

EAST DEVON DISTRICT COUNCIL

Report of a Meeting of the Beach Concessions Task and Finish Forum held at Knowle, Sidmouth on Tuesday, 23 October 2007

Present: Councillors:
T J R Wood(Chairman)
C Gibbings
Mrs P A Graham
R C Peachey

Also present Councillor:
M J L Green

Diccon Pearse (Corporate Director – Economy)
Debbie Meakin (Senior Policy Officer)
Chris Lane (Democratic Services Officer)

Apologies Councillors B O Ingham
D R A Key
Mark Reilly

The meeting commenced at 6.30pm and terminated at 7.50pm.

*1 **Election of Chairman**

RESOLVED that Councillor T J R Wood be elected Chairman.

*2 **Exempt information**

RESOLVED that the classification given to the documents to be submitted to the TaFF be confirmed and that the reports relating to exempt information be dealt with under Part B of the agenda.

*3 **Exclusion of the public**

RESOLVED that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session.

*4 **Terms of reference**

The Forum noted the terms of reference for the TaFF which were:

“To consider Beach concessions in three broad areas, namely:

1. Office practices and procedures associated with the granting of beach concessions;
2. Their terms and conditions attached to beach concessions, including the level of fees charges;

*4 **Terms of reference** (Cont)

3. The arrangements for monitoring adherence to the terms and conditions of beach concessions granted.”

Councillor M J L Green reported that there were some safety issues at Beer beach which were of concern to him and he wished to add discussion of safe access to East Devon beaches by all members of the public to the agenda of a future meeting. He also reported that there was some dispute over ownership of part of the slipway at Beer.

*5 **Drawing up a timetable for the work ahead**

Members recognised the need to draw up a timetable for the work ahead. Arising from the result of the Ombudsman decision on a seafront concession, the Council had agreed to resolve the issue of beach concessions by Christmas this year. This was therefore to be the TaFF's priority. It was noted that reaching a resolution on other matters may take the TaFF longer.

RESOLVED that the next meetings of the Beach Concessions TaFF be held on Wednesday 21 November 2007 at 2.00pm and Tuesday 4 December 2007 at 6.30pm.

*4 **Beach concessions**

Members received the report of the Corporate Director – Economy giving the background to the reasons for setting up the Beach Concessions TaFF. The Executive Board of 7 February 2007 had been advised of the finding of maladministration by the Local Government Ombudsman following a complaint from a boat owner, who had been granted a concession by the Council to operate from Seaton seafront.

The report raised a number of concerns relating to the Council's practices and procedures for granting concessions, the management of our beaches, and the conflicts that arise when popular public open spaces are shared by recreational users and commercial activities. In response to the Ombudsman's findings the Council resolved to establish a TaFF to consider these matters and, in the meantime not to issue any new licenses (other than renewals) to operate boats from our beaches. The Corporate Director – Economy confirmed that it was not the TaFF's job to debate aspects of the Ombudsman's report and the award of compensation.

During discussions the following points were noted:

- That licensing of boats on East Devon beaches by the Maritime Coastguard Agency (MCA) was better than the Council undertaking the responsibility, as the MCA had the appropriate experience and expertise;
- As landlord the District Council needed to manage the beach and foreshore, including winches;
- That winches needed to be regularly inspected and that it was not appropriate for the Council to declare whether a winch was safe or not as it did not have the expertise. This should be the responsibility of the concessionaire;
- The conflict between working boats and tourists was a problem on beaches, particularly Beer beach.;
- The zoning of beaches was an issue that needed to be considered;
- Concern was expressed over the legalistic nature of the wording in the beach and winch agreements and whether they could be made less legalistic with use of plain English;

*4 **Beach concessions** (Cont)

- A question was asked over whether £2,000,000 was an appropriate level of insurance cover and whether £5,000,000 would be more suitable;
- The TaFF should discuss at a future meeting the issue of private users on East Devon beaches;
- That other comparable local authorities level of charging for beach concessions be obtained for the next meeting so that an informed discussion could take place on charging
- That the issue of the activities of the Beach Safety Officer be discussed at a future meeting;
- The need to include discussion on the temporary siting and use of winches on Sidmouth beach;
- That a site visit to both Beer and Seaton beaches would be beneficial to Members;
- That a review of office practices should be discussed at the next meeting, as it was proposed for the two sections currently involved in beach concessions to be moved to the same Directorate.

RESOLVED

- 1) that a representative from the MCA and the Council's insurers be requested to attend the next meeting of the Task and Finish Forum;
- 2) that details be obtained from South Hams, Teignbridge and West Dorset District Councils of their public liability insurance requirements and their level of charging for beach concessions;
- 3) that an alternative set of wording for the legal agreements to try and make them less legalistic and conform more with plain English principals be progressed;
- 4) that an improved procedure for granting licences be drawn up in time for the next meeting.

(Councillor Mrs P A Graham declared a personal interest in the item as her husband used to inspect boats on beaches on behalf of the District Council).

Chairman

Date.....