

[REDACTED]
Cyngor Sir Ceredigion County Council
Canolfan Rheidol
Llanbadarn Fawr
Aberystwyth SY23 3UE

02.10.23

[REDACTED]
On the 20th September 2023 the Ceredigion Harbour Services Team published a revised harbour management policy and launched a public consultation survey with a foreword by Cllr. Keith Henson, in which he stated that ***"The proposed changes can be considered as tweaks rather than transformational"***.

Our members are acutely aware of the considerable impact the proposed changes will have. We are not seeking to denigrate the office of the harbour services team nor the Cabinet Member for issuing the statement but we strongly refute it.

The description of the proposed changes as tweaks betrays a lack of understanding of the impact they will have. We are rightly concerned that the cabinet is informed about the ramifications of the new policy and we are anxious to have our voices heard over and above a public survey, the outcome of which could have a catastrophic impact on many people's lives.

Losing access to such a fundamental part of a business as a commercial mooring while grieving for a recently deceased parent is unconscionable in itself. Moreover it is essential that it is understood that the livelihoods of many people depend on a commercial mooring, not just the person who pays the mooring fees.

The discontinuation of a thriving multigenerational business because the mooring was is the name of the deceased will not only end the next of kin's ability to continue to provide for their family and keep a roof over their head but in some cases a commercial mooring is the engine which drives a multifaceted business employing many people directly and indirectly. Collapsing this pyramid will end contractual obligations with suppliers and buyers and create untold disruption in the supply chain. Serious consequences will be laid at the door of the policy makers as bank loans may no longer be affordable and homes may be lost.

Every business will be affected comprehensively by the new policy as each business will be brought to an end prematurely by the removal of rights which currently exist to inherit or transfer a commercial mooring to secure the continuation of the business and the livelihood of its employees. Many people will be forced into unemployed as a result of the implementation of this new policy and this will undoubtedly lead to unnecessary suffering and hardship.

We the undersigned, request, the harbour services team retract the threat of ending both inheritance and transfer rights for commercial moorings to avoid unnecessary hardship to the families and employees dependent on the commercial moorings.

To continue with the consultation survey in its current form is contemptuous of the hard working people of Ceredigion harbours who rely on their commercial moorings for their livelihoods and bring untold socio and economic benefits to the county and country.

We, the [REDACTED] recommend that decision makers should be able to recognise the apparent contradiction of these proposed changes and Ceredigion council's own corporate strategy objective of supporting local business and enabling employment.

Yours faithfully

[REDACTED]

[REDACTED]

The following statements and letters are submitted as evidence of the impact which the new harbour management policy would have if it was to be approved.

1) [REDACTED]

Dear Sir/Madam,

We write to you in response to the recent airing of the draft Harbour Policy update. Some proposed updates to the policy will affect all commercial mooring holders including myself.

I shall outline as follows, in no order of importance how our business will be affected.

1. The grey area around transfer affects hugely a buyout of one of our boats by a young, motivated fisherman (of which there are precious few in Ceredigion). This individual is a 40% owner in monetary terms but not on paper nor the mooring. This is not a partnership but an agreement that was verbally ratified by a previous harbour employee.

2. I own a second vessel in a separate partnership, when the partner drops out I enter another grey area in that the mooring may not be transferred to my name solely.

3. Even in the event that both of the above scenarios do not play out I assume that both of us will have to pay the proposed increased transfer fee of £2300 to continue our businesses.

4. Regarding the inheritance clause, [REDACTED] I would not like to see them not have the same chance of taking over this business. As above, we have precious few young motivated people coming into the industry, I don't think placing another hurdle in front of them is conducive to a continuance of the industry in New Quay.

5. Apart from the fishing side of the businesses, we also run a factory processing our own shellfish. A loss of the moorings will affect us on two counts.

A) Our USP is we supply handpicked crab caught by our own vessels, we are one of only two businesses in Ceredigion that can do this. Without moorings or vessels we will have to buy in product which apart from removing our USP leads to the next potential problem.

B) [REDACTED] was successful in obtaining grant money from a very niche EMFF funding stream to set up our second factory unit, one of the main conditions of this grant is that we process and supply our own product caught on our own vessel. Without moorings nor boats this will be impossible to achieve and we will fail to meet our required target objectives and markers. At this point WG will fail the business and require that [REDACTED] pay back the grant money. While I am happy to disclose the sums at a later date if required, all that needs to be said at the moment is if the above scenarios play then [REDACTED] will cease to exist, we will be forced to enter voluntary bankruptcy, ending a [REDACTED] family business and curtailing any chances of the next generation carrying on the business.

It's an irony that this email ends on such a note when the opening introduction to the policy plays heavily on supporting local businesses.

Yours sincerely

[REDACTED]

2)

To Whom it may concern

Re Draft Harbour Management Policy Sept 2023

My father [REDACTED] and my grandfather [REDACTED] started running boat trips from New Quay [REDACTED] on the family fishing boat to make ends meet. [REDACTED] has spent his life as a fisherman in New Quay and now my dad and I have the pleasure of working side by side with each other. I have a young son who I would like to run the business with me one day too. There are few things as rewarding to a boy as taking after your father in a family business and making your father proud.

My grandfather died very suddenly one day while my dad was still at university and fortunately my [REDACTED] and his brother [REDACTED] were able to inherit the mooring along with the family boats and dad left university to take after his dad and become a fisherman. They worked together in partnership until Idris wanted to be bought out so he could buy a hotel in the village.

Our family business has been running for almost seventy years in New Quay and this would not have been possible if the current harbour services proposal to revoke inheritance rights and transfer rights were in place. If dad was subject to the new proposals my grandmother [REDACTED] may have been made destitute as the family would not have had any way to survive without grandad's mooring and [REDACTED] would have not been a fisherman !

During the tourist season we now employ fifteen people plus a few youngsters and some relief staff . The upheaval which would be caused to our staff if we were forced to close our business because dad died suddenly and I wasn't next on the waiting list would be crazy.

I do hope the harbour authority sees sense and retracts its plans to even consider such changes. These new proposals would rip up the socio economic fabric of the village and make no sense to anyone.

Thank you

[REDACTED]

3) [REDACTED]

To whom it may concern

I am writing this statement in response the current consultation on the proposed Ceredigion harbour management policy.

I am responding to specific points set out below:

15.1 Inheritance rights, My father has had commercial berths in Aberystwyth harbour for the past 57 years. Over the past 25 years, since I left school we have worked hard to develop our now family owned business. We employ 6 local people and bring regular trade to several local trades people within the Aberystwyth area. However, while I have equal shares within the business, my father manages the berths within this arrangement.

The inheritance rights proposals within the consultation document as currently written, would mean that if something unforeseen were to happen to my father. Our business and life's work would be put in jeopardy.

Due to the size of our vessels, there are no other harbours which my vessels could operate out of in Wales and continue to fish in our traditional fishing area. We have four commercial vessels and as mentioned above employ several local staff, if we were to lose the berths in Aberystwyth my business would be destroyed, and my crew would be out of work. I personally would be unable to provide for my family and face bankruptcy.

While I recognise the inheritance rights may be a suitable and appropriate approach for pleasures boats, this proposal is not suitable for commercial boat owners in Ceredigion where businesses are family run and I am strongly opposed to this measure.

Thanks [REDACTED]

[REDACTED]

4) [REDACTED]

To whom it may concern:

Thank you for your email attaching the new proposals for the harbours. I must say I am a little bit surprised when you start by saying the harbours are a much loved and valued asset. I am only able to speak for Aberystwyth which seems to be treated more like a hindrance than an asset.

I wish to make the following points:

1. To keep the commercial businesses successful in these times, when the fishing industry is in dire straits all over the country, I find the new commercial birth management to be quite astonishing. The harbour at Aberystwyth, the fishing sector employs approximately 15 people and yet we are not given any security of moorings at anytime. To have to apply for you birth every 12 months quite honestly is totally inadequate. No other business could be run successfully on that basis.
2. The small port of Aberystwyth brings very close to one million pounds of revenue into the town each year and on our part the investment in equipment, vessels, licences, etc is phenomenal. Fishing is not a one person job - every fisherman will involve his/her family, children, wives, etc to build up a business and then find that there could be a situation at the behest of the council where you could not pass this business on and your children not guaranteed a mooring is very short-sighted.
3. I think it is imperative that the mooring holder be able to pass this on to his family. I understand the council, like every other institution, is having to make cutbacks but it's very difficult to make a cutback in Aberystwyth when there is already so very little given. I do expect once again this year for there to be an increase in the cost of mooring fees like there has been over the past 5/6 years.
4. I notice you mention waste generated by the fishing vessels which is minimum and saying that I don't think we have had a regular waste collection of any sort for at least the last 10 years, even though the council is obliged to provide one.
5. I understand that the council feels the need to change things but I don't think it's a good idea to change things that already work. The harbour in Aberystwyth has run very smoothly for many years with only a handful of incidents.
6. I also notice that if the day after you pay your moorings by some unlucky twist of fate o you pass away, the council issues no refund of the mooring fees, but will be able to pass your mooring onto someone else I think that is unfair .
7. One thing I would like to see improved, the harbour now seems to be used as a walking area for dog walkers who do not clear up their dog mess after them. I think this needs to be addressed.

Yours sincerely

[REDACTED]

5) [REDACTED]

[REDACTED] of New Quay, unequivocally and resolutely expresses its strong dissent regarding the proposed policy modification put forth by Ceredigion County Council within the comprehensive draft of the Ceredigion Harbour Management Policy Consultation document. The proposed alteration in question seeks to eliminate the longstanding entitlement to inherit or transfer ownership of a thriving business as a viable ongoing concern.

In the event that this proposed policy change is enacted, the ramifications would extend far beyond the immediate scope of [REDACTED] impacting a broader spectrum of commercial enterprises engaged in vessel operations within Ceredigion Harbours. The implications are indeed profound, as such an alteration would inexorably erode the inherent value of these businesses, rendering their assets and operations considerably less attractive for both potential investors and those seeking to continue their maritime legacies.

Furthermore, it is crucial to acknowledge that these businesses, including [REDACTED] have long played an indispensable role in bolstering the local community and economy. Their contributions span across multiple facets, encompassing the creation of employment opportunities, provision of essential services, and the generation of income streams that flow into the broader economic ecosystem of Ceredigion. Thus, any diminution of these enterprises' viability would lead to a permanent and detrimental loss of these substantial benefits, significantly affecting not only the businesses themselves but also the residents and stakeholders of the local community.

In summary, [REDACTED] vehemently opposes the proposed policy shift, recognizing its profound and far-reaching consequences for the entire spectrum of commercial enterprises navigating the waters of Ceredigion Harbours. This stance is grounded in a deep commitment to preserving the economic vitality of the local community and ensuring the enduring prosperity of its residents, both now and for generations to come.

6

I would like to register my objection to Ceredigion County Councils' proposed Policy change, within the draft Ceredigion Harbour Management Policy Consultation document, that removes the right to inherit or sell a viable business as a going concern.

I have been running my boat business from New Quay harbour since 1987. My son has always shown a strong interest in running the business as I stand back from day to day operations but the proposed policy change jeopardises this smooth transition. If I were to die unexpectedly, all my son would have are the boats I own with no moorings to run them from and no benefit to himself or the wider community from the business I have built up over nearly forty years. In common with many other commercial boat based businesses in Ceredigion harbours, the next generations would not be able to continue their family businesses unlike land based businesses that can often continue from generation to generation.

May I urgently implore the council to re consider this policy change that will inevitably devalue businesses and their benefits to the wider community and have devastating effects on families wishing to continue businesses well established through the hard work of previous generations.

7

firmly objects to Ceredigion County Councils' proposed Policy change, within the draft Ceredigion Harbour Management Policy Consultation document, that removes the right to inherit or sell a viable business as a going concern. If implemented, this business, in common with all commercial businesses that operate vessels out of Ceredigion Harbours, will be irretrievably devalued and their benefits permanently lost to the local community and economy.

8) [REDACTED]

To Ceredigion County Council,

As a STAKEHOLDER and commercial fisherman of New Quay and born raised in Newquay I have seen a lot of unnecessary changes under the control of Ceridigion Council. As for the new Harbour management policy drafted and have read the new changes involved I am truly objecting to certain new rules added into it .

Object Ref 6.2 Both types of moorings are not transferable? Why?

OBJECT :This will affect my business if boat is sold commercial 2/ i can't transfer mooring to a new owner example to my son or new purchaser .3 Regarding leisure this stops my father transferring mooring me or to the above reason stated above .

Object Ref 6.4 Carpark not transferable? Why?

OBJECT: As reasons in 6.2 this is necessary for having a onsite vehicle this would affect my business.

Object 15.1 Inheritance : The are no inheritance rights in relation to the moorings .Why?

Over generations in New Quay and other ports in the UK When fathers get to old and hand down their business to their sons or daughter they pass on the rights to continue that business and service for their family's. CCC are taking this away and i object to the right a son or daughter has to inheritance the business if the mooring is not transferable to them the boat can not continue to operate.this is totally wrong and is to be stop. This would truly affect my business as it restricts me to pass it on to my son in the next 5 years.

Object to18:1 There are no transfer rights in relation to moorings or facilities within ceredigion managed harbours. WHY?

Yours faithfully

[REDACTED]

[REDACTED]

9) [REDACTED]

[REDACTED]

29th September 2023

Dear Sirs

Re: Draft Harbour Management Policy

As a commercial fisherman I write with alarm at the new draft proposed policy that the Council is putting forward without, it seems, any consideration to the impacts it will have to present local fishermen and boat operators.

I have been a fisherman for many years now and my son joined me in the business some 15 years ago. As a business we have constantly evolved to meet different fishing methods etc and the change in climate. This has meant huge financial implications with a lot of assistance from the bank and Welsh Government. At the moment we don't employ people, but in the past we have and who knows if this will change?

My son [REDACTED] now has a young family and is actively looking to buy a house. I expect that he too will carry on investing in the future business for his son hopefully to take over the business in good health.

Obviously if the new policy to end my mooring rights in New Quay is approved, then, if I drop dead anytime and the Council removed [REDACTED] from the harbour then the bank would not only take my son's livelihood away but also his house.

I hope with the above that the Council will not approve the draft policy but in fact engage with us, especially my son, to give him some certainty for the future.

Yours faithfully

[REDACTED]

10) [REDACTED]

Dear Sir or Madam,

I am writing to you today in the hope of changing your mind on the decision to change the rights for commercial mooring users which will have devastating effects on me and so many others.

In fact it will no doubt eventually put a end to many of these unique, long run and well loved businesses that not only bring in a living for the owners and its employees but also for many it plays a key part helping to bring in tourists that keep our villages thriving, allowing us and so many others to live and work in the place we all call home.

I am a fisherman in my late twenties and I have worked in my fishing village called New Quay for most of my life and I've been lucky enough to have worked on some of the boat businesses here.

I have worked hard from scratch for everything that I have and now as of the last few years I've finally gone into partnership with the intention of owning a hundred percent of this business therefore leaving me with no mooring and no place to work from if this change goes ahead with commercial mooring being included in it. Leaving our employees at risk to losing their jobs and income. And leaving me at risk to losing my business and its income completely or forcing my family and I to leave our home and relocate out of Ceredigion County.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Owen Morgan
Ceredigion County Council

6th October 2023

Formal response to Ceredigion Harbours Management Policy Consultation

This company has made use of Ceredigion County Council's limited survey response form in respect of the above Consultation and now responds formally with specific concerns in respect of CCC's proposed changes to mooring transfer rights.

[REDACTED] firmly objects to Ceredigion County Councils' proposed Policy change, within the draft Ceredigion Harbour Management Policy Consultation document, that removes the right to inherit or sell a viable business as a going concern. If implemented, this business, in common with all commercial businesses that operate vessels out of Ceredigion Harbours, will be irretrievably devalued and their benefits permanently lost to the local community and economy.

Thereby rendering [REDACTED] et al worthless; undoing years of brand building, create a total loss of work for our employees, isolate thousands of returning customers per annum and place its directors into financial ruin. All of this would all have measurable impact on the local economy.

And instead allow an individual, who idles on a historic commercial mooring waiting list and has not been subjected to any due diligence by CCC in respect of their background, financials or most importantly need; can take the mooring and do what with it?

The monetization of the commercial mooring waiting list: - If this Policy change is made CCC have monetized said waiting list as 'next in line' individuals, those holding higher positions on the list, may be offered significant sums of money by those lower on the list, not to take up their claim to a mooring. Large sums of money of 'black money' could potentially change hands, thereby enhancing (not reducing as intended) a 'black market' for commercial moorings.

A valued business: - This business has built itself from scratch into a leading provider of Fishing Trips in Wales. We have built a brand, a business and a customer base in a wholly professional and totally committed manner. Our graft, our acumen, our passion and our own work have grown [REDACTED] [REDACTED] into a position where the business now plays a significant role in New Quay and Ceredigion. We directly bring tourists into Ceredigion to stay, eat and spend their money. In order to protect the Directors and employees of the Company we must be able to sell as a going concern.

[REDACTED]

A loss of revenue to the Exchequer: - A commercial mooring should be able to be sold as a going concern. A business should be able to sell out for its full legitimate value, business, boat, brand etc. This would allow a maximised value (not just a boat value as enforced by the new Policy) and allow a fuller application of Capital Gains Tax to flow into the Exchequer.

Your sincerely,

██████████

██████████

From: [REDACTED]

Sent: 01 October 2023 21:08

To: Ceredigion Technical Services <technical_services@ceredigion.gov.uk>

Subject: Re: Ymgyngforiad ar Boli: Rheoli Harbyrau Ceredigion - Ceredigion Harbours Management Policy Consultation

To whom it may concern:

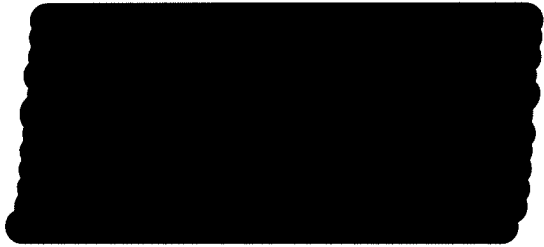
Thank you for your email attaching the new proposals for the harbours. I must say I am a little bit surprised when you start by saying the harbours are a much loved and valued asset. I am only able to speak for Aberystwyth which seems to be treated more like a hindrance than an asset.

I wish to make the following points:

1. To keep the commercial businesses successful in these times, when the fishing industry is in dire straits all over the country, I find the new commercial berth management to be quite astonishing. The harbour at Aberystwyth, the fishing sector employs approximately 15 people and yet we are not given any security of moorings at anytime. To have to apply for you berth every 12 months quite honestly is totally inadequate. No other business could be run successfully on that basis.
2. The small part of Aberystwyth brings very close to one million pounds of revenue into the town each year and on our part the investment in equipment, vessels, licences, etc is phenomenal. Fishing is not a one person job - every fisherman will involve his/her family, children, wives, etc to build up a business and then find that there could be a situation at the behest of the council where you could not pass this business on and your children not guaranteed a mooring is very short-sighted.
3. I think it is imperative that the mooring holder be able to pass this on to his family. I understand the council, like every other institution, is having to make cutbacks but it's very difficult to make a cutback in Aberystwyth when there is already so very little given. I do expect once again this year for there to be an increase in the cost of mooring fees like there has been over the past 5/6 years.
4. I notice you mention waste generated by the fishing vessels which is minimum and saying that I don't think we have had a regular waste collection of any sort for at least the last 10 years, even though the council is obliged to provide one.
5. I understand that the council feels the need to change things but I don't think it's a good idea to change things that already work. The harbour in Aberystwyth has run very smoothly for many years with only a handful of incidents.
6. I also notice that if the day after you pay your moorings by some unlucky twist of fate o you pass away, the council issues no refund of the mooring fees, but will be able to pass your mooring onto someone else I think that is unfair.
7. One thing I would like to see improved, the harbour now seems to be used as a walking area for dog walkers who do not clear up their dog mess after them. I think this needs to be addressed.

Yours sincerely

Ceredigion County Council
Highways & Environmental Services



[Redacted]
[Redacted]

19th October 2023

Dear Sir/Madam

Re: Ceredigion Harbours Management Policy Consultation: Aberystwyth, Aberaeron & New Quay:

I am writing on behalf of [Redacted] in response to Ceredigion County Council's proposed changes to Ceredigion Harbours Management Policy consultation. Whilst [Redacted] does not have a direct interest/stake in Ceredigion Managed harbours, our regional members and the respective communities do.

[Redacted] support and represent tourism-related businesses throughout Ceredigion and the wider Mid Wales region, and [Redacted] members have raised concerns regarding proposed changes to the Ceredigion Harbours Management Policy and the potential effect on long-standing tourism related businesses that depend on commercial moorings in Ceredigion.

The tourism business sector in Ceredigion is vital to the rural economy, and coastal towns and harbours are key components of the tourism offer in the county which accounts for 12.9% of employment. In addition, the agriculture, forestry and fishing industries accounting for about 4.5% of the enterprises in the Ceredigion economy.

Our understanding is that the new policy proposal is to replace section 16.1 of the current Harbour Management Policy;

"Where a member of a family wishes to continue using the named vessel on the allocated mooring after the death or incapacity of the existing holder, he/she must gain written consent from the council to do so".

Specifically, section 15.1 of the new proposed draft policy relating to Inheritance states:

'there are no inheritance rights in relation to moorings or facilities in Ceredigion harbours' and Section 5.2 which now states the 'moorings once allocated are not transferable'



[REDACTED]

This new policy sections is likely to have unintended consequences for family-owned Leisure and Sightseeing Boat trips organisers operating on Commercial Moorings and the change could directly affect commercial tourism enterprises impacting on future generations that may now be unable to continue to operate well-established boat trip businesses.

We would suggest that an annual application/allocation process is already an unnecessary uncertainty for active commercial and fishing local family businesses. The proposal in section 1.3 to introduce a seasonal application approach is, in our considered opinion, an unnecessary policy change for commercial moorings/facilities.

There are circumstances that should be considered by the authority in the case of transfers for a commercial mooring/facilities holder. The inclusion of 'exceptional circumstances' in the new policy would provide the opportunity for a commercial mooring holder or his/her appointed agent to provide an explanation to the council's satisfaction prior to facilities or mooring re-allocation.

[REDACTED] recognise that Ceredigion Council has a difficult task in maintaining a balanced approach in respect of all harbour users. We would urge the council to carefully consider a separation of harbours management policies to include an appeals procedure within a standalone commercial users policy agreed in consultation with local commercial businesses.

This would help to ensure that long term harbour management policies are consistent with the council's corporate strategy and aligned to the needs of local fishing/commercial businesses to ensure business continuity, sustainability, succession for this and future generations.

Yours Faithfully

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

Email to: CLIC@ceredigion.gov.uk

17th October 2023

Ceredigion County Council Highways & Environmental Services:

Ref: Proposed Ceredigion Harbours Management Policy Consultation 20/9 – 20/10/23: -

Aberystwyth, Aberaeron & New Quay:

We thank you for the opportunity to respond to the Ceredigion County Council's proposed new harbours management policy consultation.

[REDACTED]

Whilst the [REDACTED] does not have a direct interest/stake in the Ceredigion harbours of: Aberystwyth, Aberaeron and New Quay our regional members and the respective communities do.

We agree that policy review is healthy, particularly given the extraordinary events of recent years and the ongoing cost of living pressures. That said, we are not persuaded that the proposed changes could be considered 'tweaks rather than transformational', neither do the proposals appear consistent with the Council's corporate strategy objective of: Boosting the economy, supporting businesses, and enabling employment, or the sustainable development duty under the Wellbeing of Future Generations (Wales) Act 2015.

We are aware of the existing/current Ceredigion Harbours Management Policy and limit our response to the draft policy changes that according to our members will directly and immediately affect local fishing and commercial enterprises notwithstanding any safeguarding requirements/policies necessary for future generations to prosper and contribute to the economy of already fragile coastal communities in the county.

[REDACTED]

The Gunning Principles are the founding legal principles applicable to all public consultations in the UK, first laid in 1985.

We note, with concern, that a digital first-online survey appears inconsistent with the Gunning Principles 1, 2 and 3 in order to ensure a prescription for fairness thereby compromising principle 4, *"The product of the consultation is conscientiously taken into account by the decision makers"*. In consideration of the above the [REDACTED] response will be submitted by email only and to the extent that we can will include the concerns raised by stakeholders in respect of the three named Ceredigion harbours within the limited time available.

Introduction:

Section 1.3 of the draft policy amends section 1.2 of the current 2010 Ceredigion Harbours Management Policy removing;

"each mooring and associated facility is allocated on an annual basis only"
and replacing with

"each mooring and associated facility is allocated subject to application on a seasonal (Summer 1st April – 31st October, Winter 1st November – 31st March) basis only".

We would argue that an annual application/allocation process is already an unnecessary uncertainty for active commercial and fishing local family businesses, the proposal in section 1.3 to introduce a seasonal application approach is, in our considered opinion, a completely unnecessary policy change for commercial and deep-water moorings/facilities.

Section 1.4: Proposes a consistent, fair and equitable approach and is applied to new, existing and potential mooring holders and harbour users. In our considered opinion, whilst we understand the principles and the authorities roles and responsibilities, we do not agree that commercial and leisure/recreational activities policies can be treated fairly or consistently as one application policy for all and would respectfully suggest that any harbour use, facilities and moorings for commercial users must be managed separately to ensure business continuity, sustainability, succession.

Objectives of the Policy:

Sections 2.1 (i) & (ii)

Whilst inferred, we think these objectives would be strengthened by including the respective commercial operations i.e. *fishing boat operations*.

Commercial Moorings – Waiting Lists:

Section 6.2 of the proposed/draft policy states:

"Both types of commercial moorings, once allocated, are not transferrable".

In the context of the current policy whereby

"once allocated, commercial moorings are not transferrable to a third party without the council's prior written consent", we would welcome an explanation/justification for introducing a restriction to commercial moorings in the draft policy that does not consider the unplanned/unforeseen realities that can and do change a business dynamic necessitating a transfer for legal and succession purposes in our view transfers need to be considered and designed to accommodate commercial stakeholder necessities/realities particularly as many of the mooring holders will be long established family businesses.

Section 6.3 acknowledges the significant contribution to Ceredigion's local economy made by passenger vessels and commercial fishing vessels. Whilst we recognise the 'use it or lose it' approach we would strongly advocate the inclusion of 'exceptional circumstances' providing the opportunity for a commercial mooring holder or his/her appointed agent to provide an explanation to the council's satisfaction prior to re-allocation. There are many unforeseen/unplanned events that must be fairly and properly considered by the authority that in the case of transfers could constitute 'force majeure' for a commercial mooring/facilities holder.

Duration of Mooring, Landing & Facility Agreements

Long term moorings:

Section 8.1 of the draft consultation on harbours management policy proposals replaces and adds to section 8.1 of the current management policy.

Please see our comments in relation to section 1.3 above.

Moorings Facilities & Launching Charges & Rules:

Section 9.3 and 9.6 of the draft Ceredigion Harbour Management Policy Proposals: -

Please refer to our response to section 6.3 above.

Renewal of Allocated Mooring/Facility:

Section 10.2 of the Draft Ceredigion Harbours Management Policy Proposals. We consider the introduction of 10.2 to be entirely inappropriate for commercial mooring/facility holders. Please note our response to section 6.3 'exceptional circumstances'.

Inheritance:

Section 15.1 of the Draft Ceredigion Harbours Management Policy Proposals;

"There are no inheritance rights in relation to moorings or facilities within Ceredigion managed harbours".

Proposes to replace section 16.1 of the current Harbour Management Policy;

"Where a member of a family wishes to continue using the named vessel on the allocated mooring after the death or incapacity of the existing holder, he/she must gain written consent from the council to do so".

We understand that, with the exception of Grandfather Rights, no property right is either inferred or conferred under the current policy given that the maximum duration of a mooring agreement is 12 months commencing 1st April. Given our previous comments we see no justification to change the provisions under the current management policy section 16.1 as the rule provides the necessary flexibility for Harbour Authorities to respond and adapt to unforeseen change in respect of commercial operations/mooring holders. In our opinion this underlines the need for a separate application/management policy for commercial moorings that facilitate business continuity and succession supporting and maintaining the significant economic contribution employment and related trades and services to the local economy.

[REDACTED]

Minutes of Meeting and Open Letter to CCC regarding proposed Harbour Management Policy (HMP) and Consultation Process

In attendance: over Ceredigion 30 Boat owners/operators

[REDACTED]

Agenda Discussion Items relating to Harbour Management Policy (HMP):

- a. Lack of Governance/Authority/Structure
- b. 'Inheritance' policy
- c. Sale of Boats/Moorings policy
- d. Waiting List Process
- e. Fee Structure
- f. Partnerships/Joint Owners
- g. New Quay Deep Water/Visitors' Moorings
- h. Sub-Letting
- i. Harbour Users Meetings
- j. Document Terminology
- k. Service Level Agreement
- l. Missed Opportunities
- m. Consultation Process

The above points were discussed in some detail with respect to the current management of Ceredigion Statutory Harbour Authority (SHA):

- a. Lack Governance/Authority/Structure (Para 1). A policy document such as the HMP should clearly state and define the following:
 - i. The overarching legal authority of the policies therein.
 - ii. The SHA governance structure (including duty holders and responsible persons etc).
 - iii. Terms of reference, any required qualifications and training of SHA team and Committees.
 - iv. The accepted means of compliance (including alternative means of doing so) with policies.
 - v. Any penalties/remonstration for non-compliance.
 - vi. Processes that allow for review and challenge.

Sadly, there is no mention in the draft HMP of the overarching legislation and guidance such as the Harbours Act 1964, the Harbours, Docks and Piers Clause Act 1847, nor any related guidance documents for the effective management of Harbours. Infringement of the Aberporth Range By-Law of 1976 should also be mentioned. There is no definition of the reporting structure of the SHA and the responsibilities, qualifications and required skills of any staff, nor of their training. There is no mention of the DfT/Welsh Government requirements of the Ports' Good Governance Guide and how exactly the SHA will meet the requirements of the Ports Safety Management Code. As result, HMP was considered of little substance as a policy document because its authority and governance could not be determined. Furthermore, without a defined and fair process for appeal/redress over harbour staffs' decisions, the HMP is undemocratic and open to abuse/personality clashes and even inappropriate influence from above. The fact that each harbour does not have a Harbour Management Committee indicates a lack of clear, accountable and transparent governance.

OUTCOME: OPPOSE ENTIRELY - MAJOR REVIEW REQUIRED/FORM HARBOUR MANAGEMENT COMMITTEES FOR EACH HARBOUR

- b. Inheritance Policy (Para 16). This was discussed at length. It was thought that CCC were attempting to increase the turn-over of the waiting lists which was understandable but overall, this approach was condemned by the meeting as a very blunt instrument - being unethical, insensitive and lacking in compassion at what could be a stressful time for the families, as well as not being best-practice in other Harbour Authorities. Research shows that such a policy could not be found in other SHAs, in fact, we understand both Gwynedd and Pembrokeshire SHAs had rejected such policies as likely to attract adverse media attention. It was thought that the policy statement in the previous HMP allowed for sensible discretion. (See para f below) and it would be common practice to presume in favour of 'inheritance' of family/legal partners etc and that this should be included in any new policy.

OUTCOME: OPPOSE ENTIRELY- MAJOR REVIEW REQUIRED

- c. Sale of Boats/Moorings Policy (Para 5). The same rationale (increased waiting list turn-over) for this policy was presumed. Generally, the meeting thought its introduction was understandable, as sale of boats with moorings had been a way for people to 'by-pass' the waiting list; which, of course, could seem very unfair to those on the list and stagnated 'churn'. However, not being able to sell a boat with a mooring sometimes made negotiating the sale of the boat very difficult and by not allowing a 'transfer' option, meant the SHA was missing out on income, as well as opportunities to get the waiting list moving. A solution might be for the SHA to ensure that an owner wishing to sell both boat and mooring must first offer any boats for sale to those people on the waiting list, which would also ensure that the moorings are matched to the boats on them, speeding up the process.

OUTCOME: OPPOSE - FURTHER REVIEW/RE-WRITE REQUIRED

- d. Waiting List Process (Paras 4-7 and Appendix 1). The Waiting List process has been a major bone of contention for many years. The list is secretive and never published while, historically, some people have managed to apparently by-pass the list, even with new boats. As a result, it is nigh on impossible to get on the waiting list because no-one knows when a space has become available. Because the list is unavailable on request (contrary to national FOI legislation), public confidence in the fair and reasonable management of waiting lists has evaporated entirely. CCC's excuse for this lack of transparency is always "GDPR". However, it is understood that this is not correct and there are ways for a Waiting List to be seen, and even published, whilst meeting requirements of GDPR - as demonstrated by other SHAs. It was agreed that the priorities (Para 5.3) for locals were a step in the right direction, but it was believed that the Waiting List process needs a complete stem-to-stern overhaul as a separate work-stream, in which the [REDACTED] would be keen to participate and lend their considerable local knowledge.

OUTCOME: OPPOSE ENTIRELY- MAJOR REVIEW REQUIRED

- e. Fee Structure (Para 9). Whilst not directly addressed in the proposed HMP, (CCC's 'Fees and Charges' covers cost rates), there had been another workstream undertaken by the [REDACTED] to address the disputed fee increases, which is still gathering evidence because CCC have re-buffed any consideration of reductions going forward, making further engagement pointless. In fact, it is understood that CCC will further increase fees for boat owners/facilities in 2024. Even at the present 2023 levels, the fee structure is unjustifiably excessive and that it is discriminatory against locals, the old, the young and the disabled. This is actively preventing the uptake of water-borne activities in contravention of numerous CCC and WG initiatives and legislation. This issue requires an entirely separate, wholly inclusive and transparent review.

OUTCOME: OPPOSE ENTIRELY - MAJOR REVIEW REQUIRED

- f. Partnerships/Joint Owners (Para 19). The concept of joint and co-ownership of vessels is not covered well as many boats can only be afforded by 2 or more parties being joint or co-owners. All costs are shared and paid for equally, including insurance and mooring dues (in most other SHAs). Para 19 makes no sense because the ownership of shares when a boat is 'first registered' could be completely different as the years go by e.g marriage, death birth of offspring of any (or all) of the joint owners. It would seem excessively harsh, unreasonable and discriminatory to prevent such arrangements. It is suggested that when partnerships change, then the Harbour Master should be allowed some discretion and common sense....as in the case of inheritance (see Para a above).

OUTCOME: OPPOSE ENTIRELY - MAJOR REVIEW REQUIRED

- g. New Quay Deep-Water (DW) Moorings/Visitors Moorings (Para 4 and 7). In both of the HMPs there appears to be a limit on the number of deep-water moorings but no reason is given. Clearly, there is enough space for a number of extra deep-water/visitors' moorings, which could increase the revenue to the harbour. Furthermore, allocating any future DW moorings only to commercial vessels was not seen as sufficiently equitable. There should be the capacity to cater for DW moorings for large or bilge keel yachts, especially as the lack of dredging by CCC and the recent proliferation of sandbanks, means these deeper-keeled yachts can be 'neaped' (stuck on the sandbank during neap tidal periods – 2 per lunar month). Obviously, this can significantly reduce seafaring opportunities during the season. However, there are not many of this type of yacht left, in New Quay at least, as people are 'downsizing' in the face of increasing fees and so, the SHA is further losing revenue for harbours. This policy needs further review.

OUTCOME: OPPOSE - FURTHER REVIEW REQUIRED

- h. Sub Letting (Para 14). It would seem perverse for the CCC CEO to suggest that Harbours do not generate enough income when the HMP prevents increased revenue through schemes such as sub-letting. Failure to allow HM-controlled 'sub-letting' prevents people (perhaps those on the waiting list with a boat already) from getting on the water when a mooring IS available in the harbour – if only for a short period - say, because the current mooring holder could not launch because of illness/boat repairs etc. In this case, if short-term sub-letting was permitted (with Harbour Master oversight/approval of similar boat/size etc), not only would the SHA get the money from the allocated owner but also the additional costs of sub-letting.

OUTCOME: OPPOSE - FURTHER REVIEW REQUIRED

Also discussed at length were other shortcomings within the HMP which further undermined the authority and effectiveness of the proposed document:

- i. Harbour Users Meetings and SHA Communication. Whilst the recent introduction by the HM of 'Surgeries' and an online pamphlet, 'Calm Waters', are welcome, the surgeries are infrequent and not easily accessible by all harbour users, while copies of Calm Waters are not widely available. Neither does the pamphlet carry much useful information. In addition, there are only 2 Harbour Users' Meetings per year but they are now online Zoom-type meetings and access has to be requested. Even when given access, minutes and agendas can be hard to find and the meetings only last 45 mins per harbour which means they cannot cover anything in great depth. These meetings are viewed only as 'one-way transmission' with little evidence of actions, so are considered an insufficient and ineffective means of communication with harbour users. Also, many people are irritated by being labelled 'debtors' in emails from CCC; even when not yet invoiced, or the period for payment has not yet lapsed and no alerts have been sent. Invoices regularly do not arrive until after the cut-off date and even then,

receipts are often not sent once paid. Use of 'click' and the response times (checked only once a week) are wholly inadequate. Overall, communication from CCC requires urgent improvement and softening – if nothing else, appreciating that harbour users are *customers* and not mega-wealthy and 'privileged' gin-palace owners would help. The financial system worked far better when done by the Harbour Masters themselves. In addition, the whole communication process should be completely reviewed and be clearly defined in the HMP.

OUTCOME REQUIRED: Ceredigion SHA to improve and define agreed two-way communication practices with harbour users, including face-to-face Harbour Users Meetings. Re-introduce Harbour-Master-centred invoice and payment processes (as well as an on-line option) with the hastened provision of receipts.

- i. Document Terminology. The origins of the HMP can be traced back to documents copied from Saundersfoot and Devon harbours before 2010. In the intervening time, maritime terminology has changed and moved on. It is suggested that the HMP should use the current terminology and definitions of the MCA/DFT/RYA as a matter of course. For example, vessels should be classified as Commercial Vessels (using up-to-date codes), Pleasure Vessels or Intended Pleasure Vessels (IPVs) etc and the HMP should reflect best practice as outlined in Marine Guidance Notices (MGNs).

OUTCOME REQUIRED: Ceredigion SHA to use present MCA terminology throughout HMP.

- k. Service Level Agreement (SLA). There is no defined and agreed level of Service that Ceredigion SHA is required to provide for the fees they charge. Clearly this needs rectifying. However, the CEO for CCC, in a letter to ████████ members when discussing fees/services provided and FOIs, included the following list of Services that he claims the SHA provides:

- Main chains
- Slipway access
- Dredging
- Provide and maintain Aids to Navigation
- Harbour maintenance (eg remedial works to infrastructure)
- Staff (including presence at harbour offices and engagement through meetings/surgeries and the Calm Waters publication)
- Port Waste Management Plan facilities
- Crown Estate Licence
- Free parking (current 9 month parking season ticket costs £370)
- Winter hard standing provision
- Water

However, it is abundantly clear that the list is very-much flawed because many of the services have not been provided by the SHA to an acceptable level (reduced slipway access, no dredging, poor navigation aids, broken fairway markers'/lights, little maintenance and waste disposal behind locked doors, along with the failure to remove obstructions, floating ropes on moorings/pots etc - despite repeated requests and their extant inclusion in the HMP. According to the draft HMP, discounted parking will no longer be offered to any harbour users and harbour staff are considerably less available, less qualified and are no longer considered at SME-level.

OUTCOME REQUIRED: CCC/ SHA to provide an agreed SLA to all Harbour Users against which the SHA is held to account. This needs to be done as a collaborative project with all stakeholders. Failure to meet SLA levels in a Harbour should result in some form of financial redress for boat owners. Review staff levels, skills, pay and training.

l. Missed Opportunities. The re-vamp of the HMP appears to have missed a golden opportunity to reform the use of harbours in Ceredigion to meet national initiatives relating to the conservation of the environment, inclusivity, health and well-being, alongside possible development of the harbours for increased participation in water-sports and tourism. There are a number of possibilities that exist to help local young, old, disabled and low-income (residents and visitors) to get on/in/by the water but the HMP seems intent in ignoring such advances. For example, there could be discounts and dispensations for fees for the categories of user listed above, the SHA could lead on improved facilities for commercial operations, fishermen and amateur sports clubs, the creation of more-affordable, effective space for sailing dinghy, kayak and board users of all abilities in all harbours and even the expansion of the Cardigan Bay Water-Sports Centre in New Quay. For this to happen, a complete review of the HMP is required and the SHA needs to be more aligned and engaged with its customers, so that co-operation and transparency can become much improved.

OUTCOMES REQUIRED: Ceredigion SHA to review fee structure and development policies to encourage increased water-sports participation that is effective, environmentally friendly, inclusive and to embed this in the HMP. SHA to lead on future developments in conjunction with commerce, trade and tourism depts of CCC.

m. Consultation Process. Overall, it was agreed that the very short timescale for the online consultation tool to be completed, aligned to an inappropriate question structure was highly unlikely to meet established principles of local government consultation. Simply, any such consultation needs to happen early, with sufficient reason for change, while allowing for intelligent consideration and response before any decision is made. Harbour users have not been involved in the consultation process early enough, while the reasons for policy changes have not been communicated clearly; nor were the changes identified in copies of the new HMP; which would have been helpful. Furthermore, the on-line consultation tool does not appear to allow for more than 3 possible objections, which is considered grossly insufficient for over 100 policies lines. Likewise, the timescale of only a few weeks is far too short and there is no guidance or indication on what number of responses would constitute a 'valid' objection – just one negative response? Or over 10/50/75% of respondents? That is even before any implementation of any changes is considered. As a result, there is no confidence in the whole consultancy process and it was even thought possible that any objections might not get considered at all by CCC officers. Ultimately, the [REDACTED] believes the proposed HMP and its consultation process is not compliant with a wide gamut of legislation and can only be classified as 'not yet fit for purpose'. Therefore, we oppose any implementation of any HMP without a great deal more work; ideally in collaboration. However, we acknowledge that the intent to improve the management of harbours is a seed that needs to be carefully tended and nurtured if it is to grow and capture those opportunities in para l above. It is only through collaboration, with focused engagement and transparency, that the Harbours and their management will improve - both as the shop-windows of our communities and as amenities for all walks of the local population as well as for the visitors - who provide the majority of the income to Ceredigion coastal businesses. To date however, CCC has shown little sign of wanting to engage collaboratively and openly with harbour users to achieve those aims.

OUTCOME DESIRED: CCC to cease the present HMP and Consultation Process and engage more openly and effectively with all harbour users to conduct an end-to-end rewrite of the HMP.

MEETING DECISION:

1. It was decided that, because of the many objections listed above, the proposed HMP and the associated consultation process was considered **Not Yet Fit for Purpose** and it would need considerable review. However, [REDACTED] would be keen to help the SHA conduct this review.
2. It was decided that those individuals and organisations in attendance might wish complete the on-line consultation only in brief - and refer instead to this [REDACTED] meeting minute summary/open letter as their considered response, sharing the letter wherever possible.

ACTION:

- a. Individuals to use the above comments as 'intelligent consideration' when replying to the on-line consultation tool. It may prove necessary to do so in writing because the online tool is of limited functionality.
- b. [REDACTED] Rep to send the above minutes to Local Councillors, MPs and HM (via Clic email) and in hard copy and co-ordinate any further engagement.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Received from [REDACTED]
Date and time [REDACTED]

To Recipients: Clic@ceredigion.gov.uk

Cc Recipients:

Subject: Objection to CCC's draft Harbour Management Policy.

Body:

[REDACTED]

Dear Sirs,

I wish to register my firm objection to Ceredigion County Councils' proposed Policy change, within the draft Ceredigion Harbour Management Policy Consultation document, that removes the right to inherit or sell a vessel on its mooring.

If implemented, this Policy change, will undermine the fabric of Ceredigion's coastal communities by introducing an unmanageable state of constant flux within the harbours. Where, upon my passing, those on a historic waiting list, (that has had no due diligence applied to it by CCC), are more entitled to my boat and its mooring than my own children.

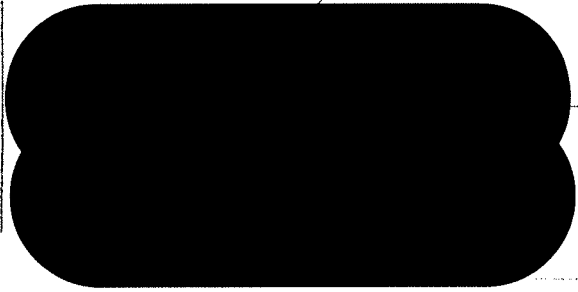
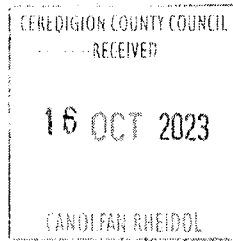
Please do not overlook the reality that a leisure boat is, almost without exception, bought for the enjoyment of a family, or families in the case of co-ownership. The children in that family(s) would, naturally, share in the pleasure, effort and cost of owning a boat over time. Consequently, they become invested in a very real sense – not just in the boat and mooring but in the Ceredigion community at large.

The principal of "successor in title" is a very well-established principal in the Laws of England and Wales. This applies to capital assets which hold value beyond the life of the current owner. This is evidently the same for a boat (inseparable from its mooring in the context of value) as it is for public sector housing that is leased to a family wherein the children of that family are not evicted upon the passing of their parent(s).

Thank you for considering my views.

[REDACTED]

11th Oct 2023



CEREDIGION COUNTY COUNCIL,
HARBOURS MANAGEMENT,
PENLORFA
ABERBERON
CEREDIGION SAH6 0PA.

Dear Sirs

Re: CEREDIGION HARBOURS MANAGEMENT
POLICY - DRAFT DISCUSSION

I have before me the existing and proposed draft documents for the above and in the first instance my initial reaction is "if it's not broken why fix it". In my opinion the wording abbreviations etc are generally similar without any major concerns. However the one major point in my book is 'INHERITANCE' and would comment as follows. I am now 76 years old and for the last 60 years or so New Quay has been my holiday destination even spiritual home.

So it has been for my 5 grown up children and grandchildren who have all loved holidays, weekends etc and are part of the local community. We have a house in [redacted] which we have owned since 1983 and since retirement have spent more and more time there.

I have been allocated a nearby flat

P.T.O

over 45 years and in those years the whole family has enjoyed the gifts of boating, its skills etc and have indulged in the Regattas and dived into volunteering.

It would be totally unfair if when I pass these benefits could not continue to be enjoyed by my children and grandchildren and indeed would disenfranchise my family.

Even at my age I understand the need for change but only where necessary. I don't think this is. In recent years New-Quay has suffered the deaths of some relatively young people with families and to think that they would be deprived part of their parents legacy would be a tragedy.

In my opinion, MR DENIS LENCORP, was a real Club boormaster and since then little seems to have been done with the management of the Club. I met with OWEN ROBERTS at New-Quay shortly after he took over his post and we discussed the like meetings of the PIER and he stated his proposal for solving the problem etc. To date nothing.

So perhaps all energies should be put into the management of the Club and not spend unnecessary time on a new document where the original is still true.

Kind regards

