

**MINUTES OF THE MEETING OF THE SALCOMBE HARBOUR BOARD  
HELD AT KINGSBRIDGE TOWN COUNCIL, QUAY HOUSE, ILBERT ROAD,  
KINGSBRIDGE ON TUESDAY 20 MARCH 2007**

**MEMBERS**

\* Cllr J S Beer – Chairman

\* Dr C Harling – Vice-Chairman

\* Cllr J Brazil

\* Cllr R J Carter

\* Cllr S L Rankin

\* Mr J Barrett

\* Mr T Bass

\* Mr R Gilbert

\* Mr H Marriage

\* Mr M O'Brien

\* Denotes attendance

Member in attendance at the request of the Chairman:  
Cllr R Rowe (Executive Member for Salcombe Harbour)

Officers in attendance:

All Agenda Items – Strategic Director (Operations), Head of Service (Salcombe Harbour), Principal Solicitor and Principal Accountant

Officers in attendance for observation purposes:  
Harbour Office Manager and Marine Conservation Officer

Also in attendance: 10 Members of the public

SH.31/06 **MINUTES**

The minutes of the meeting of the Salcombe Harbour Board held on 18 December 2006 were confirmed as a correct record and signed by the Chairman.

SH.32/06 **URGENT BUSINESS**

The Chairman announced that he had two items of urgent business he wished to raise at the meeting. These were recorded as follows:-

- The Chairman informed the Board that the next meeting of the Harbour Board would now be held on Wednesday 6 June 2007 at 2.30pm in a venue yet to be confirmed;

- The Harbour Master informed the Board of an incident which had recently taken place in the harbour. Crew from a fishing vessel which had come into the harbour due to fuel contamination had gone ashore one evening with the use of a borrowed tender. On returning to their vessel it was reported that the tender collided with a buoy, throwing one of the passengers overboard and rendering him unconscious in the estuary. Fortunately, a nearby bass fisherman was able to assist in taking the man safely ashore where he received mouth to mouth resuscitation and then a number of stitches once he had arrived at hospital. It was noted that without the prompt assistance received, this incident could have been much more serious.

The Harbour Master noted that the fishermen in the tender were unfamiliar with the estuary and were not using a kill cord or wearing lifejackets. A report was subsequently submitted to the Marine Accident Investigation Branch (MAIB), who informed that the incident would not be investigated further but the data would be held on their data base.

The Chairman of the Board wished to formally thank the bass fisherman who came to the aid of the injured man and would personally write a letter of appreciation.

## SH.33/06 **DECLARATIONS OF INTERESTS**

Prior to declaring an interest, Mr J Barrett read out the following statement:-

“I would like to declare a personal but not a prejudicial interest in matters involving Salcombe Harbour Charges.

I have carefully read the letter from the South Hams Council principle solicitor. It is in part a plea not to precipitate this matter now.

In the past, at the request of various people around the board, I have declared a prejudicial interest against my feeling that one doesn't lie.

We now have a similar plea; but I can see no benefit in continuing to act against what I feel to be the truth.

We are instructed to follow a test of prejudicial interest thus:

*“Would a member of the public – if he or she knew all the facts – reasonably think that my interest is so significant that my decision on the matter would be affected by it.”*

It is clear from this that this is not an absolute prohibition; if so the test of reasonableness would not be made: at its extreme, it would not be reasonable to assume that a member's decision would be affected if that matter made a difference to the member of 1p.

It is also the case, that because this decision must be made before the meeting, it would be unreasonable to base it on anything other than the proposals before the meeting – how could one make that judgement when one doesn't know what would happen in discussion. It would seem appropriate then that should a discussion take the scale of any decisions' impact on a beyond such a level of reasonable question of influence, that the member should then withdraw.

The instruction is that this prior judgement rests with the individual Board Member. It can however be challenged by others – so clearly, the financial facts surrounding the Board Members' decision should be made clear.”

Mr Barrett then proceeded to detail his financial position in terms of harbour fees, and stated that he felt that the financial scale of his position was not significant enough to warrant a prejudicial interest.

Members were then invited to declare any interests in the items of business to be considered during the course of the meeting, these were recorded as follows:-

In relation to the comments made above, Messrs Barrett, Harling and O'Brien declared a personal interest by virtue of their rental of moorings within the harbour.

#### SH.34/06 **PUBLIC QUESTION TIME**

One member of the public wished to utilise the public question time session. Comments were recorded as follows:-

Mr Graham Price of Kingsbridge firstly wanted to thank the Board for holding the meeting in Kingsbridge. He then went on to note his concern over signage around the estuary highlighting signs along the Kingsbridge bank which prohibited public access. Mr Price requested assurance that signage would be looked at to ensure it was still relevant to today's access routes onto the estuary. The Harbour Master assured Members that he was happy to address the issue.

**SH.35/06 FEEDBACK FROM HARBOUR COMMUNITY FORUMS**

The Board received verbal reports from the Board Members representing the Harbour Community Forums, during which reference was made to:-

**Kingsbridge Estuary Boat Club**

- the Club being keen to see the continuation of the boat watch scheme, which had full support of the police;
- assurance that when addressing maintenance and infrastructure, the whole estuary was taken into account as there was a perception that the Salcombe end was favoured;
- the good relationship the Forum had with harbour staff.

**Salcombe Kingsbridge Estuary Association**

- concern over the duchy lease which was yet to be confirmed;
- concern over the capital commitment of the residents pontoon project;
- the public consultation on the operation of Whitestrand Pontoon and the Dinghy Racing Fairway which had been well received. However, there were concern over the perceived mis-use of Whitestrand Pontoon by businesses.

**Salcombe Kingsbridge Estuary Conservation Forum**

The representative for the Forum noted that the previous meeting he attended was excellently run and that the conservation officer was reviewing the standing orders.

In conclusion, the Chairman thanked the Harbour Community Forum representatives for their work.

**SH.36/06 STRATEGIC BUSINESS PLANNING**

A report was considered which updated Members on the progress of the development of a five year Business Plan for the Harbour Authority and sought approval of a time table for full public consultation through to the final ratification of a plan. Progress was starting to be made and the time table to publication was tight but achievable, provided that there were no unforeseen issues which would detract from the staff process.

In conclusion, the report noted that the Strategic Business Plan would be a live and evolving document and as time progressed, it would be refined and developed to meet the ever-changing demands of its users. As a premier leisure harbour, it was essential to fulfil the users' requirements into the future whilst offering value for money.

During discussion on the report, a Member drew attention to the reference in the Strategic Business Plan of a moorings policy. It was noted that this was a fundamental policy which was in need of a review. A further Member wanted reassurance that changes to the policy would not affect the sentence on page 19 of the presented report which read '*A number of years ago the Harbour Board capped the number of moorings in order to limit any further development and maintain the character of the estuary*'. In response, officers noted that they would incorporate a sentence into the strategy which stressed that there were no current plans to change this moorings policy.

Thanks was extended to the Harbour Master for the work which had gone into the document.

### **RESOLVED**

That the Harbour Board:-

- a) endorse the work completed to date on the Salcombe Harbour Strategic Business Plan;
- b) agree the timetable for development of the Strategic Business Plan;
- c) publish the draft Strategic Business Plan for public consultation.

## **SH.37/06 PERFORMANCE MANAGEMENT**

The Board received a report on the Harbour's performance against the Performance Indicators (PIs) which were agreed at the previous meeting (minute SH.26/06 refers). It was still early days of Performance Management and, in time, Members would be able to judge the usefulness of categories. The PIs and targets could evolve and adjust annually to provide the information and data required to inform decisions affecting the future investment into harbour facilities.

### **RESOLVED**

That the Harbour Board note Harbour Performance against agreed Performance Indicators.

## **SH.38/06 REVENUE MONITORING REPORT**

A report was considered which advised Members of the projected trading position for the 2006/2007 financial year. Current projections indicated that the harbour would achieve at least a break-even position for the 2006/2007 financial year, in line with the agreed budget.

During discussion, the Board was informed that the Waste Recycling set up cost was a one off expense.

**RESOLVED**

That the Board note the report

SH.39/06 **FRESH WATER SUPPLIES**

Consideration was given to a report which informed the Board of the requirement to modify fresh water supplies and gain approval to undertake the work. The work would involve the installation of a 1,000 litre tank in each location (Normandy Pontoon and the Fish Quay) with a ball valve, pressure booster and reducing valve which would deliver 1 litre per second at 3 bars to a bib tap. It was anticipated that the work could be completed within 6 weeks of authorisation. The provision of fresh water was a fundamental service provided by the Harbour Authority and should be maintained in compliance with current legislation.

**RESOLVED**

That the Harbour Board:-

- a) note the requirements to comply with the Water Supply (Water Fittings) Regulations 1999;
- b) approve the expenditure from the Harbour Authority General Reserve to complete the required modifications to the fresh water supplies to vessels in Salcombe Harbour.

SH.40/06 **SAFETY IMPROVEMENTS FOR WHITESTRAND PONTOON AND THE DINGHY RACING FREE FAIRWAY**

A report was considered which detailed the results of the public consultation and noted revised arrangements for the operation of Whitestrand Pontoon and the Dinghy Racing Free Fairway for implantation during 2007.

The public consultation results proved to be supportive of the proposals and with a few minor adjustments the proposed changes to the operation of Whitestrand should provide a sound basis for starting the process of improving safety and enabling better access to Salcombe from the water. The Dinghy Racing Free Fairway should deliver a noticeable improvement in the safety management system of the harbour.

During discussion on the report, Members were concerned about the definition of "residents" and "visitors" in relation to charges at Whitestrand. In response, it was perceived that Council Tax Rate Payers, whether paying 90% or 100%, were currently eligible for resident charging rates. A Member requested that a review of who should be considered as a "resident" be incorporated into the Strategic Business Plan.

In relation to the Fairway and the safety measures which would be in place, it was noted that buoys would be placed to demonstrate where the Fairway was, announcements would be made over the VHF system, there would be harbour staff present and lights would be used to warn passing vessels. The system would be under constant review and it would be positively controlled.

### **RESOLVED**

That the Harbour Board:-

- a) note stakeholders comments received during public consultation;
- b) endorse the proposed revised arrangements for the operation of Whitestrand Pontoon and the Dinghy Racing Free Fairway.

#### **SH.41/06 SCALLOP RANCHING TRIAL WITHIN THE ESTUARY**

Consideration was given to a report which sought the support of Members to carry out a feasibility trial for the ranching of scallops within the upper Bag area of the estuary. Limited scallop ranching would have little environmental impact on the estuary and would enable a limited number of new jobs within the estuary, at no risk to the present and proven sustainable scallop dredging fishery. It was stressed to the Board that this was only a 3 year trial and as the harbour authority controlled diving activity in the estuary, free diving was not a concern. Following conversation with Devon Fisheries, it was felt that there would be no losers in this enterprise. However, a number of local fishermen did have concerns.

Following a query, it was noted that there were currently no similar trials in England which officers were aware of that could be used as a benchmark. Prior to the trials commencement, the Board would receive a further report which detailed its operational parameters.

### **RESOLVED**

That the Harbour Board approve the conduct of a feasibility trial for scallops under the supervision of the Harbour Authority.

#### **SH.42/06 THE RESIDENTS PONTOON REPLACEMENT PROJECT**

A report was considered by the Board which presented options for the Resident's Pontoon project which would ensure a project completion date of December 2007.

Prior to discussing the report, attention was drawn to the exempt appendix to the circulated report. Members were advised that if they wished to discuss the exempt appendix it would be necessary to vote to exclude the public and press in order to go into closed session.

Members felt that it would not be possible to fully discuss the issues within the report if they were unable to make reference to the detail in the exempt appendix. It was therefore:-

**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 item of business as the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act is involved.

Officers and Members then proceeded to debate the presented report and its exempt appendix which compared the costs of various systems for securing the residents' pontoon. During this discussion, Members also referred to the environmental impacts each system would have on the seabed and how the financial and environmental aspects of each system needed to be taken into account.

Once all Members were satisfied that they had no further questions or comments to add, it was then:-

**RESOLVED**

That the public and press be readmitted.

**RESOLVED**

That the Harbour Board:-

- a) approve piling as the most suitable method of securing the replacement of the Residents' Pontoons provided costs don't significantly exceed £325,000 as laid out in the report;
- b) subject to resolution a) (above), the Board resolves to let the contract out to WALCON, with a completion date of December 2007.

(NOTE: Mr J Barrett wished for his abstention on this vote to be recorded).

SH.43/06 **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 item of business as the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act is involved.

SH.44/06     **THE LEASE OF FUNDUS**

An exempt report was considered which informed the Harbour Board on the progress with the renewal of the lease for the fundus from the Duchy of Cornwall and considered the draft Heads of Terms of Agreement.

**RESOLVED**

That the Harbour Board:-

- a) note the progress on lease negotiations;
- b) had considered the draft Heads of Terms of Agreement and propose any amendments;
- c) **RECOMMEND** to Council that it make an exception to Standing Orders relating to Contracts in order to instruct Strutt and Parker, specialist surveyors and valuers, to commence negotiations with the Duchy of Cornwall on the basis of the proposed Heads of Terms of Agreement;
- d) delegate responsibility to conclude negotiations to the Head of Property Services and the Harbour Master in conjunction with the Chairman of the Harbour Board within the percentage limit set by the Board.

SH.45/06     **THANKS TO THE RETIRING CHAIRMAN**

Following the announcement BY the Chairman that this would be his last meeting on the Board as a Council representative, a Member wished to formally thank Cllr Beer on behalf of both the community and the Board, for all his work over the years on the Salcombe Harbour Board. He had done extensive work both during Board meetings and behind the scenes and he would be very much missed.

(Meeting commenced at 2.30 pm and concluded at 4.30 pm).

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Chairman