

## Lymington Harbour Commissioners

### **MOORING WAITING LIST AND ALLOCATION POLICY FOR RESIDENT AND LONG TERM VISITOR MOORINGS**

#### **1. WAITING LIST: RESIDENT MOORINGS AND COMMERCIAL FISHING BERTHS**

- 1.1 Lymington Harbour Commissioners (the “Commissioners”) operate a waiting list for resident moorings. From 15 March 2021, applications for resident moorings can be made only in respect of vessels which do not exceed 10.5m length overall (LOA) or 12m for commercial fishing berths. LOA means the length of the vessel including all extensions such as dinghies in davits, bowsprits, pulpits, bathing platforms, anchors, engines, auto steering etc. Applicants are responsible for accurately declaring the LOA of their vessel. A separate mooring licence is required for mooring a tender.
- 1.2 A person is eligible to join the waiting list if they:
  - 1.2.1 are 18 years of age or older; and
  - 1.2.2 permanently reside (i.e. live at their main home) on the mainland within 7 miles of Lymington Church (or 11 miles for commercial fishing berths).
- 1.3 Application forms are available from the Harbour Office and the Lymington Harbour Commissioners’ website and applications must be made by fully completing the prescribed form and providing any documents requested together with payment of the administration fee. A copy of the applicant’s driving licence must accompany the application as a proof of residence. If the applicant does not hold a driving licence the Commissioners will consider other documentary proof of residence on a case by case basis. Applicants are responsible for ensuring that the Commissioners are provided with up to date contact details at all times.
- 1.4 Applications must be in a sole name (joint applications are not permitted) and are not transferable. Any joint owner of a vessel who at some future date may wish to be allocated a mooring licence in their own name must apply to join the waiting list providing they fulfil the residency criteria. Members of a mooring licence holder’s family, for example a spouse or children have no right to take over a mooring licence. Where in the event of the death of the mooring licence holder, their spouse is already on the waiting list for a mooring, the Commissioners may exercise discretion if the spouse has not yet served enough time on the waiting list to qualify for a mooring licence in their own right.
- 1.5 While on the waiting list, applicants must continue to satisfy the qualifying condition for local residency to the satisfaction of the Commissioners. In determining local residency, Commissioners will seek to establish a true measure of bona fide local residence. In doing so the Commissioners may look at a range of indicators such as the driving licence, council tax bill showing the building is occupied and in the applicants name, whether the local residence is let out, whether the applicant is registered locally on the electoral roll and whether the applicant lives away from the local residence and if so, for how long. The Commissioners can at any time require the

applicant to produce evidence to this effect. The Commissioners' decision is final. In the event of default, the waiting list allocation will be cancelled and no refund will be made.

- 1.6 The date an applicant is first accepted onto the waiting list is their "Seniority Date".
- 1.7 If a mooring licence offer is refused by an applicant, the applicant can remain on the waiting list and retain their Seniority Date. However, if an offer is refused a second time, the applicant shall be removed from the waiting list. The applicant may apply to re-join the waiting list at any time in which case the applicant's Seniority Date will be the date of the new application. An applicant may elect to go on 'hold'. In these circumstances an applicant may continue to remain on the waiting list with their original Seniority Date but will not be offered a mooring licence when they have reached the top of the waiting list for a compatible mooring. An applicant may elect to come off 'hold' at any time.
- 1.8 A non-refundable administration charge will apply every three years (in advance) and will be charged pro rata for applicants joining the waiting list between administration years. The administration charge will be at the published rates prevailing from time to time. Payment must be made in accordance with the Commissioners invoice payment terms.
- 1.9 Persons joining the waiting list or paying the 3-yearly administration charge are deemed to accept the published annual mooring terms and conditions and our privacy policy.
- 1.10 The Commissioners may revise this policy and our annual mooring terms and conditions at any time and will notify you of the same. Our mooring terms and conditions and privacy policy are available at [www.lymingtonharbour.co.uk/terms](http://www.lymingtonharbour.co.uk/terms) and at the Harbour Office.

## **2. ALLOCATIONS : RESIDENT MOORINGS AND COMMERCIAL FISHING BERTHS**

- 2.1 To be eligible for a mooring allocation, a person must satisfy the criteria at paragraph 1.2, and, in addition, they must be the owner of the vessel or a joint owner of the vessel whose share in the vessel is not less than the share owned by any other joint owner; and, in the case of a mooring allocation for a commercial fishing berth:
  - 2.1.1 The vessel must be a commercial fishing vessel registered in the UK which is operated by the applicant and the applicant must hold a licence to fish for sea fish that will be sold; or
  - 2.1.2 The vessel must be an angling charter boat that has been certified under the MCA Small Commercial Vessels (SCV) Code of Practice, and must be operated as such.

Mooring licence allocations are made from the waiting list based on their Seniority Date and the compatibility of their boat with the available mooring. Offers of a mooring will be made to applicants with the earliest Seniority Date.

### **3. ALLOCATIONS: LONG TERM VISITOR (“LTV”) MOORINGS**

3.1 Mooring licence allocations are made from the LTV mooring waiting list. Mooring licence periods are split into two seasons:

3.1.1 Summer (1st April to 30th September) - Waiting list open for applications from 2nd January preceding each season.

3.1.2 Winter (1st October to 31st March) - Waiting list open for applications from 1st July preceding each season.

A separate application form must be completed for each season or part thereof.

3.2 At the time of mooring licence allocation, priority will be given to applications for compatible moorings in the following order:-

3.2.1 Applicants on the waiting list for a local resident annual mooring licence based on their Seniority Date, with priority given to applicants with the earliest Seniority Date. In case of more than one application with the same Seniority Date, allocations will be prioritised in the date and time order that LTV mooring applications are received.

3.2.2 Applicants not on the waiting list for a local resident mooring, with priority given to the earliest applications.

3.3 Mooring licences will be granted to the owner in respect of the vessel named in the application and for the temporary period specified which period will comprise of one or more full calendar months, whether or not the usage starts or licence is granted part way through the first month. A separate mooring licence is required for mooring a tender.

3.4 In the case of persons not on the waiting list for a resident annual mooring licence, the maximum number of consecutive months for which a mooring licence will be granted is six. Thereafter a six week break is required before being eligible to reapply. This restriction does not apply to commercial moorings or persons on the waiting list for a local resident annual mooring licence.