

**Report to:** Communities Scrutiny Committee

**Date of Meeting:** 1 March 2012

**Lead Member/Officer:** Lead Member for Environment & Sustainable Development

**Report Authors:** Maritime Regeneration & Development Manager/Rhyl Going Forward Programme Manager

**Title:** Foryd Harbour Mooring Fees and Charges

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**1. What is the report about?**

- 1.1 The report proposes a scale of charges at the Foryd Harbour relating to the mooring of boats by Harbour users. The proposed implementation date for the charges is 1<sup>st</sup> April 2012
- 1.2 It is considered that the implementation of the appropriate charges for the use of Foryd Harbour facilities is an important element in the development of a valid business case for the area providing for its future management and ability to contribute effectively to the required legacy of the Rhyl Going Forward Programme.
- 1.3 It is recognised that to achieve a sustainable harbour facility there is a need to generate an income to contribute at the maximum level practical towards both its operating and maintenance costs in the long term.

**2. What is the reason for making this report?**

- 2.1 It is appropriate that users who benefit from the Harbour facilities should contribute to the ongoing running costs of those facilities.
- 2.2 To seek Scrutiny's support for the implementation of a charging policy for the use of moorings and maritime facilities at the Foryd Harbour.

**3. What are the Recommendations?**

- 3.1 It is recommended that:
  - 3.1.1 The proposed scale of charges contained in this report be supported for implementation on the 1<sup>st</sup> April 2012.

- 3.1.2 A 50% discount be applied to all charges for the coming year from 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013, to take account of programmed development works within the harbour.
- 3.1.3 Discount rate be reviewed annually taking into account market demand.
- 3.1.4 Local rates be applied to Kinmel Bay and Towyn (wards 12 & 13 in Conwy County Borough Council.)

#### **4. Report details.**

- 4.1 For many years moorings have been placed in the harbour without authorisation and with little regard to appropriate equipment specifications and Health and Safety requirements, thus resulting in substandard equipment being used in many instances.
- 4.2 In 2010 Denbighshire County Council undertook to replace approximately 50% (41) of the moorings with its own mooring stock as the first part of the mooring replacement programme, thus leaving approximately 50% of the old moorings still in situ.
- 4.3 To progress the management of the mooring facilities at Foryd, the mooring arrangements have been split into two sections:
  - 4.3.1 Denbighshire County Council owned moorings; these are moorings that replaced the westerly section of the old mooring stock in 2010. These moorings will be maintained by the Authority and licensed to users on an annual basis.
  - 4.3.2 Existing unauthorised moorings to the east, to be installed and maintained by the user under licence by the Authority.
- 4.4 Denbighshire Owned Moorings
  - 4.4.1 The first phase of the mooring replacement has now been completed and 41 moorings have been provided. These moorings have been provided to the point of the mooring buoy. The service, inspection and repair of this equipment will be the responsibility of Denbighshire County Council.
  - 4.4.2 The method of attaching the vessel to the buoy will be the responsibility of the vessel owner. The Authority will provide a specification for the attachment but the provision and maintenance of the strop will be the responsibility of the mooring user.
  - 4.4.3 The proposed charges for the use of these moorings are shown at section 5.2 of this report are proposed in consideration of charges levied at Conwy , which offers similar mooring facilities,

but are proposed at a lower level to reflect market considerations relative to the Foryd Harbour.

#### 4.5 Existing unauthorised moorings

4.5.1 At the eastern part of the harbour, the existing unauthorised moorings are still provided by users themselves. As an interim measure, and until the proposed projects associated with the harbour are completed and funding is identified for further mooring replacement work to be undertaken, it is the intention to formalise the arrangements and introduce an appropriate management structure to ensure that the mooring equipment meets appropriate specifications for the vessels using them.

4.5.2 The interim arrangements being proposed will require all interested parties in this area to register their mooring with the County, ensure that their mooring equipment meets specifications provided by the Authority, undertake regular inspections of the mooring equipment by an authorised surveyor and ensure that their vessels and equipment are appropriately insured. The Maritime Office will issue the location at which the mooring is to be placed and grant an annual agreement for the mooring space.

4.5.3 The proposed charges for the use of these moorings are shown at section 5.3 of this report and are proposed in consideration of charges levied at Rhos-on Sea.

#### 4.6 Harbour Dues

4.6.1 In addition to the proposed mooring charges shown in the report it is considered that all vessels using the Harbour should contribute to the costs associated with its overall management, and the maintenance of non mooring facilities such as quays, slipways, pontoons, landing stages and navigation lights, marks and beacons, by the payment of Harbour Dues. The proposed rates for these charges are shown at section 5.1 of this report.

#### 4.7 Visitors

4.7.1 The use of the Harbour and its facilities by visiting vessels (non mooring holders) should be subject to a charge for such usage. The proposed charge for this category of user, which includes Harbour Dues are shown at section 5.4 of this report.

### **5. Fees and Charges (all fees & charges are inclusive of VAT)**

#### **5.1 Harbour Dues**

All vessels (except vessels covered under the visitor tariff) operating out of Foryd Harbour must pay Harbour Dues. This will be in addition to the mooring fee.

Harbour Dues are to be based on a size band per mooring rather than a charge per metre. Therefore:

|                           |                   |
|---------------------------|-------------------|
| Vessels up to 8mtr        | £40.00 per/annum  |
| Vessels 8.01mtr to 10mtr  | £60.00 per/annum  |
| Vessels 10.01mtr to 12mtr | £80.00 per/annum  |
| Vessels over 12mtrs       | £100.00 per/annum |

## **5.2 Mooring Fees**

**DCC provided moorings** will be charged for per mooring therefore the proposed charges will be:

| <i>DCC Resident</i> |                | <i>Non DCC Resident</i><br><i>(DCC + 20%)</i> |
|---------------------|----------------|---|
| 8 metre mooring     | £300 per annum | £360.00 per annum                             |
| 10 metre mooring    | £375 per annum | £450.00 per annum                             |
| 12 metre mooring    | £450 per annum | £540.00 per annum                             |

Moorings seaward of the new Cycle/Pedestrian Bridge  
All moorings to be at 12 metre rate

## **5.3 Vessel Owner provided mooring** (fee payable for agreement to place mooring on DCC land)

DCC Resident  
£18.75 per metre per annum

Non DCC Resident *(DCC + 20%)*  
£22.50 per metre per annum

## **5.4 Visitor Rates (Visitor rates include Harbour Dues)**

### **1 – 7 Days Inclusive**

Per Night 8m and under LOA £10.00 per night  
Add £1.50 per metre over 8m (max charge £20.50 per night)

### **8 Days and Over**

Per Night 8m and under £7.00 per night  
Add £1.05 per metre over 8m (max charge £14.35 per night)

## **6. How does the decision contribute to the Corporate Priorities?**

- 6.1 The redevelopments within the Foryd Harbour area including the new quay, boat storage area, new slipway, safe haven, new pedestrian/cycle bridge, upgraded moorings stock and harbour units. These developments will contribute towards the corporate priority of regeneration and the regeneration of Rhyl.

- 6.2 The fees and charges being proposed will contribute towards ensuring that the harbour is sustainable and can be provided with the level of management and funding that will maintain a high quality of service in the future.
- 6.3 The developments and the management arrangements, of which the charging policy is a crucial part, will further contribute to the delivery plan for Rhyl Going Forward.

## **7. What will it cost and how will it affect other services?**

- 7.1 The implementation of this charging structure will reduce the negative financial impact of the harbour facility on the Council and contribute to the sustainability of the service and facilities.
- 7.2 If a charging structure is not accepted the ongoing management and maintenance cost will continue to fall on the Authority with little allocated resources to cover the expenditure.

## **8. Chief Finance Officer's Statement**

The charging policy forms a key part of the business case to redevelop and improve the facilities at the harbour.

## **9. What consultations have been carried out?**

- 9.1 At the Communities Scrutiny Committee on the 19<sup>th</sup> January 2012, the report was deferred with a request that officers carry out further consultation with the appropriate user groups and the Foryd Harbour Forum. The following consultations were subsequently undertaken.

### **9.2 Rhyl Member Area Group (28/09/11)**

The charging proposals were discussed at the Rhyl Member Area Group on the 28/09/11. The members present understood the need to implement charges and were generally supportive of the proposal. Three members indicated that they were not supportive as their interpretation of previous discussions had given assurances to the harbour users that charging should not be implemented until all moorings at the harbour had been completed.

### **9.3 Rhyl Yacht Club (24/01/12)**

- Charging levels accepted with following additions
- Fees & Charges include VAT
- Discount rates for existing mooring holders set at 40% on mooring fees and Harbour Dues
- Introductory discount of 30% on all charges for new users
- Discounts to be reviewed annually with user associations and Harbour Forum

- Do not believe that DCC can apply Harbour Dues without a Harbour Empowerment Order

**9.4 Rhyl Fisherman's Association / Rhyl Charter Skippers Association (25/01/12)**

One meeting held with representatives from both associations present.

- Approve two tier mooring arrangements - DCC owned and Owner provided moorings.
- All working boats should be charged at Local rate regardless of owners address as business operates from Rhyl
- Discount rate of 40% for existing users and 30% Introductory rate for new user
- All charging should be deferred until April 2013 due to development works scheduled for the coming year

**9.5 Foryd Harbour Forum (06/02/12)**

- Mooring Fees accepted as proposed with amendments as follows:
- 40% discount for existing users
- 30% Introductory discount for new users
- 100% deferred until 31/3/13
- Discounts to be reviewed annually
- Local discounts should cover Kinmel Bay and Towyn (CCBC wards 12 &13)
- Meeting minutes proposal:

**'Proposal: charges should be deferred for 12 months, but levels of charges are acceptable subject to agreed discounts, which are to be reviewed annually'**

*Proposer: M Barker*

*Seconder: J Povah*

**9.6 Foryd Harbour Board (09/02/12)**

- The general consensus of the users was for no charges for the next 12 months due to the work that will be taking place around the harbour, then 40% discount for current users and 30% discount for new users. The board do not agree with this and the recommendation from the board is that a 50% reduction for all harbour users would be reasonable given the current situation.

**10. What risks are there and is there anything we can do to reduce them?**

10.1 Adverse reaction from existing users of the Harbour. Existing users will be reluctant to pay for a facility that has to date been free, albeit unauthorised and unregulated.

10.2 To reduce the possibility of an adverse reaction from the existing users of the harbour, consultation has been carried out and further

information will be given to the users informing them of the need to implement the charges and the rationale behind the requirement to ensure that existing privately owned equipment meets required standards. This said, it may not be possible to completely eliminate this risk.

## **11. Power to make the Decision**

Article 6 of the Council's Constitution

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