

Option	Estimated Cost	Pros	Cons
<p>a) Do nothing</p>	<p>Could be considerable costs to defend legal action brought about in an accusation of corporate neglect.</p> <p>Without a HRO to create an income stream, the Council will continue to bear all cost of running the waterways</p>	<p>None</p>	<p>PMSC compliance could not be achieved.</p> <p>ECC still running the risk of legal action in the event of a fatality or serious incident</p> <p>Loss of credibility amongst water users and reputational damage.</p> <p>Inability to properly regulate and licence businesses that run in the canal or river Exe.</p> <p>Authority would still not have proper control of the waters, unable to collect dues so there would be no possible income stream.</p>

Appendix A

<p>b) Apply for a Harbour Revision Order (Recommended)</p>	<p>£90,000 without any public enquiry or £150,000+ if one is required. Plus significant officer time. However, the introduction of harbour dues could cover this expenditure in a relatively short period of time (see section 4)</p>	<p>Would enable PMSC compliance and reduce risk to the Council. Positive publicity in terms of the Council being a H&S exemplar on the water. Would enable the Council to levy proper dues or charges for using waters that the Council is responsible for – both river and canal. Safety in the river and canal would be enhanced by having the legal right to direct specific activities and/or vessels to particular areas of water. To restrict port entry to dangerous or potentially environmentally hazardous or soon to be abandoned vessels.</p>	<p>Increased costs in the event of stakeholder objections and a subsequent public enquiry. Negative publicity around spending a significant amount of money at a time when other Council services are being reduced due to funding constraints.</p>
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Appendix A

<p>c) Revise existing by-laws</p>	<p>£5,000 plus officer time Would still require some public consultation</p>	<p>Would be an improvement on current outdated by-laws. Particularly in terms of a revised level of fines acting as a stiffer deterrent.</p>	<p>Would not address the Special Directions issue and meet the compliancy threshold of the PMSC Council would still be unable to collect harbour dues from water users and without a HRO to create an income stream the Council will continue to cover all cost of running the waterways team.</p> <p>Reputational loss, user groups in the river would be unhappy with such a limited approach.</p> <p>Potentially, the Council is still open to litigation</p> <p>Rigid By-Laws would not allow a flexible approach to dealing with changing or developing craft or activities not defined in by-laws</p> <p>Although not a statutory obligation at present, PMSC compliance could become so in the future.</p>
<p>d) Apply for a Harbour Closure Order</p>	<p>Costs of a closure order would be of comparable with an application of an HRO and would most likely lead to a public enquiry</p>	<p>Relieve the Council of its legal responsibility</p>	<p>High likelihood of being unsuccessful at public enquiry</p> <p>Spiralling costs of possible compensation claims</p>