

***Pwyllgor Ymgynghorol Harbwr
Porthmadog
Harbour Consultative Committee***

11 Mawrth / March 2009

Adroddiad yr Uned Morwrol – Maritime Unit Report

1 – Ffioedd a Thaliadau / Fees and Charges

- 1.1** The fees and charges relating to the next financial year, 2009/10, has been forwarded to the Statutory Officers and the Portfolio Leader of the Life Long Learning Service for approval. It is expected that the Portfolio Leader will have confirmed the fees by the end of February/beginning of March. In order to ensure that our clients are aware of the forthcoming charges, the Maritime Unit has forwarded a copy of the draft fees and charges to all clients and the closing date for the return of Mooring Application forms was the 27th February 2009.
- 1.2** A copy of the fees and charges relating to Porthmadog harbour is appended, and Members will note that it is recommended that the charges for those residing permanently within Gwynedd be increased by 3%, whilst the increase for those residing outside of Gwynedd be increased by 4%. The reduction in VAT from 17.5% to 15% will have ensured that the net cost to the client will be reduced.
- 1.3** The rate of inflation for the harbours of Gwynedd for 2008/09 is forecast to be 2.67%. This equates to a required increase of £7,540 in the harbours overall income target for 2009/10. Members will be aware that the income target at Porthmadog has been reaching the required target for a number of years. However, as would be prudent in such circumstances, further measures will need to be taken in order to ensure that the overall expenditure, and income targets continues to achieve their targets without compromising standards.
- 1.4** The fees and charges relating to the launching and registration of Powerboats and Personal Watercraft have not been increased for the next financial year. A copy of the fees and charges for Launching and Powerboat Registration is appended.
- 1.5** The overall increase in the income target for the Maritime Unit for 2009/10 is £51,020 increasing the overall income target of the Maritime Unit to £2,121,900.

2 - Cyllidebau / Budgets

- 2.1** The financial position of Porthmadog harbour as of the 31st January 2009 is appended. Members will note that the income target relating to the harbour of Porthmadog for 2008/09 is £78,260, and that the total income generated to the end of January 2009 has reached £75,890. It is not anticipated that a significant amount of income can be generated during February and March. However, it is anticipated that the income target will be slightly higher than the target.

- 2.2 As members will note, the expenditure to date has exceeded the budget on a number of headings and this is causing concern as additional expenditure is anticipated during February and March.
- 2.3 As Members will recall, the budget heading of NT 53 12 01 (£12,050) was established in order to undertake minor improvements within the harbour such as the recently completed diesel facility, replacement of all ground chains and mooring risers, the extension to the slipway, and of recent, the enhancement of the harbour storage area.
- 2.4 Given the current economic climate, 2009/10 will be a challenging year for the Maritime Unit and especially for the harbours within Gwynedd. It is emphasised that any over expenditure and any deficit in income will need to be overcome, especially given the current financial climate facing the Authority.

3. *Mordwyo-angorfeydd / Navigation-moorings*

- 3.1 Most Aids to Navigation leading to the harbour of Porthmadog have remained on station during the start of 2009. The No Port buoy and the No 9 Starboard buoy were repositioned on station on the 5th February. It appears that there are significant changes appearing in the channel opposite Cwt Powdwr and the Maritime Unit is advising mariners to exercise caution when navigating in this area. Should the changes continue, it is most likely that the channel will deviate from its current position and will be a direct line from the inner harbour towards the Bar area.
- 3.2 The Fairway Buoy has been maintained and will be replaced during the Spring. The temporary winter seasonal markers will be brought ashore before Easter and the main summer navigation buoys will be replaced. The Maritime Unit did not remove any of the navigational lanterns which have remained on station throughout the winter months.
- 3.3 All harbour moorings are currently being inspected and maintained in order to ensure that vessels can be secure in the harbour during the forthcoming sailing season. Cyngor Gwynedd invited suitably qualified contractors to submit a quotation for the work and the lowest quotation, which has been accepted, is **£2,750**. Additional work to realign moorings 110c through to 119c will be an additional **£650**.
- 3.4 A detailed report on the condition of the moorings and on the work that was undertaken on each mooring will be distributed by the Maritime Officer Harbours and the Harbourmaster during the meeting.
- 3.5 The cost of mooring chain and shackles that is to be used for maintaining moorings and Aids to Navigation within the harbour of Porthmadog during the spring of 2009 is **£4,000**. This is significantly higher than the cost of replacement equipment in 2008 which amounted to **£2,800**.
- 3.6 All moorings situated at Borth y Gest have been inspected by the Harbourmaster and it is reported that no moorings will need to be removed this winter.

4 - Staff – Staffing

- 4.1 Given that a number of officers from within the Maritime Unit are on secondment in other areas of the service, it is possible that the present position regarding the post of Harbourmaster at Porthmadog will remain for the summer months. Further details and clarity of the situation will be reported to Members at the meeting.

5 - Is ddeddfau Harbwr – Harbour By laws

- 5.1 Whilst the draft harbour By Laws have been examined and approved by the Harbour Committee, the by laws have not been confirmed and adopted.
- 5.2 As members will be aware, Cyngor Gwynedd has been perusing this matter vigorously and Members have expressed frustration and disappointment that the By Laws have not been confirmed.
- 5.3 As part of the required consultation process, the draft By Laws were forwarded to the Casework & Environment Branch within the Ports Division of the Department for Transport in London. The Casework & Environment Branch has further consulted with Trinity House and the Royal Yachting Association.
- 5.4 The Casework & Environment Branch have documented the comments received from the consultees and the comments are appended. Members will be required to examine the comments submitted by Trinity House and the RYA and compare the suggested/required amendments to the draft By Laws which have previously been presented before the Committee.

The amended draft By Laws will be circulated to Members as soon as possible after the meeting.

6.- Rheoliadau Llongau Drafft - Draft Shipping Regulations

- 6.1 The Department of Transport is currently consulting on regulations to except non-professional mariners in certain categories of ship from the offence of being over the prescribed limits for alcohol. It should be noted that Act does not allow the Regulations to make exceptions from the offence under section 80(2) Railways and Transport Act, of being *impaired* in the ability to navigate because of drink or drugs.

The deadline for response is 6 May 2009 and the Harbour Committees of Aberdyfi, Abermaw, Porthmadog and Pwllheli are being consulted through the Harbour Committee meetings. The comments of the Committee, if requested by the Committee, will be submitted to the Department of Transport

- 6.2 During the passage of the Act through Parliament, the Government indicated that it was minded to except rowing and paddle boats and sailing dinghies from the application of breath limits and the associated tests. In contrast Government said it was minded to subject those operating very large recreational vessels, high powered motorboats and personal watercraft (commonly known as jetskis TM) to the limits and the associated tests.

There was some support in the consultation for figures based on the suggested parameters for an exception based on a speed of no more than 17 knots and length of no more than 22 metres. However, it was recognised that this would exempt a large number of recreational craft, many of which would be fairly large and fast. After considering views from enforcement agencies, leisure mariners and the public, Ministers have decided on a more limited exception for people on ships shorter than 7 metres and not capable of a speed of more than 7 knots.

These parameters coincide with those for lighting in **Rule 23** of the *International Regulations for Preventing Collisions at Sea*, so they have the advantage of providing a memorable and readily understood set of figures which most leisure mariners and enforcement agencies will recognise.

In setting these parameters the Government is aware that there will be cases at the margin where those just outside the exception feel they should fall within it. However, that would occur whatever the precise parameters. The Government's aim is to ensure that those non-professional mariners on ships which pose greater risks because of size and potential speed **are subject** to the alcohol limits.

- 6.3** The proposed regulations may be cited as the Shipping (Alcohol) (Exemption) Regulations 200X and shall come into force on the ****/**/******.

Section 80(3) of the Railways and Transport Act 2003 shall not apply in circumstances in which the Ship mentioned in Section 80 (1) of that Act has:-

A length overall of less than seven metres and a maximum design speed not exceeding seven knots.

- 6.4** Section 80 of the Railways and Transport Act 2003 is as follows

Section 80 Non-professionals

(1) This section applies to a person who—

(a) is on board a ship which is under way,

(b) is exercising, or purporting or attempting to exercise, a function in connection with the navigation of the ship, and

(c) is not a person to whom section 78 or 79 applies.

(2) A person to whom this section applies commits an offence if his ability to exercise the function mentioned in subsection (1)(b) is impaired because of drink or drugs.

(3) A person to whom this section applies commits an offence if the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit.

(4) The Secretary of State may make regulations providing for subsection (3) not to apply in specified circumstances.

(5) Regulations under subsection (4) may make provision by reference, in particular—

(a) to the power of a motor;

(b) to the size of a ship;

(c) to location.

7.- Canlyniad Barn Cwsmer / Analysis of Customer Questionnaire

A detailed analysis of the questionnaires distributed to all Porthmadog mooring holders during 2008 is appended for information to Members. It is disappointing to note that fewer than 50% of the questionnaires were returned.

The Maritime Unit will be taking the opinion of the clients into consideration and will endeavour to take action to improve upon those areas which require attention.

8.- Pibell Arllwys Both y Gest Outfall Pipe

- 8.1** The deteriorating condition of the outfall pipe exiting into the navigation channel at Borth y Gest has been causing concern for a number of years. On the 26th September 2008, the Maritime Unit corresponded with Dwr Cymru once again requesting that the matter be given urgent attention. We are pleased to inform Members that work has commenced to remove the obstruction which has been causing concern and we hope that the work will be finished before Easter.

It is understood from Dwr Cymru that the outfall pipe is jointly owned/used by Cyngor Gwynedd and Dwr Cymru.