



# Kingswear Parish Council

## Moorings Policy

1. All persons using the Parish (river) Pontoon, Creek Pontoon, Waterhead Creek or Jubilee Park for whatever purpose do so at their own risk.
2. Kingswear Parish Council [the Council] will not be held responsible for loss or damage through fire, theft, storm, explosion, consequences of war or civil unrest, force majeure or Act of God, however arising and however caused.
3. The person to whom a Mooring Permit is issued is responsible for the safe mooring of such craft as may have been named in the Mooring Permit. It shall be moored in a manner such that the possibility of the craft breaking away from that mooring is minimal and there is no risk to the safety of other craft or other river users.
4. Any person to whom a Mooring Permit is issued has to insure the craft to which the Permit refers. The named craft has to be covered at all times by a valid Insurance Policy that provides cover for third party risks to a minimum amount of £2,000,000. Owners are liable for damage against all and third party risks caused by them, their craft, their crew or their passengers.
5. The craft to which the Mooring Permit refers shall be located at the numbered position allocated by the Council or any subsequent location as directed by the Council. The Council reserves the right to amend the numbered positions or relocate craft as necessary. When a vacancy occurs on the river side of the Parish Pontoon, this will be offered to the permit holder who has occupied a position the longest on the creek side of the Pontoon.
6. The Council require every craft that has been issued with a Mooring Permit to have its name or its fishing number prominently shown so it is clearly visible. The Council mooring permit sticker must be fixed to the craft in such a position as to be clearly visible to a Council Officer or representative of the Council, without it being necessary for the Council Officer or Council Representative to board the craft. Replacement permits may be requested at an administration charge of £10. For identification purposes, it is also mandatory for all boats to display either a Harbour dues sticker or a brown triangular sticker, which can be obtained from the Harbour office.
7. No craft exceeding 3.66 metres in length (including engine) or exceeding 1.43 metres in width, is allowed to be moored on the Parish Pontoon, with the exception of mooring numbers 6 and 16 which will allow craft of up to 4.9 metres in length.
8. No craft or trailer exceeding 4.85 metres in length (measured from engine to front of trailer) is allowed to be stored in Jubilee Park to keep access clear to both the picnic area and the slipway access. The park is only for storage of vessel(s) named on the permit and the trailer(s) to which the vessel(s) belong. To keep the park looking tidy all sundry items such as covers, wheels, petrol cans, must be stored on or within the vessel and removed from the park after launch.
9. No craft other than pleasure craft are allowed to be moored in Waterhead Creek; these vessels must not exceed 7.62m.
10. No craft exceeding 4.2 metres in length to be moored on the Creek Pontoon.
11. The Mooring Permit and the craft to which it relates must at all times be in the name of the Permit holder. No Permit Holder can transfer or allow another person to use the Mooring berth allocated to that Permit.
12. All trailers must display a permit in Jubilee Park.
13. A permit for Waterhead Creek does not allow you to use the dry moorings in Jubilee Park.
14. If spaces are available in Jubilee Park, these may be used by Parish Pontoon and Waterhead Creek permit holders for a period of up to 4 weeks to do necessary repairs to boats.
15. Moorings in the Creek shall be laid by, or on the order of the permit holder. The permit holder is responsible for ensuring that the mooring is laid in a safe and proper manner.
16. The Council regulations and rules for moorings in Waterhead Creek are as follows:
  - a) Craft may not be attached by lines or chains to the gabions at the east end of the Creek.
  - b) Craft may not be attached by lines or chains to any trees, roots or shrubs on the north and south banks of the Creek.
  - c) Lines may be taken to the east bank (but not attached to the gabions) only whilst launching or recovering craft.
  - d) During the winter months (1<sup>st</sup> November to 28<sup>th</sup> February), all outboard motors should be removed and stored on the boat.
17. Permit Holders shall comply with any instructions from the Council officers or its representatives that are required so as to ensure the safety of the mooring, the craft and other owners' craft, Council property and members of the public.
18. No craft that is damaged, partially or totally wrecked, waterlogged or not maintained up to a standard acceptable to the Council shall be allowed to remain on the Council mooring. The Council will serve notice on the Permit Holder at the last known address as recorded in the Council records, that any defect to the craft must be rectified within 28

days. Failure by the Permit Holder to comply with the Council instructions will result in the Council taking action to remove the craft. The Council reserves the right to sell the vessel to defray its costs and to invoice the Permit Holder for any additional costs incurred. Please see Abandoned Boat Policy.

19. The Council does not permit the use of craft for residence, houseboat or overnight sleeping.

20. Permit Holders are required to inform the Council within 14 days of any change of craft, change of address or any change in circumstances that might affect the administration or use of the mooring.

21. The slipway at the eastern end of Waterhead Creek may only be used for launching and recovery of craft. Any launching or recovery of a craft shall be at the sole risk of the owner of the craft and the Council cannot accept any responsibility for any accidents or injury, however caused.

22. The parking or storage of any craft (including tenders or dinghies) trailers, launching trolleys or vehicles is strictly prohibited on Jubilee Park, except for craft (including trailers and/or launching trolleys) stored in any of the ashore dinghy spaces to which the craft has been allocated

23. Road vehicles may only use the hard standing and turning circle in Jubilee Park for the express purpose of launching and recovering craft. Road vehicles are to be removed immediately on the completion of the launching or recovery of the craft. Road vehicles must not be left unattended on Jubilee Park.

24. All vehicles must remain on the graveled area and under no circumstances should be driven on to the grassed area.

25. Events are held in Jubilee Park from time to time and will be advertised via social media and on local notice boards. Permit Holders for Jubilee Park dinghy spaces and Creek Pontoon berth holders are to take such precautions as they deem necessary to protect their craft during the events. The Council does not accept any liability for any damage that may occur or result from the Permit Holders not taking action to ensure the safe movement of their craft.

26. The right to use a mooring or a storage space shall terminate on 31 March each year and Permit Holders will be invited to reapply prior to this date.

27. Each mooring renewal application shall be accompanied by the remittance for the full amount of the annual fee. The fees are set by the Council and are invoiced annually. Berths will be re-offered via email by 1<sup>st</sup> March, they will be reminded via email of this in the middle of March and a working week prior to 1<sup>st</sup> April they will receive a final reminder via email (and telephone if known) if not renewed. **If not taken up by submission of paperwork and payment by the 1<sup>st</sup> April then they have lost the berth. Boats not renewing left on the berth on 1<sup>st</sup> April enter the abandoned boats policy.**

28. The Council reserves the right to terminate a Mooring Permit by giving fourteen days notice in writing to the last known address of the Permit Holder.

29. The Council reserves the right to dispose of any craft for which the mooring fee has not been paid. The Permit Holder will be advised that such action is being taken by letter sent by Registered Post to the last known address as recorded in the Council records. Please see Abandoned Boat Policy.

30. Owners of craft on the Parish Pontoon must take the necessary action to prevent their craft from becoming trapped under the skirting board of the pontoon at low water. Please note that damage has been caused to craft when it has filled with water and dropped below the water level. It is recommended that a stern mooring is used to keep the craft away from the edge of the pontoon. Please also ensure your outboard motor is covered when not in use. A fee of £20 will be charged for replacement gate keys for the Parish Pontoon.

31. Please note that your name, address and the name of your craft may be passed to the Dart Harbour and Navigation Authority. The Harbour Authority may contact you in the event of your craft being insecure or adrift in the river or to collect any harbour dues that may become payable.

32. A photograph of your boat/and or trailer must be sent or emailed to the Council when applying for or renewing a mooring.

33. Where a berth holder has infringed on the policy they have signed up to they will be notified as soon as possible. If the issue is not corrected within the year, the berthing will not be re-offered.

34. Moorings are inspected on a monthly basis. For the a pontoon inspection, all craft must be removed from the pontoon to facilitate an in depth inspection/safety survey. Where a boat is not on a mooring for at least 2 months of the year during inspection then the mooring will be considered underused and not re-offered. Please contact the council in advance of an exceptional circumstance for absence, such as long distance sailing, or refurbishment.

35. When a berth is not to be re-offered the holder will be notified via email on the 1<sup>st</sup> March to provide time to find a new berth. Boats left on the berth on 1<sup>st</sup> April enter the abandoned boats policy.

36. People with physical disabilities who have a berth on the creek pontoon receive priority to the berth with the disabled pole.

37. Berth #6 on the Parish Pontoon is a summer only mooring; the berth holder may keep their boat there in the winter but should be aware that the cross currents from Waterhead Creek and River Dart have been known in storms to cause serious damage to boats here.

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