

**MINUTES OF THE MEETING OF THE SALCOMBE HARBOUR BOARD
HELD IN THE VILLAGE HALL, SOUTH POOL
ON TUESDAY 25 SEPTEMBER 2007**

MEMBERS

* Cllr J Brazil – Chairman

* Dr C C Harling – Vice-Chairman

* Cllr J H Baverstock	∅ Mr J Barrett
* Cllr R Gilbert	* Mr T Bass
* Cllr M J Hicks	* Mr H Marriage
	* Mr M O'Brien

* Denotes attendance

∅ Denotes apology for absence

Member in attendance but not participating:
Cllr R J Carter

Officers in attendance:

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

Items 1 to 6 (SH.21/07 to SH.26/07 below refers) – Conservation Officer;
Item 10 (SH.30/07 below refers) – Head of Landscape and Leisure.

Officers in attendance for observation purposes:
PA to Strategic Director (Operations).

Also in attendance:
10 members of public.

SH.21/07 **WELCOME**

The Chairman welcomed the Board and members of the public to the meeting and thanked the South Pool Village Hall Committee for hosting the meeting.

SH.22/07 **MINUTES**

The minutes of the meeting of the Salcombe Harbour Board held on 10 July 2007 were confirmed as a correct record and signed by the Chairman.

SH.23/07 URGENT BUSINESS

The Chairman informed the Board that it was intended to advertise the vacant position on the Board in order to appoint an additional Co-opted Member. Furthermore, for various reasons, the Chairman wished to re-schedule future meetings of the Board to Monday afternoons. Members agreed and the following dates were confirmed for future meetings of the Board:-

- Monday, 12 November 2007;
- Monday, 14 January 2008;
- Monday, 31 March 2008;
- Monday, 2 June 2008;
- Monday, 7 July 2008;
- Monday, 22 September 2008.

In terms of venues, Members were happy to alternate Board meetings between each side of the estuary. It was confirmed that a list of venues would be circulated to the Board.

SH.24/07 DECLARATIONS OF INTERESTS

Members were invited to declare any interests in the items of business to be considered during the course of the meeting. During this item the Vice-Chairman, Dr C C Harling, read a statement (attached as appendix A to these minutes) which expressed his dissatisfaction with the advice he had received on whether he had a personal or prejudicial interest by virtue of him having a rental mooring on the harbour. Appointed as a 'fit for purpose' Member, he felt impeded on progressing important issues due to this supposed restriction. Moreover, he felt that the process whereby co-opted Members were appointed should have highlighted that those with a rental mooring would be advised to declare a prejudicial interest when related issues arose.

However, Dr Harling balanced this criticism with praise for the Harbour Master for the progress he had made since his appointment last year, and for the support he had received from the Strategic Director (Operations) when introducing changes to the Harbour.

In conclusion, Dr Harling stated that he would be registering a public protest on the current state of affairs by boycotting the remainder of the meeting, upon which he proceeded to leave the meeting.

No declarations of interest were made.

SH.25/07 **PUBLIC QUESTION TIME**

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

Peter Wotton, South Pool Parish Council

- a) The Board was informed that the Parish Council was investigating environmental issues around the South Pool creek. Therefore, it was queried how the Parish Council might best engage with stakeholders to progress a 'cleanup' and whether the harbour had an environmental agenda. In response, it was felt that the Conservation Officer would be best placed to advise and would be happy to meet with Mr Wotton to discuss further. The Estuary Conservation Forum was also a further source of information on this matter.

In relation to this issue, a further member of public raised the concern of erosion around the creek and questioned possible financial assistance from the Board to help address the issue. In response, the Chairman noted that this was not currently within the Business Plan and he was therefore unable to comment on whether there was scope for financial assistance. However, it was felt that external funding streams would be a possible route to investigate.

Phil Cardew, Local Fisherman

- b) Assurance was sought that the scallop ranching trials currently planned to place in the estuary would not set a precedent for further trials. The main area of concern raised was that monitoring would be carried out to ensure that scallops would be taken from the designated trial area only. In response, it was noted that to extend this trial, or to start a new trial, a report would first have to be put before the Harbour Board for its consideration, although there was no intention to authorise any other similar scallop trials or ranching within the estuary. In relation to a monitoring regime, it was noted that as part of the terms of reference the operator of the trial was required to keep records of all scallops introduced and removed.

Patrick Smith, local resident

- c) It was felt that navigational marks should be established in Southpool creek to direct yachtsmen. In response, the Harbour Master informed that navigational marks were inspected annually by Trinity House and to date no requirement for additional marks had been identified. A requirement to review of all navigation marks will be incorporated into the Strategic Business Plan.

Michael Matters, local resident

- d) Concern was raised over the apparent decline in condition of the pontoon near South Pool. The Harbour Master informed that there were currently no plans to replace it although there was the possibility of perhaps re-using the existing residents' pontoon, once it had been replaced, this would be investigated.

SH.26/07

FEEDBACK FROM HARBOUR COMMUNITY FORUMS

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

Kingsbridge Estuary Boat Club

It was noted that the Club was yet to meet but things were progressing well following the summer.

Salcombe Kingsbridge Estuary Association (SKEA)

It was noted that SKEA had yet to meet although it was highlighted that the Chairman of SKEA had not received his copy of the agenda for the Harbour Board and therefore was only made aware of the meeting on 24 September 2007. In circulating the reports late to various SKEA members, the following comments were made:-

- concern over the Batson Slipway Pontoon project, especially in relation of it being attached to the slipway. In response to this comment it was noted that the pontoon would rise and fall with the tide and doing the project now would make a substantial financial saving;
- concern that with the proposed boat park operations, boat owners would be unable to carry out works on their own boat. In response, it was noted that this would be discussed further, later on this meeting agenda (minute SH.28/07 below refers).

Salcombe Kingsbridge Estuary Conservation Forum

It was noted that the Forum had not recently met.

South Devon & Channel Shellfishermen

A paper was tabled on the feedback received from the South Devon & Channel Fishermen. Issues raised included:-

- the need to replace the steel pylons and supporting quay wall due to corrosion and sea water entering the quay through various holes in the steel structure. Moreover, the tarmac area had begun to sink as the ground beneath was undermined;
- the poorly insulated and inefficient refrigerated units used to store bait and fish. The units, which were spread around the site, cost an estimated £3000 per annum on electricity alone. It had been suggested that a concrete block structure be constructed to replace the units which could house existing and external refrigerated units, making an estimated saving of £1000 per unit per annum;

- the suggestion of an additional slipway being built on the inlet to the south side of the Quay in Shadycombe Creek, to accommodate the offloading of crabs into vehicles.

In response, the Strategic Director (Operations) made it clear that the Fish Quay was not a Harbour asset and that the paper would be forwarded to Property Services.

SH.27/07 **PERFORMANCE MANAGEMENT**

The Board received a report on the Harbour's performance against the Performance Indicators (PIs). The report noted that overall harbour performance measured up reasonably well against the Performance Indicators, with the exception of the poor visitor numbers this year.

During discussion, Members commended the Harbour for their efficiency in making savings elsewhere to balance the budget following the shortfall in income, due to the reduced visitor numbers.

RESOLVED

That the Harbour Performance against agreed Performance Indicators be noted.

SH.28/07 **BOAT PARK OPERATIONS**

Consideration was given to a report on the measures for winter 2007/08 within the Boat Park to improve health and safety and reduce the risks associated with winter storage. The implementation of the revised Code of Practice and increased supervision of the site should be considered as the first phase of improvements to the winter storage service. The second phase would be dependant on the success of phase one.

In relation to concern raised (minute SH.25/07 above refers) on whether boat owners were able to carry out works on their own boats, the Board was informed that a Council employee would be 'manning' the entrance to the boat park and only authorised personnel would be allowed to use the entrance. Authorised personnel included boat owners, or those accompanying them, and contractors who had completed the required forms which identified them and their insurance cover. Also, it was noted that boat owners were eligible to work on their own boat within certain safety parameters, however, the importance of public liability/third party insurance was stipulated. A Member also expressed the importance of clarifying the definition of contractors, trained and experienced personnel, individual boat owners and authorised personnel.

In conclusion, Members felt that due to the boat park working group still progressing issues, they were unable to consider the options for winter storage for subsequent years. Therefore, it was agreed to remove this aspect of the recommendation, as noted in the presented report, when voting.

Therefore, it was:-

RESOLVED

That the revised winter storage arrangements for 2007/08 be noted.

SH.29/07 **REVENUE MONITORING REPORT**

A report was considered which advised on the projected trading position for the 2007/08 financial year. Current projections indicated that, despite a fall in visitor numbers over the summer period, the Harbour would achieve a break-even position for the 2007/08 financial year, in line with the agreed budget.

In relation in the expenditure saving of the security patrol, Members queried the variation of £9,000. In response, the Harbour Master informed that the in the previous year the budget was set at £45,000, however, the Harbour Patrol was a self financing contract set at £36,000 and therefore it had been brought back in line with this figure.

Although poor weather over the summer had contributed to a decline in visitor numbers, a Member expressed the importance of closely monitoring visiting yacht numbers over the forthcoming year. In response, it was noted that if visiting yacht numbers continued to decline the issue would be addressed. Currently, the fees for visiting yachts had been frozen. It was agreed that at the next meeting, where the Board would be addressing the fees and charges for the forthcoming year, an additional appendix to the report would be incorporated which detailed visiting yacht data.

RESOLVED

That the report be noted

SH.30/07 **ESTUARY AND AONB PARTNERSHIP**

Consideration was given to a report which informed on the current situation with regards to the Estuary Partnership in South Hams, but particularly the issue relating to the Salcombe-Kingsbridge Estuary and the need to establish a financially viable partnership linked to the Area of Outstanding Natural Beauty (AONB) which could deliver the Harbour's Environmental Management Plan.

During discussion, particular reference was made to the level of financial contribution. Members expressed concern that the report did not contain a detailed breakdown of the financial contribution which the Harbour was being asked to make, along with the financial contribution of partners. Furthermore, it was felt that there was not enough detail within the circulated report stipulating how it was anticipated the funding was to be spent. In response, Members were informed that a similar report was being presented to stakeholder partners such as the Dart Harbour Authority for their support and financial contribution.

However, although Members did support the proposal in principal, they were still hesitant to give full support to the proposal without sound financial understanding. Members requested a further report be presented to the Harbour Board at its next meeting (12 November 2007) which detailed the financial aspects. Therefore, an amendment to the proposed recommendation was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**.

Therefore, it was:-

RESOLVED

That the Harbour Board supports in principal the proposals to establish an Estuary Partnership linked to the AONB.

SH.31/07 **BATSON SLIPWAY PONTOON**

Members considered a report which proposed the advancement of the Batson Slipway Pontoon from financial year 2008/09 to the current financial year. The marine construction contractor for the new Residents' Pontoon Project was due on site from 15 October 2007 to 26 November 2007. When tenders were sought for the Residents' Pontoon Project this contractor provided the most cost effective quote. The contractor had since been used to successfully re-pile Normandy Pontoon. As 35% of the projected cost of the Batson Slipway Pontoon project was for mobilisation and de-mobilisation, this cost could be saved by undertaking this project during the current planned works, therefore saving the Harbour Authority £28,000.

Members commended the Harbour Master on his initiative for bringing the project forward in order to make this substantial financial saving. The Chairman then proceeded to inform the Board that there were time constraints because the Harbour Board's recommendation could not be considered by Council until 15 November 2007. For full advantage to be taken of the opportunity for savings, approval of the new or extended contract was required while the contractors were on site. They would arrive on site from 15 October 2007 to carry out the Residents' Pontoon Project, and so it was necessary to seek the

delegated authority of the Chief Executive, in consultation with the Leader, to suspend standing orders in awarding this contract and therefore not follow the normal competitive process.

Therefore an amendment to the recommendation was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**.

Therefore, it was:-

RESOLVED

That the Harbour Board:-

- a) agree that the existing Residents' Pontoon contract be extended to incorporate the Batson Slipway Pontoon;
- b) note that the Harbour Board has no power to suspend standing orders relating to contracts and therefore;
- c) request the Chief Executive, in consultation with the Leader of Council, to waive standing orders in awarding this contract under their urgent powers in the scheme of delegations.

SH.32/07 **MOORINGS POLICY**

Consideration was given to a report which updated Members on the progress made on the review of the Moorings Policy and sought Members agreement to its adoption.

Members were informed that one of the fundamental changes which was incorporated following the consultation process was that of feedback surrounding the 'A' and 'B' lists to satisfy the demand for moorings, whilst ensuring the priority for mooring allocation was to residents of the South Hams. These proposals, as set out in the presented report, included category 'B' applicants having priority bookings for visitor foreshore moorings. Also, mooring and pontoon berth holders not using their moorings for a period of seven days or more were to inform the Harbour Authority in order that it be re-let. The contract holder would therefore be eligible to receive a rebate on their mooring for that period of time. All those who were on the category 'B' list were to be contacted to outline these changes.

RESOLVED

That the Harbour Board:-

- a) endorse the work completed to date on the Moorings Policy;
and
- b) **RECOMMEND** to Council that the Moorings Policy be adopted.

(Meeting commenced at 2.30 pm and concluded at 4.55 pm).

Chairman

Statement to Salcombe Harbour Board by Kit Harling 25.9.07

I am asked whether I have a personal and /or prejudicial interest in any matters on today's agenda. This has been a contentious issue for a long time now and I feel I cannot continue to accept the current position.

The possibility that Board members, who also rent a mooring, or otherwise buy services in the estuary, might have a personal, prejudicial interest has been continuously raised ever since I joined the Board. Each time the question has arisen I have been asked not 'to rock the boat' and make a public statement. This is no longer acceptable to me. I have seen legal opinion both for and against the proposition that I have a personal prejudicial interest. Having considered all the opinions on their merit, and not just on their provenance, I have concluded that I do not have a prejudicial interest. But this question goes much wider.

I was appointed last year in open competition following advertisement in the press and against a job description and person specification. These included the statement that applicants must show

c. A direct understanding of Harbour and/or Estuary users

In my letter of application I specifically mentioned that I was a berth holder and this was again discussed at my interview, without adverse comment of any kind. I was appointed. In fact I discover that the potential problem had been known for some 3 or 4 years at least. Yet the South Hams District Council appointed me without comment.

I must express my irritation at this state of affairs. Although I have come to the view that I don't have a prejudicial interest, threats of 'action' against me continue to be made. The kindest interpretation of this state of affairs is one of incompetence - a potential problem is known and the matter is hushed up and not addressed. I applied to join the Board in good faith because I wanted to contribute to the conservancy and development of the estuary. I feel I have been badly let down. Four years is surely long enough to sort out this matter.

Sadly Chairman, this is not the end of the matter. I had wanted to raise for discussion the organisational structure through which the Harbour trades with the public. Not a topic you might have thought which would create much excitement. It is however a topic in which I have some knowledge and experience. I wanted to share with my colleagues some of the potential benefits. Indeed I had thought that this might have been one of the reasons why I was lucky enough to have been appointed to the Board.

Without so much as asking me precisely what it was I wanted to say, I was presented with a blanket refusal to put the matter on the agenda. Further, I was told that I should not raise or discuss the matter in any formal or informal of the Harbour Board. I have to confess to a degree of incredulity when I received the

reply and I asked for 'further and better particulars' as to why this should be the case.

I was presented with what in my opinion I can only describe as a truly unbelievable document. The gist of the argument seemed to be that what I intended to say (without, of course, knowing what I was going to say) would be very difficult and expensive to do and that it had been decided that there would be no public discussion. The question of prejudicial interest was raised again however as the main reason why I am prevented from speaking and argued in what I have to say, was a most convoluted manner; the Council was, apparently "not saying that that would be the reality of the situation or that it would necessarily be a "winning argument" but nevertheless it was given as a reason why I was to be denied the opportunity of discussing the matter publicly. Finally I was told I could discuss it in private with officers.

Mr Chairman, I regard this as being unacceptable. It is in my view intensely anti democratic and not in keeping with transparent local decision making. The proposal I wished to discuss would have offered greater opportunity for meaningful local input and consultation backed up by an enforceable statement of the interest of the community. It is obvious that matters affecting the estuary have more impact on people in the riparian towns and parishes than it does on those living in other parts of the South Hams. The other estuaries in the South Hams seem to get by without needing the sole direction of the district council. It would as well remove the question of prejudicial interest once and for all in an open and transparent way. It is a process already used in the public sector.

All this causes me to ask what on earth I am here to do. This matter of so called prejudicial interest has gone on long enough. I feel the Council must take steps to resolve the question one way or another. Four years is quite long enough, leaving aside the manner in which I and some of my colleagues were recruited. Action is needed rather than endless arguments about why 'now is not a good time'.

I have been critical but I should balance the criticism with praise where it is due. Our Harbour Master has made huge progress in his first year and I have found the Director of Operations most supportive in trying to introduce the changes in port policy set out in the various policy documents from the Department for Transport. I am also grateful for the support of colleagues on the Board, all of whom I know want to see the estuary prosper.

I remain committed to the estuary but feel I can no longer go along with this charade. I am boycotting the rest of this meeting as I feel I must register a public protest at the current state of affairs. I hope that the council will now do what it should have done 4 years ago. Sort out this matter and let us get on with what we are here to do.