



North Tyneside Council



**Councillor Willie Samuel
CULLERCOATS WARD**

Cullercoats Collective
By email

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Dear Collective,

Legal status of Cullercoats Harbour

I was asked some time back to seek advice from the council's legal officer regarding ownership and permissions which apply within Cullercoats Harbour.

In particular, the assertion from CFA that *"any proposed development or proposed change to harbour operations etc. must have the expressed (sic) permission of the sitting tenants, being within our tenancy."*

There is a long history to this, which I can provide a further briefing on if required. However the crucial issue is the following which I have lifted from a briefing provided to the elected mayor in 2015

"The land at Cullercoats Harbour that was conveyed to Tynemouth County Borough Council is subject to a number of covenants that protect the interests of the fishermen. These covenants are still in existence and are enforceable against the Authority by the Duke of Northumberland on the behalf of the fishermen who have the benefit of them. The covenants provide the following rights:

- a) *to exercise and enjoy free of charge or for merely nominal consideration the exclusive right of taking mussel, limpets and other bait from the foreshore;*
- b) *to use the land adjoining Beverley Terrace Pleasure Ground and know[n] as the Boat Field as a standage for boats and drying of nets; and*
- c) *to operate pleasure boats from Cullercoats Harbour, the conveyance controls the terms of this right."*

I understand that the Boat Field is held by the CFA under a lease, but that all other land is held by the Council, and is unleased. The CFA no longer uses the Boat Field for its operations, and instead fishermen and leisure craft owners pay a licence fee to store their

craft on the boat yard (situated adjacent to The Queen's Head, on Victoria Crescent) from the Council. The CFA holds no other legal rights.

The e-mail from CFA also makes reference to the Cullercoats Harbour Working Group (CHWG), and states that the CHWG is "*the appointed legal entity that oversees and manages all aspects of the harbour ...*". However, whilst that body may allow for representation from a number of relevant bodies, it is also the case that the Council, as owner of the harbour, has the right to manage the harbour as it sees fit (subject to the rights of the CFA noted above).

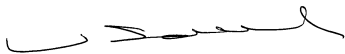
With this in mind, whilst it is undoubtedly good practice to include the CFA in consultations and discussions relating to the Harbour, its environs, and its operation, the CFA does not have any exclusivity of influence, nor the power to veto the inclusion or ambitions of other local interest groups. Similarly, the CHWG has no legal ability to approve or restrict use of the harbour; that falls to the owner of the harbour, North Tyneside Council.

In that regard, therefore, whilst cordial relations with both the CFA and the CHWG are undoubtedly useful, there is nothing preventing the Council from encouraging other local community groups to work for their areas.

I have asked the councils legal officer to confirm the accuracy of this note and he was happy to do so.

I hope this is helpful

Yours faithfully



WILLIE SAMUEL
COUNCILLOR FOR CULLERCOATS