

Date of Meeting: 25 September 2019

Portfolio Holder: Cllr R Bryan, Highways, Travel and Environment

Local Member(s): Cllr K Wheller, Chair Harbours Committee

Director: John Sellgren, Executive Director of Place

Executive Summary: The purpose of this report is to seek authority to prepare and submit a Harbour Revision Order (HRO) to the Marine Management Organisation (MMO) in order to modernise the current local legislation relating to Lyme Regis Harbour.

Equalities Impact Assessment:

Not applicable.

Budget:

The advice a specialist marine lawyer is required to make the application. Those fees are likely to be in the region of £10-12K plus the MMO application fee. The application fee is currently of £4K although it is anticipated that this fee level will increase on 1 October 2019 to somewhere between £15 - 17.5K. There will also be a requirement to place public notices which will cost in the region of £2K. Based on the maximum potential costs estimates a budget is required in the sum of £31.5K, which may be split over 2 years.

Risk Assessment:

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW

Residual Risk LOW

Climate implications:

Not applicable.

Other Implications:

Not applicable.

Recommendation:

The Harbours Committee recommends to the Executive and Full Council that in so far as they have power so to do they agree and otherwise support:

- 1) an application being made to the Marine Management Organisation for a Harbour Revision Order in respect of Lyme Regis Harbour to consolidate and modernise the applicable current local legislation;
- 2) delegated authority is given to the Executive Director of Place in consultation with the Portfolio Holder for Highways, Travel and Environment to determine the wording of the HRO based on legal advice and undertake all procedures for the submission of the HRO to the MMO;
- 3) a budget of £31,500.00 be allocated for this work to include legal advice, the application fee and public notices. This may be split over 2 years.

Reason for Recommendation:

To secure approval for the submission of an HRO to modernise the local legislation for Lyme Regis harbour.

Appendices:

N/A

Background Papers:

Nil

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1. Lyme Regis Harbour Revision Order

- 1.1 A review of the local legislation for Lyme Regis harbour was recently undertaken by a specialist marine lawyer from Ashfords Solicitors. The review identified that the local legislation which dates from 1584 ('An Act for the maintenance of the Peere and Cobb of Lyme Regis'), requires modernisation and consolidation under an HRO to facilitate improved harbour management and control.
- 1.2 In particular there are no powers of special directions, general directions or harbour directions or in relation to Lyme Regis harbour. The Port Marine Safety Code Guide to Good Practise recommends that where there are no

general or harbour directions statutory harbour authorities would be well advised to secure these powers to support the effective management of vessels in the harbour. (Obtaining powers of general direction requires an HRO.).

- 1.3 There are also a range of additional common statutory harbour powers which are not in place for Lyme Regis that would assist in the efficient running of the harbour e.g.in relation to charges, to dispose of land etc.
- 1.4 The advice and support of a specialist marine lawyer is required to make the application to the MMO and a budget of £31,500.00 is suggested to cover this legal advice, the application fee and the cost of public notices.