

EAST DEVON DISTRICT COUNCIL

Report of a Meeting of the Beach Concessions Task and Finish Forum held at Knowle, Sidmouth on Monday, 25 February 2008

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

Also present Councillors:

D G Atkins
G K Liverton
S Luxton

Andrew Lloyd - MCA
Charlie Ziemann - East Devon Fisherman's Association
Chris Lane - (Democratic Services Officer)
Diccon Pearse - (Corporate Director)
Mark Reilly - (Head of Streetscene)
Rob Speers - (Senior Estates Surveyor)
Mark Williams - (Chief Executive)
Andy Phillips - (Water Safety Officer)

Apologies Councillors:

G Godbeer
R C Peachey

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

***29 Report of the last meeting**

The report of the meeting held on 31 January 2008 was noted.

30 Risk Assessments – Seaton Beach

a) Overview of specific users

Members of the Task and Finish Forum noted that the purpose of the meeting of the TaFF was to discuss controls that a concessionaire would need to put in place to reduce the severity of the risks identified by the risk assessment. These controls would need to be consistent and measurable and reduce the impact of the concession on public safety.

An overview was given of the potential types of users of Seaton Beach. There were members of the public who used the beach for their own recreational purposes and did so at their own risk. There were potentially fishermen who were carrying out a business and this type of operation was regulated by the HSE and MCA. The main concern for the District Council was beach concessions that were boats which carried tripping passengers and these concessions would need to show what controls they planned to

30 **Risk Assessments – Seaton Beach** (Cont)

put in place to ensure the safety of the public and other beach users. There were also beach concessions that had an operation on the beach but did not carry passengers. These concessions tended to have risk assessments that were specific to that concession. There were currently no fishermen operating off the beach at Seaton or any passenger concessions with 12 passengers or less.

b) Criteria to determine a competent person

The Head of Street Scene Services reported that it was important to establish the criteria to determine a competent person to be the skipper of a passenger boat carrying under 12 passengers. Those boats carrying over 12 passengers were licensed by the MACA. The qualification required by a skipper was an important part of determining a competent person. The representative from the MCA stated that a suitable basic qualification could be obtained from a Royal Yacht Association, if this was for the operation of powerboat trips then a powerboat Level 2 Certificate would suffice. For other passenger boats the Day Skipper licence would be a minimum.

However, concern was expressed that there may be no element of local knowledge in this qualification and experience of the locality was a particularly important. Members discussed how this local experience could be proved, such as providing 2 local references. Twelve months experience with a recognised skipper was also considered to be an appropriate level of experience. This could be submitted with the concessionaires application through the Risk Assessment.

Members discussed the use of the smaller 4 person hire boats, which in particular operated off Beer beach. The person hiring these boats would need a red code standard qualification. It was noted that there was the need to put in safeguards on Seaton beach for a concessionaire working alone, as unlike Beer there were currently no concessionaires operating at Seaton. If someone was operating singly then this should be considered as part of the Risk Assessment and detail how the applicant would deal with emergency situations.

RECOMMENDED

1. that the recognised qualification for a skipper for a passenger boat of 12 or less passengers be the Royal Yacht Association/DfT Day Skippers Practical Certificate with a commercial endorsement or a higher qualification;
2. that a skipper must have a current medical certificate. This is valid for five years. Over 65 this must be reviewed more regularly and the frequency is dependent upon the health of the individual;
3. that risk assessments with adequate controls and safe working practices should be in place these should be provided by the applicant without EDDC officer assistance.
4. that the applicant should demonstrate local knowledge and experience of the beach and sea by providing 2 local references who are able to assess the level of knowledge and experience of the applicant. These referees should be of a suitable standing in the maritime community/industry. Twelve months experience with a commercial skipper is also considered to be appropriate experience.

30 **Risk Assessments – Seaton Beach** (Cont)

c) Overview of previously agreed licence requirements for passenger boat concessions

Members discussed the previously agreed licence requirements for passenger boat concessions.

RECOMMENDED

that the applicant shall submit other documents and details:

1. An application for a passenger boat concession on the Council's prescribed form.
2. Details of preferred location of the operation.
3. Details of the passenger boat to be operated
4. Copy of the current MCA 'Code 3' certificate for the boat.
5. that the recognised qualification for a skipper for a passenger boat of 12 or less passengers be the Royal Yacht Association/DfT Day Skippers Practical Certificate with a commercial endorsement or a higher.
6. that a skipper must have a current medical certificate. This is valid for five years. For over 65's this must be reviewed more regularly and the frequency is dependent upon the health of the individual.
7. Details of any other marine related qualifications.
8. that the applicant should demonstrate local knowledge and experience of the beach and sea by providing 2 local references who are able to assess the level of knowledge and experience of the applicant. These referees should be of a suitable standing in the maritime community/industry. Twelve months experience with a commercial skipper is also considered to be appropriate experience.
9. that risk assessments with adequate controls and safe working practices should be in place these should be provided by the applicant without EDDC officer assistance.
10. Copy of current Public Liability Indemnity Insurance for a minimum of £3,000,000 in respect of the boat, landing stage, winch, and all ancillary equipment that may be used in connection with the operation of the concession.
11. that the applicant should demonstrate local knowledge and experience of the beach and sea by providing 2 local references who are able to assess the level of knowledge and experience of the applicant. These referees should be of a suitable standing in the maritime community/industry. Twelve months experience with a commercial skipper is also considered to be appropriate experience.
12. Details of proposed boat mooring/storage provision and if appropriate details for the parking/storage of a landing stage when not in use on the beach.

In addition they must:

13. Only operate in favourable weather.
14. Only operate from 1 April to 31 October and in daylight, which is defined as one hour either side of sunrise or sunset

31 **Risk Assessments – Seaton Beach** (Cont)

c) Control measures that are required to reduce the risk factor

i Winches

Members noted that the new regulations required every part of the boat lifting gear to be tested and meet the requirements of LOLER and PUWER and the “Health and Safety in the Work Place Regulations”. There was no widely recognised qualification for training on winches, but a training regime needed to be set up which an operator should produce. This should be required within the Risk Assessment. The siting of winches was also a problem and at Seaton there were rings on the seawall at Fisherman’s Gap.

ii Landing Stages

Members discussed the appropriate regulations for landing stages. It was appropriate for a longer than average landing stage at Seaton beach due to the tide conditions. The possibility of adopting BS 6349 – 8 was discussed but this was considered to be overregulation.

RECOMMENDED

1. that winches should be suitable and adapted for a particular beach. They should meet the appropriate requirements of Health and Safety legislation and a Risk Assessment should be provided by the applicant with details of safe working practices;
2. that where a concession is granted by the Council, they should to submit to the Council a completed application to place a winch on the beach, together with supporting documentation (i.e. engineer’s winch inspection certificate etc)
3. that a landing stage should be suitable and adapted for a particular beach, with respect given to good construction standards referring to SIM 5/2007/06 “Linkspans and Walkways ship to shore access” and BS 6349 – 8, which will allow good level and safe access to the vessel. They should meet the appropriate requirements of Health and Safety legislation and a Risk Assessment should be provided by the applicant with details of safe working practices.

iii Mooring for boat concessions

Members discussed moorings for boat concessions.

RECOMMENDED

that where permission is given for a boat to be stored on the beach, it will be left at the owner’s risk. In the event of damage which renders the vessel unfit for the operation, the concessionaire will be responsible for its immediate removal and the removal of associated debris and material.

31 **Zoning of activities on Seaton Beach**

a) Determine the zones

The Head of Street Scene Services reported on the methods of determining the zones for Seaton Beach and circulated a map showing the proposed designation of zones. Members noted that Fisherman's Gap was the only suitable area for boat concessions on the beach, bearing in mind other activities. It was up to individual concessionaires to provide adequate signage and other safeguards for their activities for example winches.

- RECOMMENDED**
- 1 that the proposed designated zones for Seaton Beach as presented at the meeting, be approved.
 2. that the number of boats in the designated zone be limited to 10.

b) Consultation of proposed zones

Members of the Advisory Forum noted that they would consider after consultation the risk assessment and proposed zones on Beer and Exmouth beaches at the next meeting.

*32 **Non-passenger boat concessions**

Process for determining these concessions

Members discussed the process for determining non-passenger boat concessions and accepted that these should be considered by individual Portfolio Holders and did not need further regulation.

- RECOMMENDED** that non-passenger boat concessions be determined by individual Portfolio Holders.

*34 **Date of next meeting**

- RESOLVED** that the next meeting be held on Thursday 10 April 2008 at 6.30pm in the Committee Room, to discuss Risk Assessments for Exmouth and Beer.

During all discussions at the meeting Members had consideration of the Save our Beach petition which the Chairman had received at the beginning of the meeting.

Chairman Date.....