

BURNHAM OVERY STAITHE FAIRWAYS ADVISORY COMMITTEE

RULES FOR THE CONDUCT OF BUSINESS

1. The “Burnham Overy Staithe Fairways Advisory Committee” (hereafter called The Committee”) will be a non-executive committee, reporting to “The Burnham Overy Harbour and Commons Trust” (hereinafter referred to as “The Trust”) and be composed of nominated representatives of the following interested parties:

- i. Burnham Overy Sailing Club
- ii. Professional Boatman (Fisherman / Ferry)
- iii. Burnham Overy Boathouse Ltd
- iv. Burnham Overy and Norton Wildfowlers Association (BONWA)
- v. Land Owners
- vi. Moorings Adviser *
- vii. Burnham Overy Parish Council.

* See 8 below

2. The role of the Committee will be to advise on the practical day to day working of the harbour, with particular emphasis on safety and to advise and liaise with The Trust, Parish and Landowners over the repair and maintenance of harbour facilities
3. The Committee will refer all matters of policy which may be a concern to or conflict with Commoners or legal exercising of Common Rights **MUST** be referred to the Trust or directly to the Scolt Head and District Common Right Holders Association.
4. Vacancies occurring during the year may be filled by the Committee so as to ensure a continuation of balanced representation. Named members may be co-opted to any meeting to replace a representative who is unable to attend.
5. The Committee will have the power to appoint a Safety Sub-Committee from within its representation, which will concern itself with safety and communications within the harbour.
6. The Landowner will provide a secretary, if required to assist with operation of the Fairways committee.

7. The rules for the conduct of meetings:
 - i. Meetings will be convened as required, ideally 2 weeks prior to the Trust management committee meetings, at an agreed time and location. The date, time and location of the next meetings will be agreed mutually and confirmed prior to the close of business at each meeting, meetings should not be set an ant interval greater than 6 months.
 - ii. An agenda of items for discussion will be drawn up and circulated by the Secretary no less than one week prior to the appointed meeting.
 - iii. The Committee will be required to take minutes of the proceedings and these will be circulated no later than with the Agenda for the following meeting.
 - iv. All meetings should be considered public and as such minutes of meetings as well as the date, time and location of further meetings should be available on the Trust website or any other suitable media as agreed with the Trust which may vary from time to time.
 - v. A Chairman will be appointed from the interested parties above. The Chairman will hold office for one year only and the post will rotate amongst the full range of representatives.
 - vi. The minutes will be presented to the following meeting for confirmation and signature as a true record of what passed.
 - vii. The minutes of the Fairways Committee will be circulated to all members of the Trust and will be reported on at the subsequent BOCHT meetings by the Chairman of the committee or his appointed representative.
 - viii. Members of the Fairways Committee will have the opportunity to present a paper to the Trust on their particular field of representation by prior request.
8. The Committee will have the power recommend appointments to position of Moorings Adviser, if deemed necessary (see Appendix 1)
9. The Committee or Moorings adviser will coordinate the collection of any mooring fees and pass these onto the Treasurer of the Trust.
10. All monies raised by the Committee will be administered by the Trust and deposited in their general bank account fund, identifying why any monies have been received, in accordance with the constitution of the Trust any income from the harbour will remain for the benefit of the harbour and the common CL65 and will not be diverted elsewhere.
11. To allow swift decision making for either essential repairs or other small items the committee, with have a delegated authority to approve expenditure up to the sum of £1000, without referring back to the BOCHT. This sum may be changed at any time. Invoices will have to be presented to the trust for payment and / or reimbursement,

12. Any suggested need for expenditure in excess of the pre-authorised sum must be referred back to the full Trust committee.

Signed Date

Chairman, Burnham Overy Commons and Harbour Trust

Signed Date

Chairman, Scolt Head and District Common Rightholders Association

Signed Date

Chairman, Burnham Overy Parish Council

APPENDIX 1

Role of the Moorings Adviser (if applicable)

The role of the Moorings Adviser will be drawn up and recommended by the Committee and approved by the trust, the Trust after consideration will appoint the Moorings Adviser and recommend any remuneration if deemed appropriate.

The primary roles of the moorings adviser is to ensure a safe navigable fairway. No mooring should be placed in the harbour which affects the safe enjoyments of all users or hinder the free fairway and thus the safe passage of boats.

The Adviser will keep a record of mooring users, and assist on the collection of mooring fees which can be set for all non-common Rightholders from time to time.

Moorings will be allocated to uses on the basis of the Burnham Overy Common and Harbour Trust Inaugural Mooring Policy, and or any subsequent policy as determined by the committee members of the said trust. (see Appendix 2).

APPENDIX 2

Burnham Overy Common and Harbour Trust Inaugural Mooring Policy

Preamble & History

The past few years has seen a large numbers of mooring laid in the harbour, some of these have been “granted permission” however the role of the granter has either been questioned or the policy has been so arcane and hidden that there has been a high degree of frustration.

As frustration has built this has itself led to a “dash for moorings” as people fear that there may not be any space in the future and it is unclear how they may obtain one, as such numerous others have been laid without any permission or agreement. It times these have obstructed others long established moorings, been laid by unknown people without any local connections, been laid simply to swiftly sell on, or have obstructed the fairway.

If this current unfair arcane system and lack on control continues the harbour will rapidly become unusable.

The starting point for a mooring review will be the “Paul Goakes map” of 2009 this map, will be made public and published on the BOCHT website, this map clearly shows the sharp recent increase in moorings due to the recent uncontrolled “dash for moorings” any mooring placed post the original version of this may will have to apply for a mooring based on the criteria set out in this policy.

The Trust will be able to set charges for moorings for all non-Common Rightholders, the use of a mooring. The Trust acknowledges the easement that can be claimed by a Rightholders to exercise his or her right, however the type and size of any vessel needs to be proportional and reasonable, to the right held

Policy / Rules

- 1) The starting point for a review will be the “Paul Goakes Map” dates 2009, and changes after this date will have to apply for a mooring based on the criteria as outlined below.
- 2) A master mooring ownership map will be maintained at all times, this will be accessible in the website of the BOHCT or available to view on request to the secretary.
- 3) The Trust intends to charge mooring fees, based on the size of the vessel moored for all but Common Rightholders, providing the commoners vessel is of reasonable size and suitability. The charge is compensation to recognise that Rightholders tolerate the siting of vessels on the common despite the fact that it hinders the ease of exercising their rights (shooting, fishing, digging bait etc).
- 4) All members of both the BOCHT, and the Fairways Committee are expected to

- support the compliance and enforcement of the display of boat licences.
- 5) Monies received MUST be spent on the common.
 - 6) No mooring should be placed onto the common without permission, Rightholders should seek guidance on where to place a mooring as to protect the Fairway, maintaining is navigability for all.
 - 7) No mooring will be let or sublet without notification to, the moorings adviser / committee, (NB a Commoner has a legal right to licence the use if his or her right of common).
 - 8) The selling of a mooring is strongly discouraged, any buyer MUST understand that the purchase of a mooring is ONLY a purchase of a block and chain and does not guarantee a right to the space on the common to establish a mooring.
 - 9) Any mooring placed on the common without legal authority will be removed.
 - 10) Any moorings transferred should be licenced, a transfer without a licence, unless a Commoner, will be removed. All changes are to be notified to the moorings adviser or the Trust.
 - 11) In priority moorings will be allowed to be placed or transferred under the following criteria:-
 - a. Transfer to a common right holder
 - b. Transfer to close family member / relation
 - c. Transfer to other persons living full time in the village or surrounding villages.
 - d. Transfer to other family members
 - e. Transfer to other person with strong local ties and or history.
 - f. Other regular local harbour users
 - 12) If any mooring is misused or suspected of being misused the owner will be notified, if after 1 month the owner has not given a satisfactory response or has failed to respond proceedings to have the mooring removed will be instigated.
 - 13) Any mooring / vessel removed will be stored, items will be stored for a minimum of 3 months and the owner, attempts will be made to contact the owner monthly and if not retrieved the property will be disposed of, the trust reserve the right to transfer any cost for removal, storage or disposal of items to the owner.
 - 14) Misuse of a mooring will be defined as:-
 - a. Placing a vessel of inappropriate size onto the mooring
 - b. Placing a craft on the mooring which is a danger or not seaworthy (NB if the Moorings adviser or BOHCT believe that a vessel is danger or not seaworthy it will commission an independent marine surveyors report, the owner will be given the report and allowed sufficient time to make the necessary repairs.
 - c. Allowing a mooring to move / drift with the tide away from its approved location, especially if this then affect the fairway.
 - 15) Burnham Overy Boathouse Ltd will relinquish its management of the majority of its moorings transferring these, by way of a licence issued by the BOHCT to the long established families and users of the moorings at time of transition Burnham Overy Boathouse will provide a list of those users of the "Boathouse" moorings who will be commuted to the new list and these individuals become respected and long term users of these moorings in their own right.
 - 16) Bona Fide business making a living from the harbour will have be allocated an

appropriate number of moorings for their activities to a maximum of 4 i.e. fisherman, Ferry and Burnham Overy Boathouse.

- 17) Common Rightholders Vessels on Moorings in order to be classified as an easement and as such be free of charge
 - a. The size of the vessel must be of a “reasonable” size in order to safely and reasonably carry out the registered rights.
 - b. The vessel should be used for the purpose of the allocated right when not used by the Rightholders the vessel should be used by family or close friends use only.
 - c. If registering a new mooring as a Rightholders, the right will be noted as being attached to a right of common, as such if the right are transferred of the right to the mooring also forfeited and the owner will have to remove, transfer and or re-apply in accordance with the criteria above.
 - d. Only one mooring will be allowed per Rightholder / full right of common – for the purposes of moorings the holders on the original register or their heirs / successors will be viewed as full Rightholders. Any rights split after the issues of the original register will be classed a split holders and only allowed one mooring per right.
 - e. In the event that a Rightholder has more the one mooring should be prepared to justify the need directly to the moorings adviser and the commons reeves as necessary,
- 18) In the event of conflict or disagreement all parties will be invited to present details to the Burnham Overy Commons and Harbour Trust for a decision, and this decision will be deemed as final and be supported by app accountable parties.

There is no intention of collecting fees in 2018 as the BOCHT is established and the moorings policy publicised.

If deemed applicable by the BOHCT committee 2019 the fees will be based on size.

Common Rightholders (CL65) -	NIL
Full Time Village inhabitants –	NIL
Others	
Vessels up to 14ft in length	£30.00
Vessels 14-21ft in length	£50.00
Vessels over 21ft in length	£80.00