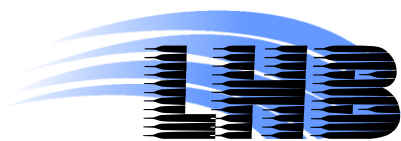


# LITTLEHAMPTON HARBOUR BOARD



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

18<sup>th</sup> March 2011

## LITTLEHAMPTON HARBOUR BOARD

### MINUTES OF THE LITTLEHAMPTON HARBOUR BOARD MEETING HELD AT THE HARBOUR OFFICE, LITTLEHAMPTON ON MONDAY 14 MARCH 2011

**Present:** Councillor Graham Tyler (Chairman)  
Mr Robert Boyce (Vice Chairman)  
Councillor George Blampied  
Councillor Robin Brown  
Mr Philip Bush  
Councillor Roger Elkins  
Mr John O'Flynn  
Councillor Nigel Peters  
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)

#### **117. ITEM 1 – APOLOGIES**

No apologies of absence were received.

#### **118. ITEM 2 - DECLARATIONS OF INTEREST**

Cllrs Blampied, Wilkinson & Dr Walsh expressed personal interests in Agenda Item 10: Consultation on Waste & Minerals Interim Policy

Mr Boyce expressed a personal interest in Agenda Item 16: Former UMA Wharf update and a personal & prejudicial interest in Item 14: Littlehampton Yacht Club – s43 consent. Mr Bush expressed a personal & prejudicial interest in Item 14: Littlehampton Yacht Club –s43 consent.

The Chairman advised the meeting that the Agenda Item 6: Health & Safety report would now include a report on the former UMA Wharf which had previously been included in confidential business.

### **ITEM 3 - PUBLIC QUESTIONS**

There were no questions received from the public.

### **119. ITEM 4 – MINUTES OF PREVIOUS MEETING**

The Board considered the Minutes of the Previous Meeting held on 31<sup>st</sup> January 2011.

A motion was proposed by Mr Bush and seconded by Cllr Dr Walsh.

#### **The Board**

#### **Resolved**

**That the Minutes of the Board meeting held on 31<sup>st</sup> January 2011 be approved as a correct record.**

### **120. ITEM 5 - HARBOUR OPERATIONAL REPORT**

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

Commercial Activity: there were 2 ships in February and one to date in March with a second expected this week.

Leisure Activity: there had been one overnight stay in January and although early in the season, four overnight stays in March.

Walkway: the walkway had been finished and the Harbour Manager was reviewing previous correspondence between the former Clerk and the contractor regarding the length of the guarantee of the work.

Levelling: Following completion of the levelling work at Arun Yacht Club the Shoreham Port Authority's tug "Adurni" had been carrying out levelling at Pier Road and Duke's Wharf moorings on behalf of the Harbour Board. pontoons had been removed to give good access. In-house surveys suggested there had been no significant change in depths in the turning area. Concern had been expressed by Littlehampton Marina about the length of time levelling was carried out on the flood tide. Further levelling at the Bar and Harbour entrance were still to be undertaken and surveyed.

West Works: the maintenance team were awaiting the appropriate weather window to replace the batteries to the West Works light. The Harbour Manager also reported that there had been a discussion about removal of heras fencing near the West Works with Arun District Council..

INTERREG IVA 2 SEAS programme: the Harbour Manager had attended a meeting in Blankenberge with Arun District Council's coastal engineer. Agreed objectives had

been developed for the project, a step which the Harbour Manager thought was very positive. She reported that the development of the bid was still under way.

Harbour Events: A list of events had been circulated covering the summer season.

Harbour Management System: the new Harbour Management System had been installed and was to be used to generate invoices from 1<sup>st</sup> April 2011.

New Website: the new website was not live at the beginning of March as had been hoped due to a delay in receiving a key piece of information for the online payments system.

Action Boat: the Harbour Manager reported that a company, ActionBoat, would be offering RIB rides from the southern end of Pier Road. They had submitted an operational plan and risk assessment report which had been reviewed.

Harbour Safety Group: a report would be presented on the recent meeting of the Harbour Safety Group at the next Board Meeting.

Cllr Dr Walsh asked what constituted a weather window as there had been plenty of opportunities in recent weeks. The Harbour Manager advised that there needed to be good weather when staff were available. There had been a considerable amount of work involved in preparing for levelling which had affected availability.

Cllr Dr Walsh also asked if the Harbour Manager was aware of reports of a particularly noisy vessel that weekend. The Harbour Manager was not aware but would investigate.

Cllr Squires commented that a decision needed to be made regarding the West Works in order to save money in the longer term.

Cllr Squires asked whether the website would link to other harbours and the local authority. The Harbour Manager confirmed the content could be managed by the Board's staff and the intention was to link with other suitable partners.

## **The Board**

### **Resolved**

### **To note the Harbour Manager's Operational Report**

## **121. ITEM 6 – HEALTH AND SAFETY REPORT**

The Harbour Manager presented her Health & Safety Report.

No near misses had been recorded.

Replacement batteries had been ordered for the West Works light.

The Internal Auditor's report had been reviewed and actions identified to improve sequential recording of order numbers.

An additional item needed to be raised under Health & Safety - a report on the former UMA Wharf Jetty. The Chairman advised the meeting that, at the Agenda

Preparation meeting, he had been advised that the Jetty at the former UMA site was not insured and he had instructed the Harbour Manager to obtain a report to facilitate the addition of the structure to the Board's insurance policy. Having instructed a firm of independent consultants, the Harbour Manager presented their report on the condition and safety of the Jetty at the former UMA Wharf. She quoted from the report at 3.8 "the staging in its current condition should be considered dangerous both to users and navigation. It has come to the end of its usable life. Access to it should be denied, along with provision to deter unauthorised access". She then reported that notices prohibiting access had been placed on the concrete plinths adjacent to the Jetty, on the gate on the Jetty and on the catwalk.

Cllr Dr Walsh stated that he felt that the Board had had no option but to act given that the report categorically described the structure as a danger to users and navigation.

Cllr Squires commented that the structure had been there for 40 years.

Cllr Dr Walsh commented that the rot that had affected the structure was incremental.

Mr O'Flynn asked whether there was any evidence of its continued use despite the prohibition notices. The Harbour Manager advised that she had not personally seen anyone access the structure. Mr O'Flynn commented that if there was evidence of continued use then further measures were required to prevent access.

Cllr Tyler commented that two fishermen had been using the Jetty and that alternative mooring locations had been identified by the Harbour Manager and communicated to the fishermen concerned.

Cllr Squires stated that in his opinion the only answer was to dismantle the structure immediately and asked why Harbour Board staff could not do so.

Cllr Tyler commented that the Harbour Board had insufficient in-house resource to do so and returned to Mr O'Flynn's earlier comments regarding the Board's responsibilities to further secure the site from access. Mr Boyce confirmed that if there was a reasonable chance that someone could breach any measures taken then there could be liability. Cllr Tyler suggested the best course of action was to get quotes for the removal of the structure immediately.

Mr Bush praised the actions of the officers of the Board in dealing with the matter and asked that they look at the options available and return to the Board.

Cllr Dr Walsh referred the meeting to 3.9 in the report which recommended demolition. He felt this must be done immediately before the structure fell down and became dangerous to navigation.

Cllr Elkins suggested if the structure were still being accessed then quotes should be obtained to prevent access for example by removing a piece of the structure.

Cllr Squires questioned the figure of £30,000 quoted in the report. Cllr Tyler said that this was an estimate and would include the removal of the piles, which was the expensive part of the operation.

Mr O'Flynn stated that it was necessary to do more than wait and that the Board must act now by fencing the area and arranging demolition.

Mr Boyce asked that legal advice be sought in view of the issues concerning the fishermen who were currently using the Jetty.

The Clerk confirmed that WSCC legal team were being kept informed of developments and that advice was being sought where appropriate.

Cllr Wilkinson stressed that action was needed now as it was approaching the season where local youths would look to use the staging for fishing and other activities.

A motion was proposed by Mr Bush and seconded by Cllr Squires

### **The Board**

#### **Resolved**

1. **To note the Health & Safety Report.**
2. **To note the report from Hemsley Orrell Partnership regarding the safety of the Jetty at Former UMA Wharf dated 7<sup>th</sup> March 2011.**
3. **To authorise the Chairman, Vice-Chairman and Officers of the Board to take immediate action to prevent access to the Jetty at Former UMA Wharf and investigate costs and options for the demolition of the structure.**

## **122. ITEM 7 – TREASURER’S REPORT**

The Treasurer to the Board presented his report.

Income & Expense to January 2011: The Treasurer to the Board reported figures to the end of January 2011. It was noted that there had been two ships in February and two were expected in March which meant that commercial shipping figures were back on track against budget.

#### Expenditure:

The Treasurer to the Board confirmed there were several significant expenses still to be incurred by the end of the financial year including the former Clerk's fees, Legal & Professional fees in relation to the Drum Head Insurance Claim and Levelling. The Treasurer also indicated he would be seeking to carry forward funds in 2011/12 to support unspent items and other commitments in the form of "Earmarked Reserves".

He noted that funds would now need to be found for the removal of the Jetty at Former UMA Wharf.

Cllr Blampied asked whether the costs of the East Training Wall lights were included in the Treasurer's figures. He replied that these would be in next year's figures.

### **The Board**

#### **Resolved**

**To note the Treasurer's Report**

**123. ITEM 8: PORT MARINE SAFETY CODE COMPLIANCE**

The Harbour Manager presented a report on Port Marine Safety Code Compliance.

The Port Marine Safety Code (“the Code”) applies to all harbour authorities in the UK that have statutory powers and duties and therefore this means the Littlehampton Harbour Board and its members individually and collectively who are directly accountable for marine safety in harbour waters. Under the Code and accompanying Guidance the Board must operate an effective marine Safety Management System.

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

**The Board**

**Resolved**

- 1. That the Board agrees the draft SMS Improvement Plan (Appendix 1, pages 35, 36), adopts the Safety Management System and works to implement the recommendations of the designated person, as submitted on 1 January 2011.**
- 2. Publishes the Safety Management System on the website together with appropriate explanatory text.**

**124. ITEM 9 – LHB Code of Practice for Volunteers**

The Harbour Manager presented a report on the adoption of a code for Volunteers at Littlehampton Harbour.

Cllr Dr Walsh asked what the current two volunteers did. The Harbour Manager replied that one assisted on Open Days, but mainly shore-side. The other individual had not yet started volunteering but wanted to do so and was experienced, RYA qualified, and could assist on water or with back office tasks.

Cllr Dr Walsh commented that it was important that no-one volunteered beyond their competency levels. Cllr Tyler reassured Cllr Dr Walsh that there was no cause for concern.

In a motion proposed by Cllr Squires and seconded by Cllr Blampied

**The Board**

**Resolved**

**To adopt the Code of Practice for Volunteers**

**125. ITEM 10: Minerals & Waste Interim Policy**

The Harbour Master brought to the Board's attention to West Sussex County Council Minerals Team's Interim Policy Statement concerning the safeguarding of Railway Wharf. She confirmed that it was not a formal planning document but would be a material planning consideration in any future development application of Railway Wharf. She referred the Board to section 4.3 of the Statement as the key point which stated that notwithstanding the formal safeguarding of Railway Wharf, no objection

would be raised by WSCC to development proposals that resulted in the loss of wharf for the importation of minerals. This was a significant statement.

Cllr Dr Walsh commented that this was a huge shift in position which he welcomed.

In a motion proposed by Cllr Peters and seconded by Cllr Elkins

## **The Board**

### **Resolved**

**having considered the report, that the Clerk respond to the relevant elements of the Background Papers as proposed in the draft letter in the Appendix and that the Board:**

- 1. Welcomes the contribution of the Interim Policy Statement for Railway Wharf, Littlehampton to the understanding of transportation issues.**
- 2. Supports the IPS Summary and Interim Policy Position for Railway Wharf.**

#### **126. ITEM 11: Meeting of the Audit Committee 24<sup>th</sup> January 2011**

The Treasurer to the Board presented his report on the meeting of the Audit committee on 24<sup>th</sup> January 2011 and advised the committee had considered the following matters:

- The 2010/11 Interim Internal Auditors Report
- A Progress Review on the Internal Audit Report 2009/10
- A review of the effectiveness of the Internal Audit Function
- To consider the External Auditors Report for 2009/10

The Treasurer commented that it had provided the committee with the opportunity to discuss issues in detail with the Internal Auditor. The main issue raised had been the lack of administration support staff. Other issues included the amount of time available to the Treasurer to carry out checks and the need for terms of reference to be drafted concerning the detection of fraud. The Internal Auditor's contract was expiring but he had offered to do a further year on the same terms. Thereafter he would not be available. The Treasurer suggested he start looking for a replacement.

Cllr Squires asked about the issue of moving the collection date for Harbour Fees to 1<sup>st</sup> April and suggested it would be good to bring this to the attention of harbour users this year in the annual fees letter. The Treasurer said that resource would be needed whenever fees were collected and that moving to a 1<sup>st</sup> April collection date would conflict with year end. It was also important to consider cash flow as it would be necessary to short invoice rather than bill for an 18 month period.

Cllr Elkins wondered about the impact of online billing being introduced with the new website launch and thought it best to assess this before making any alterations to the current arrangements.

Mr Bush felt that the recreational users he represented may prefer billing at the start of the season.

Cllr Squires commented that as the online payment system would be well established by next April, this should facilitate an easy transition to a 1<sup>st</sup> April billing period.

Cllr Tyler agreed but suggested a period of bedding in was necessary before changes were made.

Cllr Dr Walsh asked when we currently bill, and was advised it was 1<sup>st</sup> July. He asked whether it was possible to move to 1<sup>st</sup> May to avoid year end but move the date forward.

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

### **The Board**

#### **Resolved**

- 1. to accept the Internal Auditor's offer to continue in post until March 2012 on his current terms and conditions.**
- 2. to authorise the Treasurer to start searching for a replacement Internal Auditor during 2011**
- 3. to instruct the Treasurer to bring a report to the Board on the feasibility of moving to a 1<sup>st</sup> April billing period.**

### **127. ITEM 12 – Schedule of Charges, Fees & Dues 2011/2012**

The Treasurer presented a report to the Board recommending the issue of one comprehensive document encompassing the Board's terms & conditions, charges, fees and dues. He advised the Board that all the charges, terms and conditions detailed in the booklet had been previously agreed by the Board. He then described some minor amendments which needed to be made.

Cllr Squires declared a personal interest due to his involvement with the Sea Scouts.

Cllr Dr Walsh asked about the Jet Ski section of the booklet as he thought they were not allowed in the Harbour. The Harbour Manager commented that a document for PWC users existed when she took over the role and this was the origin of the section in the booklet. For example, PWC users must pay annual fees and provide specified documentation before gaining permission to use the Harbour.

Cllr Blampied asked why the charges weren't rounded up/down to whole numbers. The Treasurer responded that this was the case for cash payments but that it was the effect of scaling up for inflation and VAT that caused the problem. Rounding could also impact on the headline figure of increases.

There were questions regarding individual fees and charges, which were answered by the Harbour Manager and Treasurer.

In a motion proposed by Cllr Squires and seconded by Cllr Blampied

### **The Board**

#### **Resolved**

**To approve the publication of the booklet and the charges and terms stated therein.**

**128. ITEM 13: 2010/2011 Interim Internal Audit**

The Treasurer presented a report on the 2010/2011 Interim Internal Audit. He stated it was important for good governance that the Board consider and note the Internal Auditor's report.

In a motion proposed by Cllr Squires and seconded by Cllr Tyler

**The Board**

**Resolved**

**To note the report.**

Mr Boyce and Mr Bush left the meeting for Item 14.

**129. ITEM 14 – EMERGENCY WORKS AT LITTLEHAMPTON YACHT CLUB -S43 CONSENT – LITTLEHAMPTON HARBOUR & ARUN DRAINAGE OUTFALL ACT 1927**

The Harbour Manager presented a report on an application under s43 - Littlehampton Harbour & Arun Drainage Act 1927 by Littlehampton Yacht Club for consent for temporary and emergency works. The area affected is from the southern entrance of the Arun Yacht Club Dinghy Pen to its south east corner, from there south to the Littlehampton Yacht Club access bridge and from the access bridge south to the corner of the wall where it meets the slipway. There had been a major failure of the LYC's retaining wall and the southern end of the AYC's dinghy pen. The 3 planned stages of works were described by the Harbour Manager, who also confirmed the requisite permissions had been received from Arun District Council, the Environment Agency and Marine Management Organisation.

Mr O'Flynn asked how long the temporary works were likely to be in place and whether there was an issue around how long that might be. The Harbour Manager agreed to investigate.

Cllr Blampied commented that, considering the nature of the works involved, the temporary works were likely to be in place for some time.

The Harbour Manager commented that there was no date set for the planning application for permanent works. The Board considered therefore how long the temporary works might reasonably stay in place and concluded 5 years was acceptable.

In a motion proposed by Mr O'Flynn and seconded by Cllr Dr Walsh

**The Board**

**Resolved**

- 1. To approve retrospective conditional consent under s43 of the Littlehampton Harbour and Arun Drainage Outfall Act 1927. The conditions were as follows:**
  - 1.1. That the Harbour Office is notified of any significant change to the programme and/or method for the emergency works.**

Reason: To ensure that due consideration is given to any impact on navigational safety and appropriate action taken if required.

**1.2. That Stage 3 of the works is completed once Local Planning Authority permission has been obtained and a further s43 application brought to the Board.**

Reason: To allow for further detailed consideration of the plans by all interested parties.

**1.3. That the s 43 permission for Stages 1 and 2 be valid until 1 April 2011.**

Reason: If the construction is not completed by 1 April 2011, a new application to be brought before the Board.

**1.4. That the duration of the temporary works does not exceed 5 years before full planning permission is granted.**

Reason: Due to the temporary nature of the works, to ensure that due consideration is given to any impact on navigational safety and appropriate action taken if required.

**130. AGENDA ITEM 15 – CONFIDENTIAL BUSINESS**

In a motion proposed by Cllr Elkins and seconded by Cllr Blampied.

**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.**

**131. ITEM 16 – RAILWAY WHARF – FORMER UMA SITE**

The Clerk presented a report on progress towards letting the former UMA site and an update on the situation regarding the Jetty at UMA wharf.

The Clerk advised that a potential tenant had been identified for 8,000sq ft of the site and presented a letting memorandum setting out the proposed details of the lease for consideration by the Board. Members of the Board asked for confirmation regarding some of the terms of the lease, which the Clerk provided.

The Clerk's report included a summary on the dealings between LHB and the two fishermen who had been using the Jetty at the former UMA wharf and attempts to regularise their position. This had been superseded to a large extent by the consulting engineer's report discussed at Agenda Item 6.

The Chairman advised the Board that the regional officer of the Marine Management Organisation had spoken to the Harbour Manager regarding the fishermen's situation in a manner which had led to concern.

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

**The Board**

**Resolved**

- 1. To note the contents of the Clerk's report**
- 2. To approve the letting memorandum between Littlehampton Harbour Board and RP Aero Systems Limited**
- 3. To instruct the Chairman to send a letter to the Chairman and others at the Marine Management Organisation regarding the comments made by their local officer to the Harbour Manager.**

**132. AGENDA ITEM 17 – PROPOSAL FOR A NEW PONTOON AT OLD QUAY WHARF**

The Harbour Manager presented a report by herself and Euan Bedford-Cooper providing the business case for the construction of a new pontoon at Old Quay Wharf. She provided an overview of where the moorings would be placed and the plans to cover the capital cost. The figures provided indicated a payback period of 2.5 years. The Harbour Manager reported that she had been to see the management committee of the properties located at Old Quay Wharf and had received a generally favourable reception. She had agreed to return with further information. She further confirmed that navigational issues had been considered with the area being buoyed out with the pontoon extending 10m into the channel and no concerns were raised.

In response to a question regarding the use of the Public Works Loans Board to finance the project, the Treasurer to the Board recommended a short financing period as it was difficult to match income to repayments.

There was a discussion regarding the importance of gaining the right consents from interested parties before proceeding to planning application stage, including that of the management company. The Harbour Manager advised the meeting that there was an alternative access point to consider. The merits of access closer to the Fishermen's Quay was discussed but use of the slipway by the RNLI and others needed to be considered.

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

**The Board**

**Resolved**

- 1. To pursue the development options for a Pontoon on Old Quay Wharf.**
- 2. To thank the Harbour Manager and Euan for their hard work in preparing the report.**

Cllr Elkins left the meeting at 12.10 to attend another meeting.

**133. AGENDA ITEM 18 – REVIEW OF TENDERS FOR THE PROVISION OF BOOK-KEEPING & PAYROLL SERVICES FROM APRIL 2011**

The Treasurer introduced a report to the Board on the review of tenders submitted for the provision of Book-Keeping and Payroll services from April 2011. He noted that all interested parties, other than Arun Office Services, appeared to be sole traders and that there was therefore an issue with continuity during holidays/sickness. The Treasurer presented a review of the assessment process and the resulting recommendation that Arun Office Services be reappointed on a rolling contract with a 3 month notice period on either side.

In a motion proposed by Cllr Squires and seconded by Cllr Peters

**The Board  
Resolved**

- 1. To appoint Arun Office Services to provide a book-keeping and payroll service.**
- 2. To permit an annual uplift in the price based on CPI**
- 3. To request the Clerk to draw up a contract between the Board and Arun Office Services incorporating recommendations 1 & 2 above.**

Cllr Wilkinson then left the meeting.

**134. AGENDA ITEM 19 – ANNUAL REPORT**

The Harbour Manager presented a draft of the Littlehampton Harbour Annual Report 2010 for comment.

Cllr Dr Walsh asked what the cost of the report was and how much interest it had generated. The Harbour Manager replied that it was in the region of £500-£600 and provided a good snap shot of the Board's business. It was also a requirement of Modernising Trust Ports (2<sup>nd</sup> edition) that the report be published. Mr Boyce asked for a minor amendment to the text.

In a motion proposed by Mr O'Flynn and seconded by Cllr Blampied

**The Board  
Resolved**

**To approve the draft of the Littlehampton Harbour Annual Report 2010.**

**There being no further business the Meeting finished at 12.20pm**