

HAMPSHIRE COUNTY COUNCIL**Report**

Committee	River Hamble Harbour Management Committee
Date:	25 June 2010
Title:	Marine Director's Current Issues
Reference:	1665
Report From:	Director of Culture, Communities and Rural Affairs

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1. Summary

1.1. The purpose of this report is to update members on a number of issues pertaining to the management of the harbour, including progress on implementation of recommendations on Harbour Dues (including weekly dues), Harbour Board and Management Committee training, an update on new Patrol Boats, some Harbour Office staff changes, and a new complaints procedure.

2. Harbour Dues

2.1. Harbour Board decisions on changes to the Harbour Dues regime are now being implemented as far as practicable.

2.2. A weekly rate, identical to the former three day rate, has already been agreed by the Harbour Board, as follows:

Vessels under 6 metres LOA (unless zero-rated) - £10 per week (incl VAT)

Vessels over 6 metres LOA - £15 per week (incl VAT)

2.3. Patrol staff have experienced difficulties in identifying whether a given vessel under 6 metres has a keel or a centreboard when it is afloat so, for practical reasons, an interim solution has been adopted. Thus, any dry-sailed vessel under 6 metres, provided it has no engine or an engine of less than 10hp, is being interpreted as zero-rated, regardless of whether or not it has a keel. Vessels under 6 metres LOA and with an engine of 10hp or more (excluding other zero-rated categories) are being charged the full rate of Harbour Dues (£16.45 per metre or part thereof).

3. Training

- 3.1. In order to comply with the Harbour Board's decision that suitable training should be undertaken on an ongoing basis for members of the Management Committee and Harbour Board, a training syllabus has been drawn up (see Appendix 1). An initial training session has already been successfully conducted for one member of the Management Committee and one member of the Harbour Board, using the new syllabus.

4. Patrol Boats

- 4.1. The first of the new Patrol Boats is nearing completion and delivery is expected by late June. This is later than originally anticipated because of non-availability of engines and other key components

5. Harbour Office staff changes

- 5.1. We have appointed one seasonal Patrol Officer (Mike Wakefield) and three Seasonal Coxswains (Bryn Perry, John Dyke and Karstein Hagerupsen). They are on a short contract from early May until late September.
- 5.2. The Harbour Office Administrative Assistant (Elaine Brownlie) has resigned and we have successfully filled the vacancy on a 50-50 job share basis (Donna Taylor and Lynne Cox).

6. Complaints procedure

- 6.1. At its last meeting, The Harbour Board approved a Select Committee recommendation that the Harbour Authority should establish and publicise a formal complaints procedure. A draft is at Appendix 2 and it is recommended that the Harbour Board be advised to adopt it. Once adopted, it will be published on the Harbour Authority website.

7. River Bed Leases

- 7.1. At its last meeting, the Management Committee asked for an information update that clarified the position in respect of the environmental leases that the Harbour Authority has with the Crown Estate (see Minute 44). A briefing note explaining the situation is attached as Appendix 3.

8. Recommendation

It is recommended that the River Hamble Harbour Management Committee:

- 1. Advises the River Hamble Harbour Board to adopt the draft complaints procedure, and;**
- 2. Notes the remainder of this report.**

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	no
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

River Hamble Harbour Management Committee and Harbour Board

Training syllabus for new members:

Governance arrangements

Terms of Reference

Statutory roles and responsibilities

Geography of harbour and extent of jurisdiction

Strategic planning

Business planning

Port Marine Safety Code and Safety Management (including role of Designated Person)

Role of The Crown Estate

Funding arrangements and Harbour Dues

Visiting yachts

Other sources of income

Expenditure

Budget planning

Reserves, Asset Replacement and Asset Enhancement

Mooring types and numbers, licences, temporary licences and waiting lists

Environmental responsibilities

Oil Spill response

Harbour Office manpower and working regimes/rosters

Harbour Authority boats

Commercial operators and yacht clubs

Stakeholder groups

Works Consent process and Dredging

Aids to Navigation

River Hamble Harbour Authority

Complaints Procedure

The River Hamble Harbour Authority is part of Hampshire County Council and is managed by the Department of Culture, Communities and Rural Affairs. The River Bed and associated mid-stream moorings are owned by The Crown Estate but managed on its behalf by the Harbour Authority.

If you have a complaint or concern it should be addressed (in writing) to:

David Evans
Marine Director and acting Harbour Master
Harbour Office
Shore Road
Warsash
Southampton SO31 9FR

Email: david.evans@hants.gov.uk

A response to your complaint or concern will be provided within 20 working days or, where appropriate, it will be passed to The Crown Estate for necessary action.

If your complaint or concern is in regard to navigational safety, you may also wish to contact the Designated Person:

Captain Mark Capon
Marine Enforcement Limited
Unit 6a
Kemp's Quay
Quayside Road
Southampton SO18 1BZ

Email: mel@marineenforcement.co.uk

The Designated Person is independent of the Harbour Authority and is required to report any safety concerns to the Harbour Board.

If you believe that your complaint or concern has not been answered to your satisfaction, you should write to:

Councillor Keith Evans
Chairman, River Hamble Harbour Board
94 Abshot Road
Fareham
PO14 4NH

Email: keith.evans@hants.gov.uk

With a copy to:

John Tickle
Assistant Director, Culture, Community and Rural Affairs
Room 101
Mottisfont Court
The Castle
Winchester
SO23 8UJ

Email: john.tickle@hants.gov.uk

And to:

Councillor S. T. D. Woodward
Chairman, River Hamble Harbour Management Committee
8, Persian Drive
Whiteley
Fareham
PO15 7BJ

Briefing Note requested by River Hamble Management Committee on River Hamble Riverbed Leases

Background

The County Council entered into Leases with The Crown Estate Commissioners on 28th June 2002 in respect of the foreshore and bed of the River Hamble. There are two Leases, one for the lower and middle sections and one of the upper section. The lease of the upper section is the so called “Environmental Lease”. Both Leases are for a term of 50 years and will expire on 31st December 2051 and are at the nominal yearly rent of a peppercorn.

The Leases were entered into following a Cabinet decision of the County Council to satisfy County Council objectives in 2002 to support the County Council’s role as the River Hamble Harbour Authority and the County Council’s strategic role in the planning and management of coastal conservation.

Use Clause

The use Clause for the Lower and Middle Lease is “as a river or harbour bed in accordance with the tenants statutory powers and duties” and for the Upper Lease is “for purposes of conservation”.

Terms and Liabilities

Both Leases state that the County Council’s liability in respect of relevant future legal obligations (as specifically defined in the Leases) extends as is “just and equitable in the circumstances”. Circumstances to be taken into account include if appropriate the respective interests in the River Hamble of the Landlord, The Crown and the Tenant, the County Council.

Environmental Legislation

The Harbour Authority has a number of obligations which fall to it irrespective of the lease of the river bed e.g.

- Duty under Harbours Act 1964 to exercise functions in a way having regard to nature conservation and other related environmental considerations
- Duty under Wildlife and Countryside Act 1981 to further the conservation and enhancement of the flora, fauna or geological or physiographical features
- Duty under Natural Environment and Rural Communities Act 2006 to have regard to conservation of biodiversity
- Duties under the EU Habitats Directive as it is a competent and relevant authority under that legislation.

(the last 3 duties also apply to the County Council)

Break Clause

There are break clauses in each Lease which can be operated to effect termination between 2010 and 2032 on two years written notice. However, any decision to exercise the break clauses would need to be taken by the County Council Cabinet taking into account all of its objectives and functions and not purely those of the Harbour Board. Terminating the Leases would not have any significant impact on the Harbour Board's Environmental responsibility as it would remain a relevant authority for the purposes of the EU Directives and other environmental legislation, whether or not a lease was in place.