**Beach and Beach Facility Policy**

**Introduction**

The beaches, and promenades of Torbay are managed by the Tor Bay Harbour Authority who are a section of Torbay Council. The Authority are responsible for the maintenance of all infrastructure relating to Torbay’s beach assets and therefore ensuring a safe environment for public use. Some beach locations have facilities such as chalets which are also managed by the Authority. Torbay has 20 accessible beaches, which are kept to a high standard and are consistently given international recognised awards.

This policy is not a legal document and the Harbour Authority reserves the right to exercise its absolute discretion over any decision and reserves the right to amend and or republish the conditions at any time.

We have tried to include all situations and circumstances, however if an issue arises that has not been considered the Authority will undertake to ensure that an open, fair and just resolution is sought.

**Definitions**

1. **“Facility”** means a hut site, cabin, or chalet.
2. **“Authority”** means the Tor Bay Harbour Authority
3. **“Region”** means a section of beach hut sites at a beach location eg Preston sea facing
4. **“Summer”** season/period means 1st May to 30th September
5. **“Council”** means Torbay Council
6. **“SWISCo”** is a wholly own company of Torbay Council who provide services to the bay

**Types of facility**

1. **Beach Hut Site** – Area of promenade land which is rented to customers to put their own beach hut on.
2. **Cabin** – Wooden beach cabins located at Broadsands
3. **Chalet** – Concrete Beach Chalets located at Meadfoot and Oddicombe

**Facilities allocation**

Hut site, cabin and chalet facilities can only be offered and allocated to the person whose name is next on the appropriate waiting list. A non-refundable registration fee is required to join a waiting list. Waiting list procedures can be found below in this document. Applicants can be on two different site waiting lists. Under normal circumstances the applicant will only be given two offers of a facility, all subsequent offers will only be made in exceptional circumstances. Any applicants that decline two offers of a beach facility will have their name removed from waiting lists. If a customer accepts a facility and is on more than one waiting list, they are permitted to remain on the other waiting lists and transfer to the other location when they are at the top of that list should they so wish.

**Waiting Lists**

When there are no vacancies for a particular facility customers can join a waiting list. Each beach location could have a number of lists as facilities are divided into groups, for example, Broadsands has both Cabin and Hut site facilities and they are again divided into, sea facing and green facing. It is permitted to be on waiting lists on up to two of the seven beach locations. A non-refundable registration fee is charged to join a waiting list.

Procedure:

1. There is a waiting list registration fee is for all beach facilities.  On receipt of the appropriate fee, your name will be placed on the relevant list(s).
2. The waiting list entry will be dated the same day the fee is received.
3. The registration fee is **NOT REFUNDABLE OR TRANSFERABLE.**
4. Under normal circumstances the applicant will only be given two offers of a facility. A third offer will only be made in exceptional circumstances. All applicants will have their name removed from the list if they have declined two offers of a harbour facility.
5. When a facility is offered and accepted, it can only be allocated to the person whose name is on the waiting list.  The facility is **NOT TRANSFERABLE.**
6. Unfortunately, applicants who have a disability do not have priority over other people on the waiting list.
7. From time-to-time applicants will be asked to provide written confirmation of their wish to stay on a particular waiting list. The applicant’s details will be deleted from our records if written confirmation is **not** provided.
8. It is the applicant’s responsibility to keep us advised of any change in the applicant’s details, especially any **change of address.**
9. The terms and conditions of use of any facility are shown on the reverse side of any invoice/facility form agreement and are also found within ‘beaches’ section of the Tor Bay Harbour website.
10. Partnerships (joint ownership/usage) must have been registered with the Harbour Authority when the facility was first allocated.  Any subsequent changes of ownership or partnership buy out **will not be recognised** or count towards facility allocation. The Harbour Authority will not recognise shared ownership beyond one third party. i.e., a maximum of two partners inclusive of the applicant. All partners must be over the age of 18.

**Transfers**

Hut site, cabin and chalet facilities cannot be transferred to any other person, and for the avoidance of doubt this includes children, sibling or any other relative unless that person has reached the top of the appropriate waiting list and the current customer relinquishes the facility. In the event of a customer’s death the facility will be made available on the appropriate waiting list. Customers are permitted, by mutual agreement, to exchange their facilities with other existing customers. In these circumstances the customers would both be required to pay an administration fee and the transfer would be effective from the beginning of the next season (starting April 1st). Both hut owners would also need to sign an agreement to renew the facility the following year.

**Mover’s list**

Existing customers can join a ‘movers’ list if they would like to move to another place within the same region. For example, if you have a site in the Broadsands ‘green facing’ region you can go on a list to move to a different spot within the ‘green facing’ region, not the ‘sea facing’ region. When a space becomes available, customers on the movers list in that region will be offered the opportunity to move to that site before it is offered to the next person on the waiting list.

**Use of areas in front of and next to huts & chalets**

Renting of a hut site does not include the right of use of any other space on council land, although it is reasonably accepted that the facility holders can occupy the area in front of their huts with items such as tables and chairs whilst using the facility. However, facility owners should not block or make it difficult for people to pass any part of the public promenades and must be mindful of neighbouring customers giving them space to be in front of their facility. Any disputes will be dealt with by the Harbour Authority and could lead to withdrawal of a facility.

**Anti-social behaviour**

The hirer/owner shall be responsible for the good behavior of all persons using the facility. The hirer/owner must be considerate of neighbouring tenants regarding space outside the facility, music and noise, and shall not cause or permit a nuisance in or around the facility which shall cause annoyance, inconvenience, or a disturbance to occupiers of neighbouring facilities or to the public. Any complaints will be investigated by the Harbour Authority and if found to be substantiated could lead to withdrawal of the facility.

**Vehicles on council land (promenades and greens)**

Vehicles are not permitted on the greens, promenades, or access roads without prior permission from the Harbour Authority (Council). However, beach hut site customers are permitted to take a vehicle on site for the delivery and removal of huts and or contents. All huts must be in place before the end of April, and not removed before 1st of October. Vehicle access is permitted between 18th March and 14th April, and at end of the summer season between 16th September and 14th October, however if a bank holiday should fall between these periods, the gates will be closed and locked for the bank holiday. Vehicle access outside of these permitted dates must be preauthorized by the Harbour Authority. Vehicles can only be on site for drop off and pick up, no parking is permitted. Anyone violating this rule will risk the withdrawal of their facility.

**Use of contractors**

Any contractors working on council land needs to be approved and authorised by the council prior to them entering the site. This includes any commercial operator either doing work on a beach hut or removing a hut for storage. All contractors would need to meet the health and safety requirements by the council and purchase a ‘contractors permit’ from the Harbour Authority.

**Seaweed raking and Beach cleaning**

During the summer period the main beaches in Tor Bay are regularly raked to clear the beach of seaweed and other flotsam and jetsam. For safety reasons the beaches can only be raked in the morning before 10am. The tide also needs to be out or at a mid-range, because these two conditions need to be met it means that raking cannot be undertaken daily. If there is a large build-up of seaweed during a period that the raking vehicles cannot get onto the beach in the morning, consideration is given to doing later raking with added safety precautions.

All the main bathing beaches have added cleaning staff during the summer period who empty the waste bins and litter pick on the beaches and promenades. Any reports of overflowing bins, waste on the beach or pollution incidents are dealt with immediately by either beach staff or the cleaning contractors (SWISCo)

**Dogs**

Dogs are not allowed on certain beaches from 1 May to 30 September each year. A list of these beaches can be found in the Beaches section of the Tor Bay Harbour website, and signage is put up at the entrance to all the beaches that have the dog ban. During this time period dogs **must** also be kept on a lead on promenades adjacent to the beaches where dogs are not allowed. The ban is enforced by a Public Space Protection Order (PSPO) and local Bye Law. Owners found breaking these rules could face an on the spot fine, and or be prosecuted through the courts.

**Commercial Beach Operators**

At some beaches the council has granted permission to businesses by means of a lease to provide services such as the hire of kayaks, stand up paddle boards and other forms of un-motorised craft to the public. Within their lease they will be granted an area of the promenade, and or an area of the beach to setup their office and equipment. As well as permission to use the land, all operators will have to have obtained a licence from Tor Bay Harbour Authority to hire sea going craft to the public. Licences are only issued to operators who have demonstrated that they have adequate health & safety procedures, that their craft are in a seaworthy condition, and they have appropriate public liability insurance in place. The Harbour Authority carry out random audits during the summer to ensure that the operators are complying to the safety management systems that they supplied during their licence application. Any operator failing an audit will be stopped from operating until they can satisfy the Harbour Authority that they are able to comply to the required licence conditions.

**Taps and showers**

Public showers and taps are installed at most of Torbay’s beaches, which are serviced annually and inspected throughout the summer season. Defects are reported to the maintenance contractors who aim to fix any problems the same day or as soon as possible. During the winter period the majority of the showers and taps are disconnected due the risk of legionnaires disease because of reduced usage. Some showers are left on during the winter and these are ‘run through’ periodically by the beach staff. However, during periods of very cold weather these are also turned off to prevent damage caused by freezing pipes.

**First Aid Provision**

The council provide First Aid equipment at the ‘Blue Flag Award’ beaches. The equipment is kept by tenants (usually a café or kayak hire business) at the relevant beaches and indicated on a map located in the beach notice board. The tenants are not permitted to administer first aid unless they have qualified staff but can provide the first aid kit for people to self-administer. A list of the Blue Flag beaches can be found in the beaches section of the Tor Bay Harbour website.

**Toilet Cards**

A toilet card is issued to all beach hut site, Cabin and Chalet customers which provide free access to the toilets located at the beaches. They are to be used by the customer, family and friends that are using the facility. They are not to be given to any other third party to use. The toilets in Torbay are serviced and maintained by Healthmatic and their contract is paid for by the entry fee. Any persistent misuse of a toilet card could result in withdrawal of the facility. The cards given to customers are provided by SWISCo who manage the contract and monitor the card usage. Lost cards need to be reported to SWISCo and there is a £25 Fee to replace the card. Toilet cards must be returned to SWISCo at the end of the agreement (when the customer relinquishes the facility, or the facility is withdrawn by the Council), failure to do so will incur a cost of £25.00

**Condition of Beach Huts**

It is the owner’s responsibility to maintain and keep the hut substantially repaired and in good order, including roofing felt, and regular painting. If a hut is deemed by the beach manager to be in a poor state of repair the owner will be contacted and given an expected time scale for repairs and maintenance to be completed. Failure to comply without good reason could lead to withdrawal of the facility.

**Barbeques and Fires**

Open fires and single use or disposable barbeques are not permitted on any of the Torbay beaches or promenades. However, holders of organised events can apply to the Harbour Authority to have a fire, in such a manner as to safeguard against damage or danger to any person. If the adequate safeguards can be demonstrated, the Harbour Authority may grant permission at their discretion.