

South Hams Salcombe Harbour Board



| | | | | | | | | | |
|--|--|------------|------------|--------------|-----------|--------------|-----------|-------------|------------|
| Title: | Agenda | | | | | | | | |
| Date: | Monday, 19th October, 2020 | | | | | | | | |
| Time: | 2.00 pm | | | | | | | | |
| Venue: | Via Skype | | | | | | | | |
| Full Members: | <p style="text-align: center;">Chairman Cllr Brazil</p> <p style="text-align: center;">Vice Chairman Mr H Marriage</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Ms A Jones</td> <td>Cllr Brown</td> </tr> <tr> <td>Mr M Mackley</td> <td>Cllr Foss</td> </tr> <tr> <td>Mr I Stewart</td> <td>Cllr Long</td> </tr> <tr> <td>Mr M Taylor</td> <td>Mr C Plant</td> </tr> </table> | Ms A Jones | Cllr Brown | Mr M Mackley | Cllr Foss | Mr I Stewart | Cllr Long | Mr M Taylor | Mr C Plant |
| Ms A Jones | Cllr Brown | | | | | | | | |
| Mr M Mackley | Cllr Foss | | | | | | | | |
| Mr I Stewart | Cllr Long | | | | | | | | |
| Mr M Taylor | Mr C Plant | | | | | | | | |
| Interests – Declaration and Restriction on Participation: | Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest. | | | | | | | | |
| Committee administrator: | Democratic.Services@swdevon.gov.uk | | | | | | | | |

1. Apologies for Absence

2. Minutes

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to approve as a correct record the minutes of the meeting of the Board held on 22 June 2020;

3. Urgent Business

brought forward at the discretion of the Chairman

4. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information

5. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests, they may have in any items to be considered at this meeting

6. Public Question Time

a period of up to 15 minutes is available to deal with questions from the public

7. Feedback from Harbour Community Forums

to receive verbal reports from Board Members who attend the Harbour Community Forums on behalf of the Board

8. 2021/22 Budget

5 - 20

9. 2021/22 Fees and Charges

21 - 30

10. Enforcement of Byelaws and Harbour Directions

31 - 38

11. Exclusion of Public and Press

to consider the following resolution to exclude the public and press:-

“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 in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”;

12. Harbour Update report (standing agenda item)

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**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD
HELD VIA SKYPE ON MONDAY, 22 JUNE 2020**

| Members in attendance | | | |
|------------------------------|--------------------------|--------------------------------------|-------------------------------|
| * Denotes attendance | | ∅ Denotes apology for absence | |
| * | Cllr J Brazil (Chairman) | * | Ms A Jones |
| * | Cllr D Brown | * | Mr M Mackley |
| ∅ | Cllr R J Foss | * | Mr H Marriage (Vice-Chairman) |
| * | Cllr M Long | * | Mr C Plant |
| | | * | Mr I Stewart |
| | | * | Mr M Taylor |

| Item No | Minute Ref No below refers | Officers in attendance and participating |
|------------------|-----------------------------------|--|
| All agenda items | | Salcombe Harbour Master; Deputy Section 151 Officer; Head of Assets Practice; Deputy Monitoring Officer; Senior Specialist Engineering and Democratic Services Manager |

SH.1/20 MINUTES

The minutes of the meeting of the Salcombe Harbour Board held on 27 January 2020 were confirmed as a correct record.

SH.2/20 CODE OF CONDUCT DISPENSATIONS

The Deputy Monitoring Officer reminded the Board of the implications under the adopted Code of Conduct. She went on to advise that the payment of harbour dues constituted a contract with the Council, and therefore should be declared by Members as a Disclosable Pecuniary Interest (DPI). In the event of declaring a DPI, a Member would have to update their Register of Interest forms immediately.

As a number of Board Members were in this position of paying Harbour Dues, the Deputy Monitoring Officer granted a dispensation to all Members to enable them to take part in the meeting, (as stated in Paragraph 8.1 (c) of the Members Code of Conduct) as otherwise the meeting would be inquorate. This dispensation would be in force until the next Annual Council meeting in May 2021.

SH.3/20 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, and the following were made:

Ms Jones, Mr Mackley, Mr Marriage, Mr Plant, Mr Stewart and Mr Taylor each declared a disclosable pecuniary interest in all related agenda items by virtue of paying harbour dues to the Council. As a result of the Deputy Monitoring Officer granting each Board Member a dispensation, they were all able to take part in the debate and vote on any related matters (Minute SH.3/20 refers).

Mr Taylor declared a personal interest in agenda item 11: 'Salcombe Project Update' (Minute SH.8/20 below refers) by virtue of his employment with Dartington Estate and remained in the meeting and took part in the debate thereon.

SH.4/20 **PUBLIC QUESTION TIME**

In accordance with the Public Question Time Procedure Rules, there were no issues raised at this meeting.

SH.5/20 **FEEDBACK FROM HARBOUR COMMUNITY FORUMS**

The Board received verbal update reports from those Members who attended the Harbour Community Forums. The updates were given as follows:

Salcombe Kingsbridge Estuary Conservation Forum (SKECF)

The representative advised that the SKECF meeting that had been due to be held on 24 March 2020 had been postponed as a result of the COVID-19 Pandemic.

South Devon & Channel Shellfishermen

The representative advised that the Forum had been relatively quiet. In discussion, the Board recognised the serious challenges currently facing the Shellfish industry as a result of the Pandemic and it was hoped that this trend would be reversed soon.

Kingsbridge and Salcombe Marine Business Forum

The representative informed that:

- a number of businesses had successfully been in receipt of Discretionary Grant funding. In the event of any businesses feeling that they had been unfairly treated, then they were encouraged to contact either the Chairman of the Board or their local Ward Members; and
- the lifting of some of the Pandemic restrictions could help to result in a number of Businesses returning to the water.

A general discussion followed on the impact on local businesses arising from the Pandemic and the particular reliance of Salcombe on the tourism industry. In acknowledging the severe difficulties being faced, Members were informed that the Council had been lobbying Central Government and it was recognised that the Harbour Authority was taking every possible step to ensure that the Estuary was accessible for residents and visitors alike.

Kingsbridge Estuary Boat Club (KEBC)

In response to increased instances of crime, the representative made reference to a query from Charleton Parish Council regarding the potential for CCTV provision at Newbridge. The Harbour Master committed to discussing this matter with the representative outside of this meeting.

East Portlemouth

The representative informed that he had nothing to report to this meeting.

SH.6/20 2019/20 YEAR END FINANCIAL REPORT

Consideration was given to a report that advised the Board of the Harbour's final trading position in 2019/20 together with brief details of the main variations from the original Budget. Furthermore, the report also presented a summary of the Harbour Reserves.

During the ensuing discussion, reference was made to:

- (a) the trading surplus of £49,233 being welcomed. In addition, officers were thanked for the presentation of the accounts that were felt to be concise and more reader friendly than in previous reports, with the addition of Appendix 3 being particularly welcomed;
- (b) visitor yacht income. With regard to the financial risks to the Harbour associated with the Pandemic, the Harbour Master informed that the biggest cause of concern to the Authority was the potential loss of income from visitor yacht nights.

It was then:

RESOLVED

1. That the income and expenditure variations for 2019/20 be noted;
2. That the overall trading surplus of £49,233 be noted; and
3. That this surplus be allocated to the Harbour's General Reserve Fund.

SH.7/20 EXCLUSION OF PUBLIC AND PRESS

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 in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act".

SH.8/20 **SALCOMBE PROJECT UPDATE**

The Senior Specialist Engineering provided an exempt project update and, in the ensuing discussion, a number of Members advised that they retained enthusiasm for the continuation of these projects. Furthermore, the Board asked to be in receipt of regular progress updates on these projects and this request was agreed by the lead officers in attendance.

(Meeting commenced at 1.30 pm and concluded at 2.25 pm)

Chairman

Report to: **Salcombe Harbour Board**

Date: **19 October 2020**

Title: **2021/22 Budget**

Portfolio Area: *Salcombe Harbour*

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:
(e.g. referral on of recommendation or implementation of substantive decision)

**Recommendations
to be considered
by the Council at
its meeting on 17
December 2020**

Author: **Cameron Sims- Stirling** Role: **Harbour Master**

Pauline Henstock **Head of Finance Practice**

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RECOMMENDATION

That the Board RECOMMENDS to Council that the proposed 2021/22 budget set out within the report is approved.

1. Executive summary.

This report proposes the Salcombe Harbour Authority budget for 2021/22 and provides a forecast for 2020/21.

2. Background.

1) The Salcombe Harbour Strategic Business Plan 2017-2022 sets out the challenges and opportunities facing the Harbour over the coming years, and the proposed budget – attached to this report – is based on the assumptions and strategic direction contained within the Business Plan. Key drivers for the proposed budget include:

- compliance with the Port Marine Safety Code
- supporting the retention of a competent and engaged workforce
- improving reserve funding to help serve the replacement programme and reduce future borrowing
- continuing to consciously ensure we are protecting our team and our stakeholders by working COVID secure in these uncertain times
- working to safely and efficiently maintain viable facilities, services and operations to a potentially restricted stakeholder base during the COVID pandemic

3. Outcomes/outputs

The preparation of a detailed and balanced harbour budget ensures that adequate resources are in place to deliver the services identified in the business planning process, and that the Harbour remains financially viable and sustainable in the medium to long term.

4. Issues for consideration:

1) Forecast 2020/21

Gross expenditure is set at £1.18 million in the 2020/21 balanced budget. As at 30th September 2020 a shortfall of £56,600 (4.8%) is forecast for 2020/21 as detailed in Appendix A. This is mainly due to the reduction in visiting trade directly from the COVID-19 pandemic lockdown and the knock on effects to the usage of particular facilities and services. Next to no income was obtained until July from visitors either travelling to Salcombe by land or sea due to the lockdown on travel and overnight stays. Despite a very busy compressed season the losses have not been fully recovered. Restrictions in general and in the town resulted in a loss of ability and desire to use the alongside berths of Normandy and Whitestrand, and whilst the taxi was restricted in capacity it was not busy and produced a large gap to expected budget. Particular moorings facilities

offered retrospectively at 50% due to COVID also did not meet budget.

A detailed budget monitoring report for 2020/21 will be brought to the Board in January.

2) **Budget 2021/22**

The forecast position for 2021/22 is shown at Appendix A, with the 2020/21 budget used as a baseline position. Variations from this baseline, both in terms of the additional resource requirements and identified efficiencies are discussed in detail below, grouped by category of budget head.

3) **Employee costs**

Staff costs are the single largest area of expenditure. The 2021/22 budget is based on the current staffing structure and assumes:

- a 2% pay increase
- movement of staff through spinal column points where appropriate

| | £ | £ |
|--|----------|-----------------|
| Staffing Budget 2020/21 | | 429,700 |
| Additional requirements & inflationary pressures: | | |
| Salaries and wages | 26,500 | |
| NI and superannuation | 16,600 | |
| Overtime | 3,000 | |
| Employers Liability Insurance | 700 | |
| Total additional requirements | | 46,800 |
| Savings: | | |
| Recharge to Headquarters | (16,800) | |
| Total savings | | (16,800) |
| Net additional requirements/(savings) | | 30,000 |
| Staffing Budget 2021/22 | | 459,700 |

4) **Premises related expenditure**

The main pressures in the Premises budget for 2021/22 relate to an increase of £4,000 for the deep water mooring maintenance diving contract and £3,000 for the purchase of chain to reflect current market prices. This is partly offset by a reduction in the estimate of the rent payable to the Duchy due to the reclassification of some income from Mooring Hire to Harbour Dues.

| | £ | £ |
|--|---------|----------------|
| Premises Budget 2020/21 | | 369,500 |
| | | |
| Additional requirements & inflationary pressures: | | |
| Diving maintenance support | 4,000 | |
| Chain and Shackles | 3,000 | |
| Trade Waste | 1,500 | |
| Cleaning | 1,000 | |
| Health and Safety | 1,000 | |
| Utilities | 600 | |
| Total additional requirements | | 11,100 |
| | | |
| Savings: | | |
| Rent to Duchy | (4,200) | |
| Total savings | | (4,200) |
| | | |
| Net additional requirements/(savings) | | 6,900 |
| | | |
| Premises Budget 2021/22 | | 376,400 |

5) **Supplies and services**

| | £ | £ |
|---|-----|---------------|
| Supplies & Services Budget 2020/21 | | 79,500 |
| | | |
| Additional requirements & inflationary pressures: | | |
| Clothing | 500 | |
| Miscellaneous including the AONB Estuary Conservation Programme | 400 | |
| Total additional requirements | | 900 |
| | | |
| Supplies & Services Budget 2021/22 | | 80,400 |

6) **Transport**

| | £ | £ |
|--|----------|---------------|
| Transport Budget 2020/21 | | 57,500 |
| Additional requirements & inflationary pressures: | | |
| Fuel | 2,000 | |
| Transport Insurance | | |
| R & M – Crane and Fork Lift Truck | 1,000 | |
| Transport Insurance | 1,000 | |
| | | |
| Total additional requirements | | 4,000 |
| | | |
| Transport Budget 2021/22 | | 61,500 |

7) **Central support and HQ costs**

| | £ | £ |
|--|----------|---------------|
| Central Support & HQ Budget 2020/21 | | 54,200 |
| | | |
| Inflation | 1,500 | |
| | | |
| Total additional requirements | | 1,500 |
| | | |
| Central Support & HQ Budget 2021/22 | | 55,700 |

8) **Contributions to Harbour reserves**

The Harbour holds 3 reserves:

- **General Reserve** – comprising the accumulation of generated trading surpluses;
- **Renewals Reserve** – for the replacement of the Harbour’s infrastructure assets, excluding pontoons;
- **Pontoon Reserve** – for the replacement of pontoons;

The principle adopted in the Business Plan is that, wherever possible, sufficient funds are set aside on an annual basis to provide for the replacement of harbour assets, augmented by

borrowing if necessary. A summary of Harbour Reserve balances and proposed contributions for 2021/22 is shown in Appendix B.

Taking into account the budgeted reserve contributions for 2021/22, total reserve balances are anticipated to increase from £438,918 at 31 March 2021 to £534,718 as at 31 March 2022.

9) **Contribution to a Council reserve**

The Harbour contributes to the Council's Marine Infrastructure reserve. The contribution to this reserve is proposed to continue at £58,000 in 2021/22.

10) **Capital charges**

Capital charges refer to the cost of servicing loans which have been provided by the District Council for the purchase of Harbour assets. Currently there is one loan outstanding in respect of the Pontoons Project which commenced on 1 October 2018 with an annual repayment of £12,800. Further details of this loan can be found in Appendix B.

11) **Items to be met from reserves.**

In 2021/22 one item of expenditure has been identified to be funded from Harbour reserves. This relates to the purchase of an engine up to £10,000 as shown in Appendix B. The specific nature of the engine will depend on operational demand in 2021/22. It is proposed that £10,000 is earmarked every year in the Renewals Reserve to fund engine replacement going forward.

12) **The overall expenditure position 2021/22**

| | £ |
|---|------------------|
| Total Expenditure Budget 2020/21 | 1,184,700 |
| | |
| Net additional requirements/(savings) | 39,800 |
| | |
| Total Expenditure Budget 2021/22 | 1,224,500 |

13) **Income 2021/22**

The income allocations have been reviewed in 2020/21 and £23,800 has been reclassified from Mooring Hire to Harbour Dues. This has been reflected in the 2021/22 budget but has no overall impact on the level of budgeted income. However, it will result in a reduction in the rent payable to the Duchy of £4,200 reflected in the Premises expenditure budget above.

| | £ |
|--|--------------------|
| Total Income Budget 2020/21 | (1,184,700) |
| | |
| Reduction in contributions from reserves based on expenditure identified for 2021/22 | 3,500 |
| | |
| Reduction in interest due to historically low interest rates | 700 |
| | |
| Total Income Budget 2021/22 | (1,180,500) |

14) **Budget deficit 2021/22**

| | £ |
|---------------------------------|--------------------|
| Total Expenditure Budget | 1,224,500 |
| | |
| Total Income Budget | (1,180,500) |
| | |
| Budget Deficit 2021/22 | 44,000 |

5. Proposed Way Forward.

It is proposed that the fees and charges are reviewed to reduce the deficit identified above to £0. This is the subject of a separate report.

6. Payments between Salcombe Harbour and South Hams District Council

To aid transparency an analysis of the budgeted payments between Salcombe Harbour and the District Council is shown in Appendix C. This compares the movement in the budgets from 2020/21 to 2021/22.

The net amount payable to the Council in 2021/22 is anticipated to reduce by £13,000 to £38,000 mainly due to a review of the Harbour salary recharges. This include an estimated pay award for 2021/22.

7. Implications

| Implications | Relevant to proposals Y/N | Details and proposed measures to address |
|---|---------------------------|---|
| Legal/Governance | Y | The power to manage the Harbour and levy charges is provided by The Pier and Harbour (Salcombe) Confirmation Order 1954 |
| Finance | Y | The report identifies a funding gap of £44,000 for 2021/22 before any review of charges. It is anticipated that the shortfall can be met by various amendments to the existing charging structure, as identified in a further report to this meeting. |
| Risk | Y | The Harbour maintains three different reserves, one for replacement of plant and vessels, one for the replacement of pontoons and a general reserve. In the event of the budget not balancing at the end of the Financial year any surplus is transferred into the General Reserve and any shortfall would be funded from this reserve. |
| Supporting Corporate Strategy | | Salcombe Harbour is part of the 'Enterprise Theme', creating places for enterprise to thrive and business to grow, contributing to the marine and tourism economy. |
| Climate Change – Carbon / Biodiversity Impact | | None directly arising from this report. |
| Comprehensive Impact Assessment Implications | | |
| Equality and Diversity | N | None |
| Safeguarding | N | None |

| | | |
|--------------------------------------|---|--|
| | | |
| Community Safety, Crime and Disorder | Y | The proposed budget includes a continuation of the Night Security Patrol, the aim of which is to reduce crime. |
| Health, Safety and Wellbeing | N | No adverse impacts. |
| Other implications | N | |

Supporting Information

Appendix:

- A. Salcombe Harbour Budget 2021/22
- B. Salcombe Harbour Balances & Loans
- C. Budgeted Payments between Salcombe Harbour and SHDC for 2021/22

Background Papers:

Budget Working Papers

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SALCOMBE HARBOUR REVENUE BUDGET 2021/2022

APPENDIX A

| Actual 2018/2019 | Actual 2019/2020 | Forecast 2020/2021 At 30/9/20 | | Budget 2020/2021 (At outturn prices) | Budget 2021/2022 (At outturn prices) | Variance Budget to Budget |
|---------------------|---------------------|-------------------------------------|--|---|---|---------------------------------|
| £ | £ | £ | | £ | £ | £ |
| 405,603 | 438,472 | 444,300 | Employees:- | | | |
| | | | Harbour | 429,700 | 459,700 | 30,000 |
| | | | Premises-Related Expenditure:- | | | |
| 21,454 | 25,126 | 28,000 | General Repairs and Maintenance | 26,500 | 27,500 | 1,000 |
| 65,407 | 66,625 | 66,000 | Security Patrol | 65,000 | 65,000 | 0 |
| 85,154 | 75,942 | 83,000 | Moorings | 79,000 | 86,000 | 7,000 |
| 730 | 869 | 1,000 | Insurances | 1,000 | 1,000 | 0 |
| 24,839 | 21,064 | 26,000 | Utility Charges | 26,200 | 26,800 | 600 |
| 0 | 0 | 7,700 | Public Conveniences contribution | 10,000 | 10,000 | 0 |
| 140,153 | 151,925 | 143,700 | Rents | 149,800 | 145,600 | (4,200) |
| 9,802 | 12,566 | 14,300 | Refuse Collection /Cleaning | 12,000 | 14,500 | 2,500 |
| 347,539 | 354,117 | 369,700 | | 369,500 | 376,400 | 6,900 |
| | | | Supplies and Services:- | | | |
| 8,348 | 8,789 | 10,500 | Equipment | 12,600 | 12,600 | 0 |
| 11,829 | 6,411 | 6,900 | Printing, Stationery and Advertising | 8,300 | 8,300 | 0 |
| 5,728 | 5,395 | 6,100 | Communications (Radios, Telephones, Postage etc.) | 6,800 | 6,800 | 0 |
| 3,838 | 3,975 | 5,500 | Protective Clothing | 4,500 | 5,000 | 500 |
| 20,171 | 15,684 | 18,000 | Credit Card Handling Charges | 18,000 | 18,000 | 0 |
| 24,565 | 26,138 | 29,400 | Miscellaneous | 29,300 | 29,700 | 400 |
| 74,479 | 66,392 | 76,400 | | 79,500 | 80,400 | 900 |
| 45,829 | 52,133 | 60,800 | Transport-Related Expenses (Launches etc.) | 57,500 | 61,500 | 4,000 |
| 44,100 | 45,000 | 54,200 | Central Support Services | 54,200 | 55,700 | 1,500 |
| 40,000 | 34,000 | 40,000 | Contribution to Renewals Reserve | 40,000 | 40,000 | 0 |
| 50,000 | 61,500 | 65,000 | Contribution to Pontoon Reserve | 65,000 | 65,000 | 0 |
| 58,000 | 58,000 | 58,000 | Contribution to Marine Infrastructure Reserve | 58,000 | 58,000 | 0 |
| 3,446 | 5,785 | 5,000 | New Projects Funded From Revenue | 5,000 | 5,000 | 0 |
| 17,036 | 24,867 | 5,000 | Revenue Items Being Met From Reserves | 13,500 | 10,000 | (3,500) |
| 19,500 | 12,800 | 12,800 | Capital Charges (Net) | 12,800 | 12,800 | 0 |
| 1,105,532 | 1,153,066 | 1,191,200 | TOTAL EXPENDITURE | 1,184,700 | 1,224,500 | 39,800 |
| (306,707) | (312,542) | (329,700) | Harbour Dues | (324,000) | (347,800) | (23,800) |
| (450,013) | (508,260) | (452,700) | Mooring Hire | (490,400) | (466,600) | 23,800 |
| (175,348) | (183,632) | (191,500) | Small Boat Pontoon Systems | (187,900) | (187,900) | 0 |
| (40,511) | (40,126) | (24,000) | Water Taxi Service | (36,000) | (36,000) | 0 |
| (22,283) | (23,025) | (24,000) | Mooring Licences | (24,400) | (24,400) | 0 |
| (67,151) | (68,509) | (66,100) | Security Patrol Fees | (69,200) | (69,200) | 0 |
| (45,782) | (39,638) | (41,200) | Miscellaneous | (38,200) | (38,200) | 0 |
| (17,036) | (24,867) | (5,000) | Contribution from Reserves | (13,500) | (10,000) | 3,500 |
| (1,200) | (1,700) | (400) | Interest | (1,100) | (400) | 700 |
| (1,126,031) | (1,202,299) | (1,134,600) | TOTAL INCOME | (1,184,700) | (1,180,500) | 4,200 |
| (20,499) | (49,233) | 56,600 | (SURPLUS) / SHORTFALL ON TRADING ACTIVITIES | 0 | 44,000 | 44,000 |

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| <u>Pontoons Reserve</u> | |
|---|----------------|
| | £ |
| Balance 1st April 2020 | 161,566 |
| ADD | |
| Contribution 2020/2021 | 65,000 |
| Interest 0.2% | 300 |
| | 226,866 |
| Less anticipated expenditure | |
| Estimated Balance as at 1st April 2021 | 226,866 |
| ADD | |
| Contribution 2021/2022 | 65,000 |
| Interest 0.2% | 500 |
| | 292,366 |
| Less anticipated expenditure | - |
| Balance as at 31st March 2022 | 292,366 |

| <u>General (Revenue Account) Reserve</u> | |
|---|----------------|
| | £ |
| Balance 1st April 2020 | 190,351 |
| LESS | |
| Shortfall forecast as at 30/9/20 | (56,600) |
| | 133,751 |
| Less anticipated expenditure | |
| Crane - LOLER compliance | (13,383) |
| Dredging | (80,000) |
| Estimated Balance as at 1st April 2021 | 40,368 |
| | |
| | 40,368 |
| Less anticipated expenditure | - |
| Balance as at 31st March 2022 | 40,368 |

| <u>Renewals Reserve</u> | |
|---|----------------|
| | £ |
| Balance 1st April 2020 | 136,384 |
| ADD | |
| Contribution 2020/2021 | 40,000 |
| Interest 0.2% | 300 |
| | 176,684 |
| Less anticipated expenditure | |
| 40/20hp Dory outboard engine | (5,000) |
| Estimated Balance as at 1st April 2021 | 171,684 |
| ADD | |
| Contribution 2021/2022 | 40,000 |
| Interest 0.2% | 300 |
| | 211,984 |
| Less anticipated expenditure | |
| Replacement engine | (10,000) |
| Balance as at 31st March 2022 | 201,984 |

| <u>A summary of loans outstanding with SHDC</u> | |
|--|-------------------------|
| | Pontoons Project |
| Start date | 1.10.18 |
| Repayment period | 25 years |
| Maturity date | 30.9.43 |
| Original advance | £230,000 |
| Interest rate | 2.73% |
| Annual repayment | |
| Interest | £3,600 |
| Principal | £9,200 |
| Total | £12,800 |
| Total repayment due | £320,000 |
| Total outstanding 31.3.2021 | £288,000 |
| Total outstanding 31.3.2022 | £275,200 |

| | |
|--|-----------------|
| Total Reserves Balances as at 31st March 2020 | £488,301 |
|--|-----------------|

| | |
|--|-----------------|
| Estimated Total Reserves Balances as at 31st March 2021 | £438,918 |
|--|-----------------|

| | |
|--|-----------------|
| Estimated Total Reserves Balances as at 31st March 2022 | £534,718 |
|--|-----------------|

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| Payments between Salcombe Harbour and South Hams District Council | | | APPENDIX C |
|---|-------------------|-------------------|-----------------|
| 2021/22 Budget | Budget 2020/21 | Budget 2021/22 | Variance |
| | £ | £ | £ |
| Amounts chargeable to SHDC | | | |
| Harbour salary recharges (e.g. car parks, beach & water safety) | (118,400) | (135,200) | (16,800) |
| Contribution to the Security Patrol & Waste Collection | (4,800) | (4,800) | 0 |
| Interest payable | (1,100) | (400) | 700 |
| | (124,300) | (140,400) | (16,100) |
| Amounts payable to SHDC | | | |
| Contribution to the Marine Infrastructure reserve (an SHDC earmarked reserve) | 58,000 | 58,000 | 0 |
| Officer time recharges (e.g. Finance, HR, Legal, Assets Committee support) | 54,200 | 55,700 | 1,500 |
| Rent for Workshop and Office | 26,800 | 26,800 | 0 |
| Business Rates | 14,700 | 14,700 | 0 |
| Loan repayments | 12,800 | 12,800 | 0 |
| Trade Waste Collection | 6,000 | 7,500 | 1,500 |
| Chairman - Harbour Board | 2,800 | 2,900 | 100 |
| | 175,300 | 178,400 | 3,100 |
| Net amount payable to SHDC | 51,000 | 38,000 | (13,000) |

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Report to: **Salcombe Harbour Board**
Date: **19 October 2020**
Title: **Fees and Charges 2021-2022**
Portfolio Area: *Salcombe Harbour*
Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **N**

Date next steps can be taken:
(e.g. referral on of recommendation or implementation of substantive decision)

The recommendation will be considered by Council at its meeting on 17 December 2020

Author: **C Sims-Stirling** Role: **Harbour Master**
P Goodhead **Assistant Harbour Master**
M McCheyne **Assistant Harbour Master**

Contact: **01548 843791**

RECOMMENDATIONS:

That the Harbour Board RECOMMENDS the proposed charges to Council (as set out at Appendix 1) for implementation from 1 April 2021.

1. **Executive summary.** This report proposes the fees and charges that ensure the Harbour achieves a 'break even' revenue budget.
2. **Background.** The Harbour's enabling legislation empowers the Harbour Authority to levy fees and charges to meet running costs, repay any capital debts and establish reserves to renew, extend or improve the Harbour. The 2021/22 budget gap is £44,000. Proposals to offset this are set out below.

3. Proposed Way Forward. Mooring hire is increased across the majority of the main facility types to partly cover the increased cost in running the harbour. After last year's restructuring of Resident Harbour Dues to more fairly proportion charges against horsepower, the charge per meter of length has been adjusted across all but rowed craft to generate the remaining budget gap. Visitor Harbour Dues and Moorings (including Town Landings) are frozen retaining a uniform pricing structure, as per the previous year.

| Item | Proposed amendment | Comment |
|---|--|---|
| Harbour Dues: Casual dues (visitors) Annual dues (residents) | 0.0% £8.50 p/m £0.75 p/hp | Resident Harbour Dues are adjusted to maintain the Horsepower charge but vary the length charge therefore affecting all craft in a similar way. |
| Mooring Hire: Annual Deep Water (residents) Casual Deep Water (visitors) Annual Foreshore (residents) Casual Foreshore (visitors) Store Boxes at Ditch End Overnight - Town Landings | 4.0% 0.0% 4.0% 0.0% 0.0% 0.0% | Reflects rising costs of undertaking statutory duties. This increase caters for part of budget deficit. |
| Annual pontoons: Shadycombe Creek V Quay, Batson & Kingsbridge Whitestrand Licence Fees Whitestrand Pontoon July/August Pontoon for Fishermen, the Spur | 4.0% 4.0% 0.0% 0.0% 0.0% | Reflects rising costs of undertaking statutory duties. This increase caters for part of budget deficit. |
| Foreshore/Deepwater Mooring Licences: All Areas | 0.0% | |

4. Implications

| Implications | Relevant to proposals Y/N | Details and proposed measures to address |
|--|---------------------------|--|
| Legal/Governance | Y | The power to manage the Harbour and levy charges is provided by The Pier and Harbour (Salcombe) Confirmation Order 1954 |
| Financial | Y | The proposed changes to fees and charges will raise additional net income of £44,000 thereby meeting the revenue budget gap for 2021/22. |
| Risk | Y | Fees and charges may be insufficient if fewer than expected vessels use the Harbour or if costs rise more than anticipated |
| Comprehensive Impact Assessment Implications | | |
| Equality and Diversity | N | None |
| Safeguarding | N | None |
| Community Safety, Crime and Disorder | N | None |
| Health, Safety and Wellbeing | N | No adverse impacts |
| Other implications | N | |

Supporting Information

Appendix:

1. Proposed Fees and Charges 2021/2022.

Background Papers: None

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SOUTH HAMS DISTRICT COUNCIL
PROPOSED SALCOMBE HARBOUR AUTHORITY RATES AND CHARGES 2021-2022

The Salcombe Harbour Order 1954 - The Harbour Act 1964
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 Charges from 1st April 2021 - 31st March 2022

Proposed changes to charges: **Salcombe Harbour** - Car Parks and Recreation



**South Hams
District Council**

Ex VAT Inc VAT

Harbour Dues are payable by all vessels moored/launched within the Salcombe-Kingsbridge Estuary INCLUDING THOSE VISITORS ARRIVING BY LAND. All boats to be registered at the Harbour Office or Batson Boatpark. PLEASE DISPLAY YOUR PLAQUE.

| | | |
|--|-------|-------|
| ANNUAL Harbour Dues: All vessels (apart from those rowed/paddled, see below) | | |
| Per Metre of registered vessel | £7.08 | £8.50 |
| plus the below charge when an engine is present | | |
| Per Horsepower (supplement for all motorised vessels charged per individual Hp, capped at 1000 Hp) | £0.63 | £0.75 |

| | | |
|--|-------|-------|
| ANNUAL Harbour Dues: Canoes, kayaks, paddle boards, & row boats | £5.00 | £6.00 |
|--|-------|-------|

| | | |
|--|-------|-------|
| DAILY Harbour Dues: Applicable to any 24h period | | |
| Per Metre of registered vessel | £0.67 | £1.00 |
| plus the below charge when an engine is present | | |
| Per Horsepower (supplement for all motorised vessels charged per individual Hp, capped at 1000 Hp) | £0.08 | £0.10 |

| | | |
|--|--------|--------|
| Annual Resident Foreshore (including South Sands-reduced timescale) | | |
| All Areas (charged per metre) (min 4.5 metre £241.49 inc VAT) | £44.72 | £53.66 |
| All Areas BOATYARD (charged for max size of berth) | £67.08 | £80.50 |

| | | |
|---|-------|--------|
| Annual Resident Foreshore Mooring Licences (non SHA gear) (including Running Moorings) | | |
| All Areas (charged per metre) (min 6.0 metre £47.34 inc) | £6.57 | £7.89 |
| All Areas BOATYARD (charged for max size of berth) (min 6.0 metre £70.92 inc VAT) | £9.85 | £11.82 |

| | | |
|--|---------|---------|
| Annual Resident Deep Water Mooring | | |
| Deep Water Above Tosnos (charged per metre) (min 7.5 metre vessel £561.33 inc VAT) | £62.37 | £74.84 |
| Deep Water (charged per metre) (min 7.5 metre vessel £667.87 inc VAT) | £74.21 | £89.05 |
| Deep Water BOATYARD (charged for max size of berth) (9m berths £1202.21 inc VAT) | £111.32 | £133.58 |

| | | |
|---|--------|--------|
| Annual Resident Deep Water Mooring Licences (non SHA gear) (also including store box mooring licenses) | | |
| All Areas (charged per metre) (min 6.0 metre vessel £78.66 inc VAT) | £10.93 | £13.11 |
| All Areas BOATYARD (charged for max size of berth) (min 6.0 metre vessel £98.70 inc VAT) | £13.71 | £16.45 |

| | | |
|--|---------|---------|
| Annual Resident Pontoon Berths: Shadycombe, Kingsbridge, (Batson and Victoria Quay reduced timescale) | | |
| 2.0 metre max width berth (charged per berth) (Inc Kingsbridge) | £281.73 | £338.08 |
| 2.3 metre max width berth (charged per berth) (Batson & Shadycombe) | £359.50 | £431.40 |
| 2.0 metre max width BOATYARD (charge per berth) (Inc Kingsbridge) | £422.59 | £507.11 |
| 2.3 metre max width BOATYARD (charge per berth) (Batson & Shadycombe) | £539.26 | £647.11 |

| | | |
|---|--------|--------|
| Whitstrand Pontoon Charge (also applicable to those tenders on the slipway and remote pontoon) | | |
| Per month, All vessels, maximum 4.2 metre length, July and August only | £37.50 | £45.00 |

| | | |
|--|--------|--------|
| Annual Resident Crime Prevention Charges (additional charge attached to annual mooring allocations) | | |
| Category 1 All permanent mooring holders | £7.56 | £9.07 |
| plus | | |
| Category 2 Deep Water permanent mooring holders | £49.60 | £59.52 |
| Category 3 Foreshore and drying pontoon permanent mooring holders | £21.02 | £25.22 |



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Proposed changes to charges: **Salcombe Harbour** - Car Parks and Recreation



**South Hams
District Council**

Ex VAT Inc VAT

Annual Resident Facility Retention (per facility, invoiced each November and credited in annual invoice)

| | | |
|--|---------|---------|
| Facility Retention Fee, (per mooring and resident compound) | £104.17 | £125.00 |
| Facility Retention Fee (per dinghy rack/space and fish quay pontoon) | £41.67 | £50.00 |

One-Off Waiting List Registration Fee (refundable or credited at first payment, SHDC Council Tax required)

| | | |
|--|---------|---------|
| Resident Deep Water Waiting List Retention Fee | £166.67 | £200.00 |
| Resident Drying Pontoon Waiting List Retention Fee | £41.67 | £50.00 |
| Resident Foreshore Waiting List Retention Fee | £41.67 | £50.00 |

Annual Resident Store Boxes

| | | |
|--|---------|---------|
| Mooring Rental (Castle Bay / Ditchend) | £140.40 | £168.48 |
| Registration Fee | £10.71 | £12.85 |

Annual Resident Hard Standing Facility Hire

| | | |
|---|---------|---------|
| Newbridge Boat Park (Boat only NOT CAR) | £95.83 | £115.00 |
| Whitestrans Boat Park (Boat only NOT CAR) | £141.67 | £170.00 |
| Kingsbridge Boat Park (Boat only NOT CAR) | £83.33 | £100.00 |
| Newbridge Dinghy Rack | £75.00 | £90.00 |
| Batson Dinghy Rack | £83.33 | £100.00 |
| Whitestrans Dinghy Rack | £83.33 | £100.00 |

Annual Whitestrans Pontoon Landing Licence (Commercial)

| | | |
|---|-----------|-----------|
| Category A (craft carrying < 12 passengers landing < 10 times per day) | £222.35 | £266.82 |
| Category A1 (Category A landing > 10 times but < 20 times per day) | £444.68 | £533.62 |
| Category A2 (Category A landing > 20 times per day) | £1,778.68 | £2,134.42 |
| Category B (craft carrying > 12 but < 50 passengers landing < 10 times per day) | £444.68 | £533.62 |
| Category B1 (Category B landing > 10 times but < 20 times per day) | £889.34 | £1,067.21 |
| Category B2 (Category B landing > 20 times per day) | £3,557.36 | £4,268.83 |
| Category C (craft carrying > 50 passengers landing < 10 times per day) | £889.34 | £1,067.21 |
| Category C1 (Category C landing > 10 times but < 20 times per day) | £1,778.68 | £2,134.42 |

Annual Ferry Landing Licence (Jubilee Pier and Kingsbridge)

| | | |
|--|-----------|-----------|
| Category A2 (Category A landing > 20 times per day) | £1,778.68 | £2,134.42 |
| Category C (craft carrying > 50 passengers landing < 10 times per day) | £889.34 | £1,067.21 |

Commercial passenger vessels

| | | |
|---|-------|-------|
| For every ship or vessel which shall enter the harbour per metre or part thereof | £0.96 | £1.15 |
| Additionally, per passenger landed | £0.58 | £0.70 |

Merchant Vessels

| | | |
|--|-------|-------|
| For every ship or vessel which shall enter the harbour | | |
| Under 100 tonnes (per tonne N.R.T.) | £0.53 | £0.64 |
| Of and over 100 tonnes (per tonne N.R.T.) | £0.63 | £0.76 |



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**South Hams
District Council**

| | Ex VAT | Inc VAT |
|---|-----------|-----------|
| Tugs | | |
| Per day or part thereof | £26.86 | £32.23 |
| On goods shipped, unshipped or transhipped within the harbour: (Provided that no rates or charges are payable on shellfish) | | |
| Per tonne | £1.51 | £1.81 |
| Marine Contractors | | |
| Daily charge for on Quays and Slipways (not including Parking) | £12.50 | £15.00 |
| Annual charge for on Quays and Slipways (not including Parking) | £166.67 | £200.00 |
| Annual Marine Advertising Boards (VAT Exempt) | | |
| Whitestrand | £51.47 | £51.47 |
| Whitestrand (Small Front Space) | £30.70 | £30.70 |
| Ferry Pier Notice Boards and East Portlemouth | £51.47 | £51.47 |
| Ferry Pier Notice Boards and East Portlemouth (Double Sized) | £102.94 | £102.94 |
| Licensing | | |
| Pleasure Boat Licence (per vessel per annum) South West Cat 1: Hire Boats (VAT Exempt) | £49.00 | £49.00 |
| Pleasure Boat Licence (per vessel per annum) South West Cat DTp: Passenger Certified Boats (VAT Exempt) | EXEMPT* | EXEMPT* |
| *Exemption applies on production of current relevant DTp certification | | |
| A reduction of 20% will be made in the case of hire boat operators presenting a minimum of six boats for examination at any one time. | | |
| Boatman / Operator Licence Initial (VAT Exempt) | £105.00 | £105.00 |
| Boatman/ Operator / Assistant Boatman's Licence (per person per annum) (VAT Exempt) | £35.00 | £35.00 |
| A charge of 50% of the appropriate fee will be made in the case of re-examination. (VAT Exempt) | | |
| Harbour Authority Service Charges | | |
| Barge Hire (Min 4 hours) | £600.00 | £720.00 |
| Barge Hire per day | £1,200.00 | £1,440.00 |
| Barge Hire per week | £6,000.00 | £7,200.00 |
| Launch Hire per hour (1 hour min) | £70.00 | £84.00 |
| Launch Hire per day | £500.00 | £600.00 |
| Launch Hire per week | £2,500.00 | £3,000.00 |
| Launch Routine Towage (< 30 mins) | £30.00 | £36.00 |
| Fork Lift Truck Hire per hour | £70.00 | £84.00 |
| Fork Lift Truck Hire per day | £500.00 | £600.00 |
| Fork Lift Truck Hire per week | £2,500.00 | £3,000.00 |
| Fork Lift Truck Hire (< 30 mins) | £30.00 | £36.00 |
| Crane Hire per hour (1 hour min) | £100.00 | £120.00 |
| Crane Hire per day | £700.00 | £840.00 |
| Crane Hire per week | £3,500.00 | £4,200.00 |
| Additional member of staff per hour | £33.65 | £40.38 |
| Towage Penalty Fee | £83.33 | £100.00 |



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**South Hams
District Council**

Ex VAT Inc VAT

Winter Storage on Batson Boatpark

| | | |
|--|---------|---------|
| Winter Storage Temporary, per metre per week. December / January / February only | £3.33 | £4.00 |
| Winter Storage Salcombe Zone 1 (per metre, 1st October-31st March or part thereof) | £50.00 | £60.00 |
| Winter Storage Salcombe Zone 2 (per metre, 1st October-30th April or part thereof) | £70.83 | £85.00 |
| Hire Powerboat Props per month | £33.33 | £40.00 |
| Hire Powerboat Props per season | £166.67 | £200.00 |
| Hire Yacht Cradle per month | £41.67 | £50.00 |
| Hire Yacht Cradle per season | £216.67 | £260.00 |
| Slipway Hoist, per metre per lift (Minimum charge £120/8m craft) | £12.50 | £15.00 |
| Scrubbing Grid Environmental charge, per metre | £1.25 | £1.50 |

Fish Quay Commercial

| | | |
|--|-----------|-----------|
| Annual Spur charge for Fishing vessels, per registered metre | £59.53 | £71.44 |
| Daily Spur charge for visiting Fishing vessels | £41.82 | £50.18 |
| Overnight berthing alongside Fish Quay, per registered metre of vessel | £2.09 | £2.51 |
| Fish Quay Pontoon maximum length 5.5m | £65.00 | £78.00 |
| Temporary laying up on slipway over tide by agreement | FOC | FOC |
| Annual Parking Permits for reserved spaces - Fishermen | £496.88 | £596.26 |
| Annual Charge for loading/unloading catch on quay for Commercial Vehicles from 20-40 tons unladen weight. | £1,666.67 | £2,000.00 |
| Annual Charge for loading/unloading catch on quay for Commercial Vehicles from 2-20 tons unladen weight. Inc Fuel | £916.67 | £1,100.00 |
| Annual Charge for loading/unloading catch on quay for Commercial Vehicles up to 2 ton unladen weight. | £484.17 | £581.00 |
| Use of Quays for commercial cars and vehicles up to 2 tons unladen weight, per working day or part** | £20.83 | £25.00 |
| Use of Quays for commercial vehicles from 2 -20 tons unladen weight, per working day or part to include fuel tankers** | £41.67 | £50.00 |
| Use of Quays for commercial vehicles from 20-40 tons unladen weight, per working day or part** | £83.33 | £100.00 |
| **does not include spur charge payers who pay for reserved parking spaces. | | |
| Overnight parking for any commercial vehicles 1-40 tons | £25.00 | £30.00 |
| Temporary storage - yacht trailers, crab pots and other tackle, per square metre per day by agreement: | £0.42 | £0.50 |
| Lay-up berth on quay - Maximum 11 metres and 9 ton vessel - maximum stay to be agreed at booking, per 24 hours | £10.00 | £12.00 |
| Lay-up berth on quay - Maximum 11 metres and 9 ton vessel - maximum stay to be agreed at booking, per 7 days | £49.33 | £59.20 |
| Temporary laying up on any slipway or alongside any Harbour Quay (not launching or slipping), per metre per day or part: | £1.67 | £2.00 |
| Wet Fish, landing charge of 1.5% of the gross value of each catch declared on landing (i.e. £1000 landing = £15 fee) | FOC | FOC |
| Electricity, per Token | £0.83 | £1.00 |



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Proposed changes to charges: **Salcombe Harbour** - Car Parks and Recreation



**South Hams
District Council**

Ex VAT

Inc VAT

Harbour Dues are payable by all vessels moored/launched within the Salcombe-Kingsbridge Estuary INCLUDING THOSE VISITORS ARRIVING BY LAND. All boats to be registered at the Harbour Office or Batson Boatpark. PLEASE DISPLAY YOUR PLAQUE.

| | | |
|--|-------|-------|
| ANNUAL Harbour Dues: All vessels (apart from those rowed/paddled, see below) | | |
| Per Metre of registered vessel | £7.08 | £8.50 |
| plus the below charge when an engine is present | | |
| Per Horsepower (supplement for all motorised vessels charged per individual Hp, capped at 1000 Hp) | £0.63 | £0.75 |

| | | |
|--|--------------|--------------|
| ANNUAL Harbour Dues: Canoes, kayaks, paddle boards, & row boats | £5.00 | £6.00 |
|--|--------------|--------------|

| | | |
|--|--------------|--------------|
| DAILY Harbour Dues: Applicable to any 24h period | | |
| Per Metre of registered vessel | £0.67 | £1.00 |
| plus the below charge when an engine is present | | |
| Per Horsepower (supplement for all motorised vessels charged per individual Hp, capped at 1000 Hp) | £0.08 | £0.10 |

Batson Creek Boat Park

| | | |
|--|---------|---------|
| Resident's Compound (Creek Boat Park space 1st April-30th September) | £413.13 | £495.75 |
| Boat Park Daily | £8.33 | £10.00 |
| Boat Park Daily (LARGE SPACE) | £12.50 | £15.00 |
| Boat Park Weekly | £50.00 | £60.00 |
| Boat Park Weekly (LARGE SPACE) | £75.00 | £90.00 |
| Coach Park Daily | £9.58 | £11.50 |
| Trailer Parking Daily (under 4.5m) | £5.00 | £6.00 |
| Trailer Parking Daily (over 4.5m) | £6.67 | £8.00 |
| Trailer Parking Weekly (under 4.5m) | £30.00 | £36.00 |
| Trailer Parking Weekly (over 4.5m) | £40.00 | £48.00 |

Visitors Foreshore Mooring Hire (for those arriving from LAND) Max length 8m

| | | |
|--|--------|--------|
| Visitors Foreshore Mooring Hire per berth per day 1st April to 30th September | £13.33 | £16.00 |
| Visitors Foreshore Mooring Hire per berth per week 1st April to 30th September | £66.67 | £80.00 |
| Visitors Foreshore Mooring Hire per berth per day 1st October to 31 March | £6.67 | £8.00 |
| Visitors Foreshore Mooring Hire per berth per week 1st October to 31 March | £33.33 | £40.00 |

Water Taxi Charges, there is no return ticket price (zero VAT rated)

| | | |
|--|-------|-------|
| Child Single Fare (under 16, when accompanied by an adult) | £0.50 | £0.50 |
| Adult Off Town Single Fare | £1.50 | £1.50 |
| Adult The Bag Single Fare | £2.00 | £2.00 |
| Adult Above Tosnos Point Single Fare | £3.00 | £3.00 |

Discounted Water Taxi Tickets (x20 Books) (zero VAT rated)

| | | |
|------------------------------|--------|--------|
| Adult Off Town x20 | £20.00 | £20.00 |
| Adult The Bag x20 | £30.00 | £30.00 |
| Adult Above Tosnos Point x20 | £40.00 | £40.00 |



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**South Hams
District Council**

Ex VAT Inc VAT

Visitors Deepwater Moorings and Dues (for all craft with or without an engine arriving from SEA)

N.B. Weekly rates are discounted to FIVE times the daily rate. Daily/weekly charges apply to the overall length of the vessel **ROUNDED UP TO THE NEAREST METRE** (excluding bowsprit) for each overnight stay .

The charges for multihulled vessels will be increased by 100% if such vessel requires single occupancy of a visitors berth.

| | | |
|---|-------|--------|
| Daily Dues only (mooring charges waived 1st Oct to 31st March) (per metre) | £0.83 | £1.00 |
| Weekly Dues only (mooring charges waived 1st Oct to 31st March) (per metre) | £4.17 | £5.00 |
| Daily Moorings and Dues APRIL, MAY & SEPTEMBER 25% DISCOUNT (per metre) | £1.25 | £1.50 |
| Weekly Moorings and Dues APRIL, MAY & SEPTEMBER 25% DISCOUNT (per metre) | £6.25 | £7.50 |
| Daily Moorings and Dues JUNE, JULY & AUGUST (per metre) | £1.67 | £2.00 |
| Weekly Moorings and Dues JUNE, JULY & AUGUST (per metre) | £8.33 | £10.00 |
| Part Day (per vessel, short stay-not overnight) | £4.17 | £5.00 |

Visitors walk-ashore prebookable berths on Whitestrand Pontoon 19:00-08:00 ONLY, 24m of capacity ONLY (draught dependant)

*timescale, location and capacity may be adjusted during the winter period where no evening harbour taxi operates

| | | |
|---|--------|--------|
| Salcombe Town Landing Overnight - 1st October to 31st March (per metre) | £1.67 | £2.00 |
| Salcombe Town Landing Weekly - 1st October to 31st March (per metre) | £8.33 | £10.00 |
| Salcombe Town Landing Overnight - April, May & September (per metre) | £2.08 | £2.50 |
| Salcombe Town Landing Weekly - April, May & September (per metre) | £10.42 | £12.50 |
| Salcombe Town Landings Overnight - June, July and August (per metre) | £2.50 | £3.00 |
| Salcombe Town Landings Weekly - June, July and August (per metre) | £12.50 | £15.00 |

Winter Storage Afloat

| | | |
|--|--------|--------|
| Deep Water Mooring (inc isolated pontoons) 1st Oct to 31 March (price per metre) | £62.50 | £75.00 |
|--|--------|--------|

Report to: **Salcombe Harbour Board**
Date: **19 October 2020**
Title: **Enforcement of Byelaws and Harbour Directions**
Portfolio Area: *Salcombe Harbour*

Wards Affected: **All South Hams**

Urgent Decision: **No** Approval and clearance obtained: **Y / N**

Date next steps can be taken: Recommendations will be considered at the Council meeting to be held on 17 December 2020.

Author: **Cameron Sims-Stirling** Role: **Harbour Master**

Contact: **Telephone: 01548 843791**

Email: Cameron.sims-stirling@swdevon.gov.uk

Recommendation:

The Harbour Board RECOMMENDS the Council to adopt the revised Enforcement Policy at Appendix 1, and AGREES to it being posted on the Harbour's website, prior to its formal consideration by Full Council.

1. Executive summary

It is a requirement of the Port Marine Safety Code that the Harbour Authority publishes an enforcement policy. The proposed draft at Appendix 1 is intended to bring the 2013 statement up-to-date and in line with developing practice.

2. Background

- 2.1 Salcombe Harbour Authority is a statutory harbour authority and has a duty to regulate navigation within its harbour. It also has powers to make byelaws to provide an enforceable legal framework that can be used to assist in regulation.
- 2.2 Byelaws provide general rules for navigation and the conduct of a vessel within the jurisdiction of a Harbour Authority. The Salcombe Harbour byelaws were last revised in 2008.
- 2.3 The Marine Navigation Act 2013 made additional provisions in relation to marine navigation and harbours. Salcombe Harbour Authority subsequently applied for and acquired the powers to make Harbour Directions, which were designed to complement, or to some extent replace, harbour byelaws. However, to date, no Harbour Directions have been made.
- 2.4 In addition to these powers, the Harbour Master is able to give special directions to vessels within his area of authority in respect of when and how they may enter the harbour and where and how they may moor.

- 2.5 The Harbour Authority last published its Enforcement Policy in April 2013 (SH 62/12); the proposal is to revise and update that policy. The impetus to this work has been given by the upgrading of the Harbour's website and therefore the need for a document with appropriate web links.
- 2.6 The proposed draft is not intended to signal a change in policy, merely to clarify and set out in more detail the actions which could be taken as the result of an infringement.

3. Issues for consideration

- 3.1 It is recommended that the Harbour Board agrees the Enforcement Policy at Appendix 1.
- 3.2 It is a requirement of the Port Marine Safety Code that the Harbour Authority publishes an enforcement policy. The background to the 2013 policy was concern about breaches of the byelaws, particularly speeding, and the possible need to bring a prosecution. It was important that the basis for a prosecution could not be undermined because a policy had not been published. This was, therefore, the emphasis of the 2013 policy.
- 3.3 The introduction of the possibility of Harbour Directions has occurred since 2013 and, although none have yet been issued, the enforcement policy should clearly cover that eventuality, so this is included in the proposed draft.
- 3.4 Harbour Masters have considerable powers but, in general, these apply to vessels rather than individuals. It follows that it is important for an enforcement policy to set out the actions which may be taken against individuals when there is a need to do so.
- 3.5 Although there have been several successful byelaw prosecutions, experience has shown that a number of infringements can be resolved by the Harbour Master without the need to go to court. However the current enforcement policy makes no reference to the measures which the Harbour Master might take. The proposed draft seeks to rectify this.
- 3.6 When considering serious incidents and possible infringements, the Harbour Board has been clear that the withdrawal of harbour facilities may be entirely proper in certain cases. The most obvious of these is the withdrawal of a mooring licence, which is specifically covered by the moorings policy. However, not all boat owners have a mooring and there is, therefore, a need to spell out a policy of potentially denying the use of any of the Harbour's facilities in such cases. This is rectified in the proposed draft.
- 3.7 The opportunity has also been taken to include specific mention of good practice arising from the experience of other harbours like, for instance, the need for training and the need to give notice of ascribing blame to a third party (para 6.2). Harbour Authority staff have recently been trained in conducting interviews in accordance with the Police and Criminal Evidence Act 1984.
- 3.8 In summary, the proposed draft is intended to clarify the enforcement policy, the legislation under which it operates and the options, including prosecution, which the Harbour Authority makes available to the Harbour Master, acting on its behalf, so that harbour users can be aware of what to expect in the event of an infringement. It is not its purpose to introduce any major changes in practice.

4. Consideration of risk

| Risk/Opportunity | Risk Status | | | Mitigating and Management Actions |
|---|-----------------|------------------------|------------|---|
| | Impact/Severity | Likelihood/Probability | Risk Score | |
| Without a clear and published enforcement policy, harbour users will not be clear of the implications of not complying with Harbour Byelaws or Harbour Directions | 4 | 3 | 9 | Regular review of and consistent enforcement of the published policy. |
| Harbour Byelaws or Harbour Directions will not be enforced in a consistent way. | 3 | 3 | 6 | By having a clear enforcement policy both harbour staff and harbour users will be in no doubt regarding the policy for the enforcement of the Harbour Byelaws or Harbour Directions. The Enforcement Policy gives a framework and guidance to both officers and harbour users on the enforcement of Byelaws or Harbour Directions and the consequences of non-compliance. |

5. Proposed Way Forward

5.1 The proposal is that the Harbour Board recommends the adoption of the revised enforcement policy.

6. Implications

| Implications | Relevant to proposals Y/N | Details and proposed measures to address |
|--|---------------------------|---|
| Legal/Governance | | The Pier and Harbour Order (Salcombe) Confirmation Act 1954 (Sections 22-36). Sec 40 of the Harbours Act 1964 as amended by the Marine Navigation Act 2013. Salcombe Harbour Byelaws 2008 |
| Financial implications to include reference to value for money | | None |
| Risk | | The risks are set out in section 4 above |
| Supporting Corporate Strategy | | Community Life Economy Environment |
| Climate Change - Carbon / Biodiversity Impact | | None |
| Comprehensive Impact Assessment Implications | | |
| Equality and | | A person accused of contravening civil or criminal |

| | | |
|--------------------------------------|--|---|
| Diversity | | law has the right to a fair hearing, to have their views considered before action is taken, and, if it comes to it, to a fair trial. They are also entitled to be treated without unlawful discrimination of any kind. The enforcement policy has been drafted with these requirements in mind. |
| Safeguarding | | None |
| Community Safety, Crime and Disorder | | A clarified enforcement policy should act to reduce infringements. |
| Health, Safety and Wellbeing | | None |
| Other implications | | |

Supporting Information

Appendices:

Appendix 1: Enforcement of Byelaws and Harbour Directions

Background Papers:

None

**SOUTH HAMS DISTRICT COUNCIL
SALCOMBE HARBOUR AUTHORITY**

ENFORCEMENT OF BYELAWS AND HARBOUR DIRECTIONS

1. Legislation covering the Harbour

1.1. South Hams District Council, in its capacity as the statutory Harbour Authority for the municipal port of Salcombe, has powers to make and enforce

1.1.1. [byelaws](#) under the [Pier and Harbour Order \(Salcombe\) Confirmation Act 1954](#); and

1.1.2. Harbour Directions under [sec 40 of the Harbours Act 1964](#), as amended by the Marine Navigation Act 2013.

1.2. Other byelaws and regulations affecting the Harbour are

1.2.1. byelaws relating to the Harbour's status as a [nature reserve](#); and

1.2.2. regulations in respect of [fishing in the Harbour](#), which are the responsibility of the [Devon and Severn Inshore Fisheries and Conservation Authority](#).

2. Availability of byelaws and Harbour Directions

2.1. A copy of the Salcombe Harbour byelaws is [available online](#), or on application to the Harbour Office in Whitestrand.

2.2. So far, no Harbour Directions have been made under the Harbours Act 1964.

2.3. This document is issued in accordance with the Harbour's [Port Marine Safety Code](#).

3. Penalties for not complying with byelaws or Harbour Directions

3.1. The Criminal Justice Act 1982 (as amended) provides for a [standard scale](#) of fines for summary offences which specifies the maximum fine which a court may impose. This is adjusted for inflation from time to time.

3.2. The current maximum fines are as follows:

3.2.1. for a breach of Harbour byelaws: a maximum fine at Level 2, which is £500; or at Level 3, which is £1000. The latest convictions include: misuse of distress flares within Salcombe Harbour limits which attracted a fine of £750 plus costs of £3075, and speeding within the Harbour Limits which attracted fines of £200 for each count plus £500 costs.

3.2.2. for a breach of a Harbour Direction, a maximum fine at Level 4, which is currently £2500.

4. Principles of Enforcement

4.1. The Harbour Authority recognises that most harbour users will wish to comply with the law. Therefore, where it can, the Harbour Authority will help users to meet their legal obligations, while taking firm action – including prosecution where appropriate – against those who flout the law or act irresponsibly.

4.2. The Harbour Authority will provide information and advice in plain language on the rules that apply and will disseminate it as widely as possible. The Harbour Authority will provide encouragement and support to ensure that their legal powers are used appropriately to improve and safeguard public health, public safety and the environment, and the proper management of the Harbour.

4.3. The principal purpose of enforcement action is to promote the safety of harbour users.

- 4.4. Where it appears that the Harbour byelaws or Harbour Directions may have been contravened, the Harbour Authority has the options of negotiation and education and, where an offence has occurred, of issuing a warning; suspending or withdrawing the use of Harbour facilities, as defined in para 9.1.2; or prosecution.
- 4.5. The Harbour Authority will seek to minimise the costs of compliance for users by ensuring that any action it takes is proportionate to the risks. As far as the law allows, the Harbour Authority will take account of the circumstances of the case and the offender's behaviour when considering action.
- 4.6. The Harbour Authority will carry out its duties in a fair, equitable and consistent manner. It will seek to be clear, open and helpful in its approach to enforcement.
- 4.7. The Harbour Authority will seek to target enforcement resources where they are most needed and will be informed by its other policies, aims and objectives. The Harbour Authority is committed to assisting other enforcement agencies, including the Police, to pursue their statutory duties. It will liaise with any enforcement agency that may also have an interest in any matter being considered for prosecution.

5. Enforcement action

5.1. Enforcement action can take the form of

- **A warning**, which will be recorded, given by the Harbour Master.
- **A written warning**, given by the Harbour Master, explaining the way in which a byelaw or Harbour Direction has been contravened and the implications should the offender re-offend. This is not a caution for the purposes of criminal records.
- **Sanctions initiated by the Harbour Master**. Following any breach of a byelaw or Harbour Direction, the Harbour Master may, on behalf of the Harbour Authority and having considered any written representations, suspend or withdraw the use of any Harbour facility.
- **Prosecution** – as an ultimate sanction.
- A combination of any of the above.

5.2. Any person may appeal to the Harbour Authority, through the Chairman of the Harbour Board, against any sanction, other than a prosecution, initiated by the Harbour Master. The Harbour Authority may choose to deal with the appeal through the [Council complaints procedure](#).

6. Consideration of action

6.1. Prosecution is a serious matter and must be regarded as the ultimate sanction. A prosecution will be initiated only when the alleged conduct is considered so serious that the Harbour Authority cannot impose an appropriate sanction.

6.2. When dealing with alleged offences

- Officers, who will have received appropriate training, will identify themselves and explain the purpose of their visit or interview.
- Each case will be considered on its individual merits and a prosecution will be initiated only in accordance with this policy.
- In cases where blame is being ascribed to a third party, details must be provided in writing to the Harbour Master at an early stage.
- Having duly considered the Harbour Authority's internal policies, due regard will be given to the Code for Crown Prosecutors.

- Any decision to initiate a prosecution will be recorded in writing and the reasons for initiating the prosecution will be given.
- Any investigation carried out by the Harbour Authority will be conducted in accordance with the [Police and Criminal Evidence Act 1984](#) (and/or any other relevant legislation) with due regard to the applicable Codes of Practice.
- In addition, where applicable, best practice will be observed as set out in national guidance issued by bodies such as the Department for Transport's [National Policy Statement for Ports](#) and/or [Maritime and Coastguard Agency](#).

7. Enforcement considerations

7.1. In considering the appropriate enforcement action, the Harbour Authority will take into account

- The seriousness of the complaint;
- The risk of harm to the public and others;
- The public interest;
- The explanation of the offender;
- The behaviour of the offender;
- Whether the matter is a recurrence;
- Whether the alleged offence has resulted in any financial gain; and whether this can be mitigated;
- Whether there have been any other contraventions of byelaws or legislation by the offender;
- The willingness of the alleged offender to prevent a recurrence of the incident;
- Any action taken by the offender to mitigate damage/ loss to others;
- The availability and reliability of witness accounts; and
- The sufficiency of evidence.

8. Prosecution

8.1. Prosecution, as an ultimate sanction will be considered in the following circumstances where;

- The alleged offence is a flagrant breach of byelaws or legislation such that public safety or well-being is or has been put at risk.
- The alleged offence involves failure to comply with a warning.
- There is a history of similar offences.
- The alleged offence involves risk of damage to the environment.
- There are no public interest factors indicating that prosecution is not appropriate.

8.2. The decision to prosecute will be taken by the Council solicitor in consultation with the Harbour Master and conduct of the matter will then remain with the solicitor until the court case has concluded.

8.3. Following a conviction, the Harbour Master may refer the case to the Harbour Board to consider whether the use of any Harbour facilities should be suspended or withdrawn.

8.4. In appropriate cases, following a conviction, the Harbour Authority will seek to recover the costs of enforcement action. Any award of costs will be for the court to determine.

9. Definitions

9.1. In this document:

9.1.1. "Harbour Master" means the Harbour Master or any person appointed to act for the Harbour Master.

9.1.2. "Harbour facility" means any service provided by the Harbour Authority including, for instance, acceptance of harbour dues; use of slipways and/or pontoons; granting of, or renewing, a mooring licence; maintenance of a mooring; and boat storage. Under the Harbour Authority's [Moorings Policy](#) mooring licences and contracts specifically require adherence to byelaws and Harbour Directions.

- 9.1.3. "Suspension" of a Harbour facility means withdrawing the facility for a specified period of time before it is reinstated.
- 9.1.4. "Withdrawal" of a Harbour facility means that the facility will be reinstated only after a fresh application has been made and accepted, and the application becomes sufficiently high in any waiting list.

CLLr Julian Brazil
Chairman, Salcombe Harbour Board

Date: July 2020

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