that this might discriminate against those who had long standing moorings but no longer lived in the area. Furthermore, a query was raised as to how this was to be monitored should the Council be amalgamated into a Devon unitary Council and the consequent change in the Council Tax provider.

A Board Member felt that this needed careful review and, therefore, suggested that a working group of Board Members be established to analyse the issues in detail. Following debate on the issue, the Board agreed to defer making a formal decision until the meeting of 28 September 2009, when it was felt more information could be provided up on the receipt of letters from mooring holders outlining their circumstances.

Starehole Bay

As identified in the presented report, the Harbour Master outlined the issues of irresponsible boating in Starehole Bay. The report noted that Starehole Bay was outside the jurisdictional limits of the Harbour Board and the Council. Therefore the report recommended that the Board direct the Harbour Master to research the issue further and report back in due course. However, during a lengthy discussion, the Board expressed concern that if the Harbour was minded to manage maritime activity in Starehole Bay, it would become liable for health and safety implications. Subsequently, it could not support any further investigation into the management of Starehole Bay.

Water Skiing within the Harbour

The Harbour Master informed those present that the idea behind having a trial period (as detailed in the presented report), was to aid Members when having a full debate on the issue at a future meeting. However, following concerns as previously expressed by members of the public (minute SH.04/09 above refers), the Board was hesitant to support the trial. Although the Board appreciated the idea of a trial, it reiterated the concerns of the public, specifically in relation to health and safety, possible impact on the environment and the noise and disturbance it would create. Therefore, the Board found it difficult to support the proposal for a trial as presented in the report. However, it was noted that it was important that the estuary was accessible for all various types of users and therefore the Board would not necessarily rule out a similar proposal in future years when circumstances might have evolved.

RESOLVED

1. That the report be noted;
2. That the issue of qualification for a mooring be further considered at the meeting of 28 September 2009;
3. That no further investigation be undertaken in relation to the management of maritime activity in Starehole Bay;
4. That the project funding by the Area of Outstanding Beauty Estuary Partnership be carried forward from the 2008/2009 financial year to the 2009/2010 financial year;
5. That a water skiing trial, as detailed within the presented report, will not be facilitated;
6. That the requirement for canoes to pay harbour dues be confirmed;

7. That yawl rafts be accommodated (as set out in the policy guidelines in paragraph 20 of the presented report).

SH.06/09 **PERFORMANCE MANAGEMENT**

The Board considered a report which highlighted the Harbour's performance against agreed Performance Indicators (PIs).

The PI's illustrated that overall it had been a reasonable year. However, areas of concern remained the declining numbers of visitors and the increasing incidents of marine crime. It was noted that measures were in place to address these concerns and the Harbour would continue to monitor the situations.

RESOLVED

That the Harbour Performance against agreed Performance Indicators be noted.

SH.07/09 **AMENDMENTS TO THE SALCOMBE HARBOUR BOARD CONSTITUTION**

A report was considered which sought approval for the amendment to the Harbour Board's Constitution. Prior to taking a vote on the recommendation, Members wished for an amendment to be made for the deletion of the sentence "if all current Members wish to remain on the Board yet other Members wish to apply, then all candidates including current Board Members will be required to apply for the four seats as part of the interview process prior to annual Council making the appointments." Council Members on the Board felt that as they were originally appointed to the Board after the May 2007 elections on a fit-for-purpose basis, following an interview process whereby all District Councillors were invited to apply, their term should be for the four years up until the next district wide election (2011). This was subsequently **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**.

It was then:-

RECOMMENDED

That Council be **RECOMMENDED** that the Salcombe Harbour Board Constitution be amended to clarify the appointments process for Council Members, as set out in appendix A to these minutes.

SH.08/09 **EXCLUSION OF PRESS AND PUBLIC****RESOLVED**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

SH.09/09 **THE BATSON PONTOON REPLACEMENT PROJECT**

Consideration was given to an exempt report which updated on the progress with the Resident's Pontoon project and sought approval to proceed to let a contract with the preferred tenderer, with a proposed project completion date of December 2009.

RECOMMENDED

That Council be **RECOMMENDED** that:-

1. a contract for the replacement pontoons at Batson be let to WALCON Marine Ltd at the price outlined in the presented report; and,
2. the project be financed by a loan from the Council for £190,000 over a period of up to twenty five years, with the balance being financed from the Pontoon Reserve.

SH.10/09 **FEEDBACK FROM HARBOUR COMMUNITY FORUMS**

Due to an omission on the agenda in relation to the standing item for feedback from Harbour Community Forums, the following forum representatives provided a paper which highlighted the following points (but no discussion took place):-

Salcombe Kingsbridge Estuary Association (SKEA)

The notes of the previous SKEA meeting held on 4 June 2009 highlighted discussion points around the issue of charging for the use canoes on the estuary and whether they should fit into a charging scale. Moreover, the issue of water skiing on the estuary was also raised, and concerns were noted above by members of the public and the Board.

Salcombe Kingsbridge Estuary Conservation Forum

Matters of interest for the Board raised by the Conservation Forum were noted as follows:-

- water quality on the Kingsbridge and Salcombe Estuary. It was noted that the Environment Agency had recorded low levels of nutrients in the water quality. The issue would be monitored to assess levels against the parameters of an Nitrate Vulnerable Zone;
- Catchment Sensitive Farming Initiative. The Water Framework Directive 2015 had acknowledged that the river was in good condition. Visits to local farms were being undertaken to minimise the impact on the river from agricultural run off.

South Devon & Channel Shellfishermen

No update at present.

Kingsbridge Estuary Boat Club

No update at present.

(Meeting commenced at 2.30 pm and concluded at 4.20 pm).

Chairman

Constitution of the Salcombe Harbour Board

A. Establishment of the Board

1. The functions of the Council conferred under the Pier and Harbour Order (Salcombe) Confirmation Act 1954 shall be reserved to the Council under section 13 of the Local Government Act 2000 and Regulation 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)
2. That the discharge of these functions within any policy and budget approved by Council be delegated as set out in the scheme of delegations.

B. Membership of the Board

1. The Board shall consist of up to 10 members, 4 Members of South Hams District Council and the remainder co-opted Members. Each Member, as far as it is achievable, will be appointed on a 'fit for purpose basis' through assessment of each nominee's skills, knowledge, experience and commitment on matters such as the following:-
 - Knowledge of port/maritime or other nautical experience;
 - General finance/business knowledge;
 - Understanding of Harbour Users;
 - Awareness of environmental issues;
 - Aspects relating to tourism, leisure and marketing;
 - Knowledge or interest in the local and/or the wider community.
2. All co-opted Members will be bound by the Council's Member Code of Conduct and sign the declaration of acceptance of office as required by law in any event;
3. The Chairman of the Board shall be a Council Member;
4. All Members shall have full voting rights on all matters before the Board;
5. In the event that a Board Member does not attend any meetings of the Board for a period of six months from the date of his or her last attendance, that Member ceases to be a Board Member, unless within the period of absence the authority gives approval for this absence. If proved to be mitigating circumstances, and a Board Member is unable to fulfil their duties for a prolonged period of time, the Council may appoint a person qualified within the criteria set out in paragraph B1 above to sit on the Harbour Board during that period of absence only.

C. Appointments Process

1. Members of the Council shall be appointed to the Board at the Council's annual general meeting;
2. As these appointments are subject to a 'fit-for-purpose basis', if a casual vacancy has arisen for any reason, or otherwise during March each year the Leaders of all political groups of the Council will be contracted to ascertain whether there is likely to be any change to the Board's Membership. If any Board Member no longer wishes to serve on the Board, then expressions of interest will be invited with interviews being held for that vacancy;
3. Following district wide elections, expressions of interest will be invited from all Members, with interviews being held for all four positions;
4. A co-opted Member's term of appointment shall be three years from the date of appointment to expire on the date of annual Council of the relevant year;
5. In order to stagger the appointments process to maintain some continuity of Board membership, the first term shall be divided so that two co-opted Members sit for two years only and the remainder of co-opted Members sit for the standard three year term. Following this initial staggering, terms will remain at three years from appointment;
6. A co-opted Member may be appointed to a second three-year term without recourse to open competition, subject to the agreement of both the Chairman and the Member, and the Board's assessment that the Member has performed satisfactorily during the first term;
7. Re-appointment for a third term shall be regarded as the exception and involve competition with other candidates;
8. The appointment of co-opted Members shall follow the Nolan model;
9. The Appointments Panel will consist of a nominated District Councillor from the majority party, a nominated District Councillor from the minority parties collectively and an independent external technical advisor with a thorough understanding of harbour/port governance issues. After the first round of appointments to the new Board and during their term, the Appointments Panel will also include either the Chairman of the Harbour Board or another Board Member;

D. Meetings

1. The Board shall meet at least six times a year;
2. The quorum for meetings of the Board shall be four provided that two members of the Council and two other Board Members are present;
3. Meetings will commence late afternoon to allow for public involvement;

4. Meetings are to be structured to enable a 15 minute public question time at the commencement of the meeting;
5. The Board shall consider the following business:-
 - i. Consideration of the minutes of the previous meeting;
 - ii. Declaration of interest, if any;
 - iii. Public questions and comments;
 - iv. Feedback from recognised Harbour Community Forums;
 - v. The business otherwise set out on the agenda for the meeting;
 - vi. Matters for future consideration.
6. An Annual General Meeting of the Board will take place during the year. In addition to those items of the ordinary Board meetings and those items set out in the Council's constitution, the annual meeting will receive the annual statement of accounts and the annual statement of service delivery.

E. Recognised Community Forums

1. To ensure that the Harbour Board has strong and direct links with both harbour users, local communities and other external organisations with an interest in the Salcombe-Kingsbridge Estuary, a formal consultation mechanism has been set up. Four not-for-profit community groups have registered their interest to work with the Council in relation to its future Harbour activities:
 - The Salcombe Kingsbridge Estuary Association;
 - The Salcombe Kingsbridge Estuary Conservation Forum;
 - The Kingsbridge Estuary Boat Club;
 - South Devon and Channel Shellfishermen.
2. The four groups are recognised as 'Harbour Community Forums' and form part of a formal consultation mechanism for the Harbour Board;
3. That the list of four groups is not exhaustive and it is anticipated that further community groups be recognised and added as time progresses.