

LITTLEHAMPTON HARBOUR BOARD



Harbour Office
Pier Road
Littlehampton
West Sussex BN17 5LR
Telephone: 01903 721215
Facsimile: 01903 739472
E-Mail:
nicola.jones@littlehampton.org.uk

26th April 2011

LITTLEHAMPTON HARBOUR BOARD

MINUTES OF THE LITTLEHAMPTON HARBOUR BOARD MEETING HELD AT THE HARBOUR OFFICE, LITTLEHAMPTON ON MONDAY 18th APRIL 2011

Present: Councillor Graham Tyler (Chairman)
Mr Robert Boyce (Vice Chairman)
Councillor George Blampied
Councillor Robin Brown
Mr Philip Bush
Councillor Roger Elkins
Councillor Tony Squires
Councillor Dr James Walsh
Councillor Frank Wilkinson

In Attendance: Ms Anne Carnegie (Harbour Manager)
Mr Chris Braby (Treasurer to the Board)
Miss Nicola Jones (Clerk to the Board)

Cllr Tyler requested that a minute's silence be observed in memory of Mr G Chatfield who had passed away; Cllr Tyler had attended the funeral.

It was noted that Cllr Wilkinson and Cllr Elkins advised they would have to leave the Meeting early.

135. ITEM 1 – APOLOGIES

There were apologies from Cllr Peters and Mr O'Flynn.

136. ITEM 2 - DECLARATIONS OF INTEREST

None

137. ITEM 3 – APPOINTMENT OF A CHAIRMAN

The Clerk to the Board asked for nominations regarding the appointment of a Chairman to act until the next Annual Meeting. Cllr Wilkinson proposed Cllr Tyler be appointed to continue as Chairman. This was seconded by Mr Boyce.

The Board

Resolved

To appoint Cllr Tyler as Chairman to act until the next Annual Meeting.

138. ITEM 4 – APPOINTMENT OF VICE-CHAIRMAN

The Chairman asked for nominations regarding the appointment of a Vice-Chairman to act until the next Annual Meeting. Cllr Blampied proposed Mr Boyce be appointed to continue as Vice-Chairman. This was seconded by Cllr Elkins.

The Board

Resolved

To appoint Mr Boyce as Vice-Chairman to act until the next Annual Meeting.

139. ITEM 5 – APPOINTMENT OF FOUR MEMBERS TO THE PERSONNEL SUB - COMMITTEE

The Chairman requested nominations to appoint Members to serve on the Personnel Sub-Committee. It was unanimously agreed that should the current Members so wish, they could continue to serve on the Personnel Sub-Committee. It was confirmed that Cllr Tyler, Cllr Squires, Mr Boyce and Mr Bush would continue.

140. ITEM 6 – APPOINTMENT OF FOUR MEMBERS TO THE AUDIT SUB-COMMITTEE

The Chairman requested nominations to appoint Members to serve on the Audit Sub-Committee. It was unanimously agreed that should the current Members so wish, they could continue to serve on the Audit Sub-Committee. It was confirmed that Cllr Tyler, Cllr Brown, Cllr Squires and Mr Bush would continue.

141. ITEM 7 – PUBLIC QUESTIONS

Mr Warren expressed support on behalf of Messrs Vernon & Daniel Parker regarding Agenda Item 14 and the proposal to place advertising boards on Pier Road.

142. ITEM 8: MINUTES OF PREVIOUS MEETING

The Board considered the Minutes of the Previous Meeting held on 14th March 2011.

The minutes were accepted and agreed by all.

The Board

Resolved

That the Minutes of the Board meeting held on 14th March 2011 be approved as a correct record.

143. ITEM 9 – HARBOUR OPERATIONAL REPORT

The Harbour Manager presented a report on the Operational Aspects of the Harbour.

Activity:

There had been 2 commercial visits in March and 9 overnight leisure stays to the end of March.

Walkway:

Barratt Southern Counties had been advised of large number of paviours on the walkway which had split width-ways since remedial work on the walkway had been completed. The contractors visited site on 24 March and later corrected the faulty paviours. The Harbour Manager would inspect the work carried out this week.

The Harbour Manager reported on levelling in the harbour at Duke's Wharf and Pier Road which had completed on 12 March. Levelling of the Narrows and bar for 3 tides completed on 24 March. In-house surveys had reported no significant loss of channel depth beyond the levelled areas. Littlehampton Marina had been concerned that levelling was carried out up to 3 hours before high tide and felt it should only begin 2 hours before high tide to reduce the risk of silting upstream at the Marina moorings. Littlehampton Marina had been advised of the Board's in-house surveys. A report had noted the large quantities of silt carried down the River Arun and the cost burden on mooring providers to clear the silt was noted by the Harbour Manager.

Cllr Brown joined the Meeting at 10.05am.

West Works:

The West Works light had had its batteries replaced on 24 March.

INTERREG IVA 2 SEAS Programme:

Further progress had been made on the possible project partners agreeing aims and objectives for the Interreg IVA 2 Seas Programme bid. The bid should be submitted

by 8 July 2011. Sources of match-funding for the Littlehampton bid are to be decided but may include funding for the East Bank flood defences.

Partnership with West Sussex Fire & Rescue:

The Harbour Manager reported West Sussex Fire and Rescue had provided risk assessments and that training using the Workshop site had commenced. LHB and Tarmac staff would be able to participate in annual training exercises. Discussions were ongoing regarding remuneration for use of the hardstanding outside the Workshop to carry out said training.

Harbour Management System & Website:

The Harbour Manager reported the Harbour Management system and website were both live. Clients would now be able to pay mooring fees etc on line. The Harbour Manager acknowledged Simon Tann of Tann Westlake for all his input and work on the website. It was now much easier to update the site.

Other matters:

A training vessel had visited the harbour in March.

Discussions were in progress with the Town Council regarding reinstating ferry access points on the East and West bank.

Cllr Squires stated he had received several complaints of excessive dog fouling along the walkway past the Look & Sea Centre. After a lengthy discussion it was agreed that the LHB could write to ADC about the matter and request further bins. Cllr Dr Walsh asked the Harbour Manager why there had been no commercial shipping table attached to the report. The Harbour Manager responded that due to the Deputy Harbour Master being on leave, the table had not been prepared but it would soon be updated.

Cllr Blampied asked a question concerning the removal of Dukes Wharf's pontoon during the levelling exercise as a vessel had grounded in this area. The Harbour Manager confirmed it was completely removed and taken up to Railway Wharf. After levelling, the pontoon had been replaced.

The Harbour Manager noted that the total column of the table had been incorrectly totalled. The Harbour Manager asked for the Board's approval to only record visitors paying overnight rates rather than including permanent or long-stay berth holders. This would then give an accurate picture of leisure activity in the harbour. This proposal was agreed by the Board.

The Board

Resolved

To note the Harbour Manager's report.

144. ITEM 10: HEALTH & SAFETY REPORT

The Harbour Manager presented her Health & Safety Report.

No near misses had been recorded. Action Boat risk assessments had been received and comments returned to the Operations Manager and Managing Director. Launch date was confirmed as 2 April 2011. Minutes of the Harbour Safety Group Meeting had also been included in the report. A new intruder alarm had been installed at the Harbour Office and would enhance the safety of lone workers. There were no questions.

The Board

Resolved

To note the Harbour Manager's Health & Safety Report.

145. ITEM 11: TREASURER'S REPORT & ACCOUNTS

The Treasurer to the Board presented his report.

The Treasurer to the Board reported on income and expenditure to end February 2011. Figures for the month of March were still being completed.

Commercial shipping in February had been back to budgeted levels and as leisure moorings were holding up well and it was hoped to be marginally above budget. The forecast did not include the budgeted rent from the former UMA site.

Regarding expenditure, the Treasurer to the Board noted there was still some significant expenditure to be incurred and this was reflected in the difference between current and forecast expenditure. Expenditure still to come included: ADC's charge to the Board for the Clerk to the Board to July 2010, external legal fees regarding settlement on the Drum Head Insurance Claim, Insurance excess for Industrial Tribunal expense, Shoreham pilotage, prevention of access to the Railway Wharf jetty, levelling and security fencing of Railway Wharf, the new Harbour Management System and the new website.

The Treasurer to the Board reported that the Board's Insurance Brokers had gone to the market to test the level of premiums currently paid and believed that as a result premiums would not rise too much.

Cllr Dr Walsh queried the small deficit rather than surplus as reported by the Treasurer to the Board. The Treasurer to the Board explained this was because reserves brought forward from 2009/10 for Railway Wharf etc, if not been spent by the end of March, will be carried forward into 2010/11.

The Board

Resolved

To note the Treasurer's Report

146. ITEM 12 – ARUN PARADE STEPS

The Harbour Manager presented a report on proposals for access to the water along Arun Parade in connection with the EA's East Bank Flood Defence Scheme.

She reported that presently there were 4 sets of steps to the water on Arun Parade, 2 to the north (made of wood and attached to the wall) and 2 to the south. The steps at Location B on the plan were not in use due to safety. The steps at Location A were used by small leisure craft. The steps at C and D (concrete) were set into the wall. Currently there was only 1 set of steps in use and this was thought to be sufficient. To reduce pedestrian congestion at the seaward end of the Pier Road pontoon, it was proposed to retain just 1 set of steps at Location B. Steps at Locations C and D were important as they offered a location where swimmers/casualties could be landed as necessary. It was believed 1 set of steps to the southern end of Arun Parade would suffice.

Cllr Squires asked whether the Board was right to reduce the number of steps when it was trying to cater for increased traffic as a leisure port. The Harbour Manager believed there were sufficient access steps and access was also possible at the short-stay pontoon. The Harbour Manager felt there was insufficient traffic to warrant more steps. Cllr Elkins agreed with the proposals. Cllr Dr Walsh queried the materials the steps were made from and that LHB have an input to the detailed design of any future steps.

The Board

Resolved

- 1. That plans for the East Bank Flood Defence scheme should include two sets of access steps on Arun Parade each with two landing stages (low tide and mid-high tide)**
- 2. The northerly set of steps to be located in the vicinity of the existing steps at Location B and the southerly set of steps to be located in the vicinity of existing steps at Location C**

147. ITEM 13: HYDROPOWER PROTOTYPE INSTALLATION

The Harbour Manager reported on the progress towards testing of a tidal hydro-power generator prototype.

The Harbour Manager reported the intention was to incorporate the development into the European partners' bid to the Interreg IVA 2 Seas programme. The proposal included waste management and hydro-power. Flow gauging had been carried out and it had been concluded that the most suitable location for the prototype was the western side of the western pier-head of the footbridge. Details of the site for proposed installation had been provided to West Sussex County Council who owned the footbridge. West Sussex County Council supported the project on the proviso

that certain criteria were met (listed at 3.2 on the report). The proposed timescale for installation was now July 2011.

Mr Bush queried whether the installation was subject to a Section 43 Application. The Harbour Manager agreed navigational issues had to be considered but the installation did not involve a change to the bed of the river. It was agreed the Clerk to the Board should investigate and confirm whether a Section 43 Application was required. Cllr Dr Walsh asked if the structure would be lit so that it was visible at night. The Harbour Manager replied a full risk assessment would be carried out to ensure it was appropriately marked. The Board noted the report.

The Board

Resolved

To approve the location of the hydro-power installation to the western side of the western pier-head of the footbridge subject to a full risk assessment and appropriate marker buoys as required by the Harbour Manager.

148. ITEM 14 – NOTICE BOARDS

The Harbour Manager presented a report on a proposal to apply for planning permission for two demountable notice boards to be sited on Pier Road.

It was believed these notice boards would permit marketing for the charter fishing vessels moored at Pier Road. As Pier Road has such high footfall during the summer season it was felt such notice boards might assist to promote these small businesses. LHB would also be able to use the boards for communication with mariners. The Harbour Manager reported where it was proposed to site the boards. The boards would be professionally designed and charter skippers would be approached to contribute to the cost. It was thought the boards would cost in the region of £300 each.

Cllr Dr Walsh believed this was a sensible suggestion but queried why the boards would be demountable. Cllr Dr Walsh wondered if it might be worth approaching the Town Clerk to discuss the boards recently installed in the town. Cllr Elkins agreed with the proposal but wanted to ensure the boards were made of a durable material as they would be exposed to all weathers. Cllr Squires stated there was a consistent design to notice boards around the town and that it would be good to continue this with the LHB's boards. Cllr Tyler noted that the LHB was a separate organisation to the Town Council. Cllr Squires believed the boards should stay up all year round.

The Board

Resolved

- 1. To authorise officers of the Board to prepare a planning application for the notice boards as described;**

2. **To require officers to seek financial contributions to the cost of the boards and to bring a paper to the Board with further details of design and cost.**

149. ITEM 15 – CONDITIONS FOR HIRE OF LHB MOORINGS

The Harbour Manager reported that LHB berth holders signed a licence agreement with LHB on taking occupation of a berth. The licence contained Terms and Conditions. Annual renewal of the licence to berth is by payment of mooring fees with payment indicating acceptance of the conditions of hire. It was proposed by the Harbour Manager that the conditions of hire should be available to the public and posted on the LHB website. The Terms and Conditions had been summarised and updated for this purpose. It was agreed by all that this was a very sensible recommendation

The Board

Resolved

1. **To approve the conditions of hire for LHB moorings;**
2. **To approve publication of the conditions of hire on LHB's website.**

150. ITEM 16 – FORMER UMA WHARF CATWALK & JETTY

At the Meeting on 14 March, the Board had received a report from independent engineering consultants which stated that the condition and safety of the jetty at the former UMA Wharf was considered dangerous to users and navigation. It was agreed access should be denied. The Board had resolved to authorise the Chairman, Vice-Chairman and Officers of the Board to take immediate action to prevent access to the jetty at the former UMA Wharf and investigate demolition costs and options.

Notices had been posted on the gate to the structure on 9 March. Fishermen using the jetty were advised of alternative moorings by letter on 11 March.

Letters received from a legal representative of one of these fishermen has been copied to West Sussex Legal Services who have also confirmed the Board's ownership of the Jetty. 2 quotes for the removal of the access walkway had been received and 1 was outstanding.

Cllr Dr Walsh said the use of the Jetty was unauthorised by LHB. The photographs presented at the last Board Meeting were evidence of how LHB would be failing in its duty of care to the public if it did not demolish the site. Both the welfare and location of the fishermen using the Jetty had been taken into account by the Board. Cllr Dr Walsh confirmed his agreement that demolition should be carried out at the earliest opportunity.

The Board

Resolved

- 1. To note the report**
- 2. That the Board approves the removal of the access walkway by an approved contractor.**

151. ITEM 17 – REVIEW OF THE EFFECTIVENESS OF INTERNAL AUDIT

The Treasurer to the Board explained that each year the Annual Return was completed and sent to the External Auditor. Section 2 of the Return covered governance issues which the Chairman and Clerk to the Board sign to confirm the Board's compliance. Item 6 on this section of the Return states:

“We have maintained throughout the year an adequate and effective system of internal audit of the council's accounting records and control systems and carried out a review of its effectiveness”

The External Auditor checks said review has been carried out by asking for sight of the Minutes confirming this has been done. The Board carried a collective responsibility for this.

The Treasurer to the Board had included the review schedule, Audit Plan (areas to be addressed on an annual basis) and Section 2 of the Annual Return.

Cllr Dr Walsh queried whether it should be for the Audit Sub-Committee to comment rather than the Board. Cllr Tyler believed the process was simply a double check carried out on the Treasurer to the Board and was similar to that of the parish/town council. Cllr Tyler was confident in the processes in use. Cllr Dr Walsh asked for this support to be minuted.

The Board

Resolved

- 1. That the Board are satisfied with its Internal Audit arrangements, and**
- 2. That the current audit review process is adequate to aid the Board in its decision as to whether it is able to approve Item 6 of the Annual Governance Statement (effectiveness of Internal Audit)**

152. AGENDA ITEM 18 – TERMS OF REFERENCE – DEFINING AUDIT RESPONSIBILITIES IN RELATION TO FRAUD

The Audit Committee had actioned the Treasurer to the Board to work with the Internal Auditor to define and document audit responsibilities relating to fraud.

The Treasurer to the Board outlined the differing levels of risk such as collection of cash (high risk) to income from debit/credit cards (low risk). The Treasurer to the Board stated it had to be very clear where responsibilities lie with clear guidance on how the risk of fraud should be communicated. The Treasurer to the Board believed it was difficult given the small number of people working there. The Treasurer to the Board was also to support and check systems and procedures such as the purchasing system to further minimise risk. Awareness of the potential for fraud also needed to be cultivated within the organisation i.e. explaining processes and the reason they exist.

Mr Boyce asked if the signature on a Purchase Order and its cheque payment could be the same. The Treasurer to the Board confirmed that this could well be the case. However, he added that it was the counter-signatories' duty to check the validity of the cheque before signing it.

The Board

Resolved

To approve and adopt the Terms of Reference for use in the planning of the Internal Audit Process

153. ITEM 19 – BUSINESS RISK REGISTER

The Business Risk Register was in need of review as it had last been updated in 2009. The Harbour Manager and Treasurer had reviewed the Business Risk Register and as a result had made a few minor changes which were now presented for Board approval.

Cllr Tyler asked who was responsible for back up of IT systems and was the back up kept off site. The Treasurer to the Board confirmed 2 back-ups were done. J&R Computers, the Board's IT contractor retained 1 back-up on site and 1 off site.

Cllr Tyler referred to M1.2 and asked whether complaints could always be dealt with in 10 days. Mr Bush suggested that a timescale for acknowledgement of receipt of a complaint could be say, 3 days. The Harbour Manager advised this would not be possible due to her working timetable of 10 days on 4 days off. Therefore, it was agreed to amend the Business Risk Register as at M1.2 to read "5 days" to acknowledge receipt of a complaint. The Harbour Manager and the Treasurer to the Board would re-word the item.

The Board

Resolved

To approve the reviewed Business Risk Register subject to the change to M1.2 as discussed.

154. ITEM 20 – PERSONNEL SUB-COMMITTEE

The Clerk to the Board had submitted Minutes of the Meeting held the content of which would be discussed under exempt business. The minutes were agreed.

155. ITEM 21 - CONFIDENTIAL BUSINESS

In a motion proposed by Dr Walsh and seconded by Cllr Wilkinson

The Board

Resolved

That due to the confidential nature of the following item(s) to be considered, that the public and accredited representatives of the press and other media be excluded from the meeting on the grounds that they involve the likely disclosure of business of personal information relating to an individual, the business of third parties and/or legal proceedings.

156. ITEM 22 - RECOMMENDATIONS OF THE PERSONNEL SUB-COMMITTEE MEETING (held 25 March 2011)

The Clerk to the Board reported these recommendations came out of The Harbour Manager's report to the Personnel Sub-Committee relating to rates of pay. Cllr Dr Walsh enquired as to the 3 other items listed on Page 71 of the Harbour Manager's report and it was confirmed that these had been omitted from this report as they would be dealt with at a later date.

Cllr Dr Walsh asked why this pink paper was classed as exempt business as the detail had already been listed in the white paper (Page 71) in the open part of the Meeting. The Clerk to the Board replied this had been done as it was thought discussions might ensue which were not open to the public domain.

In a motion proposed by Mr Bush and seconded by Dr Walsh

The Board

Resolved

- 1. That part-time administrative support is secured during June, July, August, September, Monday to Friday, 10.00-13.00 hours and Saturday and Sunday mornings during peak time (July, August and Bank Holidays);**
- 2. That the Board advertises for a Seasonal Patrol Officer to work April to September, weekends only, at the casual staff rate of £7 per hour;**
- 3. That the HM and DHM work office hours during the winter months;**
- 4. That in due course, weekend rostered work should include more staff so that no-one works more than one weekend in three;**
- 5. That the Admiralty List of Radio Signals, Volume 6, Part 1 is updated appropriately;**
- 6. That the Harbour Attendant should receive the agreed rate of pay per act of pilotage out of hours Monday to Saturday.**

156. ITEM 23 – ANNUAL PAY REVIEW

The Harbour Manager presented a report concerning annual pay awards for the staff of the LHB. Salaries had historically risen by the RPI index on an annual basis provided the increase did not adversely affect the Budget. The RPI at end January 2011 had risen by 5.1% but the Budget has only made provision for a 3.1% pay award. Cllr Tyler commented such a small rise (3.1%) should be given to all staff of the LHB. Cllr Dr Walsh supported this.

Mr Bush agreed the pay rise should apply to all staff as he felt otherwise it may be divisive. Cllr Tyler believed it was important for all staff as it sent the correct message that the Board appreciated everyone's hard work.

The Board

Resolved

- 1. To consider the report of the Harbour Manager and to award a 3.1% increase to all LHB staff;**
- 2. That the Treasurer's remuneration be subject to the contractual annual increase of CPI measured as at October 2011, in April 2012 and annually thereafter.**

157. ITEM 24 – RENT REVIEW ON OLD CUSTOMS HOUSE

The Treasurer to the Board reported that a rent review of the Old Customs House was due in March 2011. Michael Jones & Co had reviewed the property value in 2010. Unfortunately current market trends were very poor. The Treasurer to the Board recommended that a letter be written to the tenant, Dando Drilling, on behalf of LHB confirming that there was no intention to increase the rent for the next 5 years. Mr Boyce pointed out that there may be timeframes in the lease under which the rent review must be performed and any objections raised by the tenant.

It was recommended that the terms of the Lease be fully investigated by the Clerk and the Treasurer. A report would then be submitted at the June Board Meeting.

The terms of the rent review with Dando International Drilling would then be reviewed with appropriate action being taken by the Chairman, Vice Chair and Officers of the Board.

The Board

Resolved

That the Treasurer be requested to write to the Tenant informing them that following a review, the Board intended to leave the rent unchanged for the next 5 years at £25,000.

That the terms of the rent review clause in the lease with Dando Drilling be reviewed and the Chairman, Vice-Chairman and Officers of the Board be authorised to take appropriate action.

158. ITEM 25 – EMPLOYMENT TRIBUNAL HEARING

The Chairman extended his personal thanks to Mr Boyce and Mr Bush for all their time and hard work spent on the tribunal, the result of which was still not known. Cllr Dr Walsh requested sight of copy of the transcript when it comes through. Cllr Tyler expressed his regret that there was no result as yet to announce to the Board. The Treasurer to the Board believed the matter might continue for weeks.

There being no further business the Meeting finished at 12.20pm