

EAST DEVON DISTRICT COUNCIL

Report of a Meeting of the Beach Concessions Task and Finish Forum held at Knowle, Sidmouth on Thursday, 31 January 2008

Present:

Councillors:
D R A Key (Chairman)
Mrs P A Graham
B O Ingham
T J R Wood

Also present

Councillors:

D G Atkins
R Boote
G Godbeer
M J L Green

Debbie Meakin (Democratic Services Officer)
Diccon Pearse (Corporate Director)
Mark Reilly (Head of Streetscene)
Rob Speers (Senior Estates Surveyor)
Mark Williams (Chief Executive)

Apologies

Councillors:

Miss V Ash
C Gibbings
J Knight
S Luxton
R C Peachey

The meeting started at 6.30pm and finished at 8.30pm.

***22 Report of the last meeting**

The report of the meeting held on 4 December 2007, was noted.

In reference to minute 17, Members were updated on the resolution of the Executive Board to outsource the lifeguard service to the RNLI. The agreement between the Council and the RNLI was still to confirm that nothing in the draft agreement conflicted with or contradicted any of the Council's existing policies

In reference to minute 18 of the report of the last meeting; resolution 2; the Head of Streetscene reported that he had received advice back from the MCA. This advice was that all boats with passengers must meet the requirements of the "Red Code". A minimum of 200mm to 400mm freeboard, depending upon length, is required for a decked boat. An inflatable boat would need to meet the Red Code; however the main concern for use at Seaton beach would be how passengers embark and disembark.

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

24 Levels of Insurance

Public liability insurance for boats and winches on beaches had been recommended at £5 million at a previous meeting of the TaFF, and agreed at Executive Board on the 19 December 2007. Research had revealed that marine insurers do not currently quote on more than £3 million public liability for private pleasure craft and winches, with the only exception being for large passenger carrying vessels.

The Executive Board resolved at its meeting on the 30 January 2008 that the level of public liability insurance for boat owners and winch owners using East Devon District Council owned beaches be set at £3m.

RESOLVED that the resolution to set the level of public liability insurance for boat owners and winch owners at £3m be noted.

***25 Outstanding concessions in Exmouth**

- a) Renewal of Ian Stuart’s concession for a booking office and landing stage at Exmouth for a further 3 years

Cllr Mrs P Graham described to Members the structure and scale of the landing stage at Exmouth. The Estates Surveyor explained to Members the operation of Stuart Line by means of a powered winch operated landing stage at Exmouth, which would not be appropriate at other beaches where steeper gradients and pebble beaches make it inappropriate. Stuart Line’s passenger boat uses an in board gang plank/ramp for embarkation at Budleigh, Sidmouth and Seaton’s beaches.

The Chief Executive was keen that the Council sought to request a higher standard from concessionaires operating passenger trips, to include a suitable landing stage, sensible operating in line with weather conditions, and competence from the operators. This would give a balance between the public desire to have boat activity on the coastline and the Council’s responsibility as land owner.

The Senior Estates Surveyor confirmed that Ian Stuart had submitted a Risk Assessment, and that the boat met the Red Code.

Members also discussed the merits of a communally available landing stage against the requirements of individual operators to provide a landing stage.

*25 **Outstanding concessions in Exmouth (continued)**

RECOMMENDED In the light of the existing safe practices, appropriate use of an acceptable landing stage and the tourism appeal of the existing service that the concession for a booking office and landing stage at Exmouth for a further three years be renewed subject to the necessary concession requirements being met.

- b) Renewal of Ian Stuart's concession to land passengers at Budleigh Salterton, Sidmouth and Seaton.

Members noted that beach risk assessments for Budleigh Salterton and Sidmouth had not yet been carried out by the Council and that the one for Seaton was still under discussion. Members discussed in detail the existing methods for embarking/disembarking and the specialist nature of the boat used.

Members also debated the fee currently charged for the concession, currently at £150 per annum, discussing the merits of raising the fee without precluding any smaller operator. .

RECOMMENDED in the light of existing information known to the Council regarding this operation the concession to land passengers at Budleigh Salterton, Sidmouth and Seaton be renewed, subject to the necessary concession requirements being met, with the fee of £75 per beach per annum.

- c) Request from Ian Stuart for permission to relocate his booking office from the docks to land adjacent to Mamhead slipway

Members discussed the proposed option from the Head of Streetscene of attaching conditions to the request which could link to the methods of operation.

RECOMMENDED that the relocation of the booking office from the docks to land adjacent to Mamhead slipway be accepted, subject to the necessary planning permission being obtained.

- d) Ringo rides

Ringo rides were explained as the towing at speed of an inflated rubber ring behind a boat, with the "rider" upon the ring in suitable waterproof clothing, out at sea. Passengers would have to embark the boat from the beach and be taken out over the breakwater before the ride commenced. The rides had the support of Exmouth Town Council. The operators had provided a detailed risk assessment.

Members discussed both the outstanding beach risk assessments to be carried out by the Council; and the advice given to the Local Government Ombudsman that no new concessions would be granted until beaches had been assessed.

The most suitable area for the activity was discussed with the aid of a map provided by the Head of Streetscene.

*25 **Outstanding concessions in Exmouth (continued)**

- RECOMMENDED**
1. that there was no objection to Ringo Rides from Exmouth Beach in principle;
 2. that no new concession for Ringo Rides be considered until the beach risk assessment for Exmouth has been carried out and the resulting requirements for safe operation agreed.

e) Hire of Kayaks

Members agreed that the discussions for the previous item on Ringo Rides also applied to the hire of Kayaks. A Member also expressed concern about the level of activity at Exmouth, questioning if there was room alongside existing concessions.

- RECOMMENDED**
1. that further research be carried out to obtain best practice from Lyme Regis for safe kayak operation;
 2. that no new concession for the hire of Kayaks be considered until the beach risk assessment for Exmouth has been carried out and the resulting requirements for safe operation agreed.

*26 **Concessions which include the provision of deckchairs**

Members considered the current concessions that included deckchairs. The operation of hiring out deckchairs was not profitable and therefore concessions such as those in operation at Sidmouth included the “sweetener” of managing the hire of beach huts at Jacobs Ladder. Hiring out the huts for weekly periods raised considerable income to offset the non-profitable deckchairs. The issue was before Members as one concession in Seaton was due for renewal.

Members debated the merits of relinquishing ownership of the deckchairs against the positive element in being an attraction to tourists. The Council currently store the deckchairs at various locations in the district.

- RECOMMENDED** that current arrangements as referred to in the report remain to help retain the hire of deckchairs being available, including that concessionaires are responsible in ensuring that the original number of deck chairs supplied by the Council are maintained at the concessionaire’s expense.

27 **Risk Assessments – Seaton Beach**

The Head of Streetscene explained the Council’s position regarding the issue of boatman licences and water taxi licenses, currently totalling five and three respectively, and his intention to bring a report to the Executive Board recommending that the Council withdraw from this service. This was because the expertise used for assessment would soon be unavailable to the Council due to an impending retirement. There was also updated legislation in place that indicated that a Grade 3 Boat Masters licence would be required for boat operators carrying up to 12 passengers. This type of licence is issued by the MCA.

27 **Risk Assessments – Seaton Beach (continued)**

The Chief Executive, using the analogy of the standards required for licensing a private hire vehicle licence, again expressed his desire for the required level of competency from the operator and the control measures requested being in place. An appeals procedure would also have to be in place for those concessions refused.

Members discussed the possibility, to help reduce costs for boat operators, of asking local experts from the various local associations to form a committee to deal with such applications. The Head of Streetscene advised that, having sought legal advice on a similar issue, any risk assessment must be undertaken by a member of an affiliated association, because of the requirement to cover liability if incorrect advice was given. Members discussed the need for a set of criteria to determine a competent operator; at present the industry standard came from the MCA.

The Forum considered whether more research was required; and whether any licence needed to differentiate between the concessionaire and the boatman, as local knowledge would be invaluable with which to assess the concessionaire.

Members considered the response received to the consultation and were of the view that some were relevant and contained useful information which could be incorporated, particularly the need for an appropriate landing stage when dealing with passengers;

RESOLVED

1. that officers re-assess risk assessment and incorporate appropriate types of control measures, including criteria to determine a competent operator, for Seaton beach for approval at the next meeting;
2. that a representative from the MCA be invited to the next meeting to assist in answering questions over testing competency;
3. that the chairman of the East Devon Fisherman's Association be invited to the next meeting to contribute to the discussion on passenger trips only

*28 **Date of next meeting**

RESOLVED

that the next meeting be held on Monday 25 February 2008 at 6.30pm in the Committee Room.

Chairman Date.....