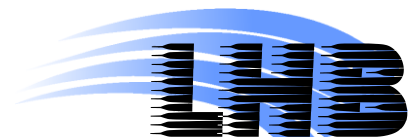


## LITTLEHAMPTON HARBOUR BOARD



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7<sup>th</sup> November 2011

### LITTLEHAMPTON HARBOUR BOARD

**MINUTES OF THE LITTLEHAMPTON HARBOUR BOARD MEETING HELD AT THE  
MILLENNIUM CHAMBER, LITTLEHAMPTON TOWN COUNCIL, LITTLEHAMPTON ON  
31<sup>ST</sup> OCTOBER 2011**

- Present:** Councillor Graham Tyler (Chairman)  
Mr Robert Boyce (Vice Chairman)  
Councillor George Blampied  
Councillor Robin Brown  
Mr Philip Bush  
Mr John O'Flynn  
Councillor Nigel Peters  
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)  
Mr Barrie Turner (National Coastwatch Institution – presentation only)  
Mrs Marchant (Notes Secretary)  
Lee Harrison (Deputy Harbour Master)

**211. AGENDA ITEM 1 – APOLOGIES**

There were apologies from Councillor Elkins and Councillor Squires

**212. AGENDA ITEM 2 - DECLARATIONS OF INTEREST**

Mr Boyce declared a personal interest in Item 14 "Update regarding the Catwalk & Jetty at Former UMA Wharf".

**213. ITEM 3 – PUBLIC QUESTIONS**

There were 5 members of the public present.

Mr Skagerlind stated he was in full support of Agenda Item 11 – review of Bye-laws through the promotion of a Harbour Revision Order and hoped this would achieve greater flexibility in arrangements.

Mr Chapman asked four questions:

- i) How did the current leisure representative get the job?
- ii) Was LHB happy with the problems caused to local fishermen vis-à-vis recent headlines in local press?
- iii) How were the energy trials progressing – there had been nothing reported on this for some time?
- iv) Why could the public questions not be taken at the end of the Board Meeting giving the public an opportunity to comment on matters raised during the meeting itself.

Cllr Tyler took the second question first, and disputed that the Board had caused problems for two local fishermen through its actions. The jetty where these fishermen had been moored was considered to be very dangerous and had been removed for the safety of all Harbour users, not just the fishermen.

The Clerk to the Board then responded to the question concerning the appointment of the current leisure representative, stating that Mr Bush had secured the role through the appointment process set out in the Constitution, being application and interview by the personnel sub-committee with a subsequent recommendation to the full Board. Cllr Tyler confirmed selection was a very rigorous process. Cllr Tyler invited the member of public concerned to visit the Harbour Office where further details could be explained on the selection process.

Regarding the energy trials, the Harbour Manager replied that she was still in contact with the parties who carried out the study and as soon as results were known she would report back to the Board.

Cllr Tyler replied regarding Public Question Time and that this was always held at the beginning of a Board Meeting and he was not prepared for this to change.

Ms Thompson enquired why two items were not on the Agenda following the last Board Meeting when it was stated this would be the case:

- i) Frequency and number of accidents and,
- ii) Pilotage Committee

It was confirmed that both would be considered under Item 10 of the Agenda.

## **214. AGENDA ITEM 4 – MINUTES OF PREVIOUS MEETING**

The Minutes of the previous Special Meeting held on 10<sup>th</sup> October 2011 were agreed and accepted by all. Cllr Dr Walsh proposed and Cllr Blampied seconded.

## **The Board**

### **Resolved unanimously**

**That the Minutes of the Board meeting held on 10<sup>th</sup> October 2011 be approved as a correct record.**

#### **215. AGENDA ITEM 5 – PRESENTATION: NATIONAL COASTWATCH INSTITUTION**

Mr Barrie Turner, National Coastwatch Institution (NCI), Station Manager, Shoreham-by-Sea introduced himself and his organisation to all. The website address was [www.nci.org.uk](http://www.nci.org.uk) Mr Turner provided some background to NCI and explained it was self regulated and funded by public donations. There were 53 members. The aim of the NCI was to act as a visual look-out where otherwise there would be no eyes on the water. It did not exist to police, only to observe and monitor activity on the river/harbour and sea. The NCI liaised with many other search and rescue bodies such as RNLI etc. Everything seen was logged. As the NCI could often identify issues early it could secure quick response times from support bodies such as the Coastguard. Mr Turner stated a feasibility study had been carried out on the need for such a facility at Littlehampton. The study concluded that the harbour/river/sea activity was already extremely well monitored and any incidents well managed. Mr Turner would maintain contact with the Harbour Manager.

Cllr Dr Walsh asked out of what premises the NCI Shoreham-by-Sea operated and which was the next NCI station west. Mr Turner replied they used a disused coastguard station on Shoreham beach which was leased from the port. The next station west was in the Solent and there were current negotiations for a station at Selsey. In the other direction Newhaven was the next station.

Cllr Blampied asked whether the NCI was involved in surveillance for illegal immigrants or drugs. Mr Turner confirmed there was a memorandum of understanding with the Home Office, Board of Immigration and Border Agency regarding this.

Cllr Wilkinson enquired about kite surfers/wind surfers who often went a long way out to sea without any means of signalling. Mr Turner confirmed these were monitored closely but this was the only action that could be taken.

The Chairman thanked Mr Turner for his presentation which had been very enlightening. Mr Turner chose to leave the Board Meeting at 10.25am having extended an invitation to anyone who might want to see the NCI in operation at Shoreham by Sea.

#### **216. AGENDA ITEM 6: OPERATIONAL REPORT**

##### Trade:

There had been 4 commercial ships visiting in September totalling 23 for the year. ADC's Structural Engineer had compiled an assessment of the damage to the

harbour's structures from the MV Mungo grounding and details had been sent to the ship's owner to claim against insurance. The quote from Mackleys for repair to the east wall and the Structural Engineer's report had been accepted by the ship's owner. The Harbour Manager reported the detail of the repairs but explained they could not be done until low water periods around suitable spring tides. The works would take around 3 weeks.

#### Leisure:

There were 51 overnight leisure visitors in September, lower than in 2010 for the same period. The strong winds in September had led to two yacht club rallies cancelling their visits.

#### Survey:

Shoreline Surveys had completed a survey of the harbour on 30 September from the entrance to the turning circle at UMA Wharf. Depths remain largely unchanged and no shoaling was detected in the area where the Mungo grounded. Least depth over the Bar was 0.8m above chart datum. This would be monitored. The Harbour Manager emphasised this data represented a snapshot in time.

#### Marine Management Organisation

The Vice Chairman, Clerk to the Board and Harbour Manager had met with Mr N Reader of the MMO (Marine Management Organisation) on 20 September. Marine licences, commercial fishing and the role of the MMO in Harbour Revision Orders were discussed.

#### Trinity House:

An application was made to Trinity House on 21 September to post a QR light on each of the most northerly and southerly of the AYC's pontoons. Trinity House replied it had no objections on 7 October.

#### East Beacon:

Work to replace the east beacon commenced 3 October and completed on 6 October. The new light has a charted range of 6nM, improving on the previous 2nM. Loose fendering on the west works was removed by the Walcon Wizard.

#### Harbour Dues:

There were seven outstanding leisure vessel harbour dues which were being recovered via solicitors.

#### Former UMA Wharf:

Efforts continued to secure further tenants for the UMA Wharf.

#### Hydrographic Office – tidal curve:

The Environment Agency had provided a year's worth of tide level readings which would be used by the Hydrographic Office to improve the tidal curve. Improved predictions will be of benefit to all harbour users.

### Harbour Safety Group:

The Harbour Safety Consultation Group had met on 4 October and the Minutes were included as an appendix to the Harbour Manager's report.

Cllr Peters asked a question concerning the figures for overnight stays and the nationality of visiting vessels from previous years. The Harbour Manager added that for the first ten weeks of 2012 LHB would have a Chichester University student on a work placement and the student would be looking at data of the home ports of visitors to Littlehampton. This would facilitate advertising and targeting the right market when promoting the harbour outside the local area.

Cllr Dr Walsh asked whether the MMO was a government body or a quango. The Harbour Manager confirmed it was responsible for licencing in the marine environment and was part of DEFRA and therefore a statutory body. Cllr Dr Walsh also referred to a note in the report stating the MMO had been apologised to for any offence caused and he asked that this be explained outside of the meeting.

Mr O'Flynn asked about the increase in the controlling height of the bar which the Harbour Manager confirmed at 10cm higher than the previous survey.

### **The Board**

#### **Resolved**

#### **To note the report**

### **217. AGENDA ITEM 7 - Health & Safety Report**

There were no HSE near misses recorded. However, a flapping tarpaulin had caused bruising close to the eye of a member of staff and this incident had been recorded in the Accident Book.

Routine practice records and equipment checks were reviewed under Fire Procedures.

On 10 September it was noted despite advance warning by email and telephone that a number of AYC sailing dinghies obstructed the fairway when shipping was departing. This could have led to a collision. A letter had been sent to AYC raising this as a concern and AYC had responded.

Cllr Dr Walsh believed that the risk of accidents between leisure and commercial vessels would increase as the leisure use of the harbour increased. The Harbour Manager stated AYC had responded very positively.

### **The Board**

#### **Resolved unanimously**

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

**218. AGENDA ITEM 8 Income & Expense to end September 2011**

The Treasurer to the Board reported that all indications so far were that LHB would meet income expectations with the exception of rental income, (former UMA Wharf), which would be below budget by some £7,000. After adjusting for costs incurred regarding the Mungo incident, (to be reclaimed from the ship's insurers), expenses were currently £8,000 below budget. The East Beacon, which had been installed earlier in the month, had a final cost of £25,000, £11,000 over budget.

The Treasurer informed the Board that he believed there would be an overall shortfall against budget of £40,000 for the year. This was due to the reduction in rental income from UMA Wharf, the cost of the removal of the fishermen's jetty and associated legal advice, (unbudgeted), and the cost overrun on the east light.

The Treasurer to the Board was confident that reserves could be re-allocated to offset the £40,000 over-spend. However he advised Board members that any other unplanned expense incurred from now until the year end would have to be financed by the Local Authorities and thus they would have to be consulted prior to any commitments being made.

Cllr Tyler said the £11,000 over-spend on the beacon light was a lot of money. He asked why the original budget figure had been so far away from the actual cost. The Treasurer explained that the budgeted figure was based on the best information to hand at the time the budget was compiled, (November 2010), and that since that date, detailed engineering design and safety issues had driven up the cost to £25,000. The Treasurer emphasised that he had been consulted on all cost increases during each of the design and construction phases and had given it his full support. The Harbour Manager stated that even at £25,000 this was a third of the cost of the other quotations submitted at the time. The Harbour Manager believed there was now a sound structure in situ with a good lifespan expectation. The Treasurer acknowledged that it was rare for the Board to be so far adrift on budgeted costs.

There was a discussion regarding whether the rest of the UMA Wharf should be fenced. The Treasurer advised, that as he would have to use the rest of the reserve set aside to complete the fencing of the wharf, no further fencing could be undertaken unless another tenant was secured to generate the income to finance it.

Mr Bush asked if there had been any advance warning regarding the legal costs for advice on the fishermen's jetty and the Treasurer replied there had not. The Treasurer completed his report by reminding members of their responsibility to match income with expenditure given one year with another. Cllr Dr Walsh commented that it had never been possible to build any financial reserves through surpluses as the Local Authorities would require them to be returned through reduced precept in the following year.

The Treasurer advised the Board that, as agreed at the September Board Meeting, a request had been made of WSCC HR to carry out a job evaluation and progression review on the Board's officers and staff. In the event WSCC HR did not currently

have the resource available and subsequently the HR department of a neighbouring port was approached and has agreed to carry out the review.

**The Board was asked to note the Treasurer's Report**

**The Board**

**Resolved unanimously to note the report.**

**219. AGENDA ITEM 9: External Auditor's report on the 2010/2011 Annual Return**

The Treasurer to the Board explained the Annual Return process and its submission to the government appointed external auditors, Mazars LLP. The Treasurer was obliged to bring all External Auditor reports to the Board at the first available opportunity, hence today's report. This year however the auditor had made no comments at all and the accounts had been approved as submitted.

**The Board noted the External Auditors Report on 2010/11 Annual Return.**

**220. AGENDA ITEM 10 – Review of the Pilotage Directions**

The Harbour Manager reported that LHB had a duty to continually review its pilotage and to determine what pilotage services were necessary. The Harbour Manager reported the current procedure and investigations on incidents as followed by the Harbour Master were compliant with the PMSC. However, at the last Board Meeting it had been agreed to review pilotage, instigate a pilotage committee, and investigate the incidents over the last two years and to include an item on review of pilotage directions on the next agenda.

The Harbour Manager confirmed that the Members of the Pilotage Committee were not identified in the Pilotage Directions and that the Pilotage Committee should be constituted as a sub-committee of the full Board.

At 3.1 of the Harbour Manager's report, it was noted that the current Pilotage Directions did not correctly describe the harbour limits as they did not take into account The Littlehampton (Pilotage) Harbour Revision Order 1988. It was agreed that this should be amended.

Regarding the incidents that had taken place over the last 2 years, a paper was circulated at the Meeting outlining the four incidents involving the MV Ardent, MV Mungo (twice) and MV Arco Dee. The Harbour Manager advised that the reports submitted to the MAIB on these incidents were not subject to further investigation. All incidents involving merchant shipping were now investigated and reported as part of the procedure.

Cllr Blampied noted the date of the second incident reported on the MV Mungo should read 17 August 2011. Agreed and noted. Cllr Dr Walsh supported the Pilotage Committee and stated the Leisure representative should definitely be one of its members. Cllr Blampied asked whether the Harbour Manager talked to the shipping companies regarding vessels involved in incidents. The Harbour Manager

believed the MV Mungo was simply a frequent visitor and this explained why there had been two incidents involving this one vessel. Mr Bush questioned the wording of the Pilotage Directions regarding the powers of the Chairman and the Chairman replied confirming the decisions would be agreed as a Board. Cllr Tyler believed there should be 3 members on the Pilotage Committee, Mr Bush, Cllr Dr Walsh and one other. It was then agreed that the third member of the Committee should be the Commercial Users Representative.

## **The Board**

### **Unanimously resolved**

**5.1.1 To approve the amendment to the Pilotage Directions at 3.1 of the Harbour Manager's report.**

**5.1.2 To approve the appointment of a Pilotage Sub-Committee, and to appoint Mr Bush, Cllr Dr Walsh and Mr Boyce as Members of the Committee.**

## **221. AGENDA ITEM 11 – Harbour Bye-Laws**

The Harbour Manager presented the case for a review of LHB's bye-laws. She reported that the bye-laws had been most recently changed in 1950 and whilst some bye-laws were relevant today, many were not. However, LHB was obliged to keep bye-laws up to date in accordance with its harbour safety management system. The Department of Transport is responsible for signing off new bye-laws but delays were likely as it was under-resourced to deal with requests. An alternative to new bye-laws was to apply for powers of general direction for the Harbour. The Harbour Manager explained that powers of general direction gave Harbour Authorities the ability to impose rules on harbour users but this could only occur after a period of consultation with those users. The Harbour Manager reported the MMO now controlled the Harbour Revision Order process which took six months on average and cost a minimum of £4000. The process included deciding whether a public enquiry was required, and the MMO had the ability to overrule objections where appropriate.

The Harbour Manager explained that the Board's options were to do nothing and continue as is, update the bye-laws or apply for an HRO to secure powers of general direction. Cllr Tyler believed this symbolised the LHB at a crossroads and believed the HRO was the direction to follow. Cllr Dr Walsh and Mr Bush agreed. There was a discussion regarding whether the matter was simply one of red tape. Mr Boyce asked what figure had been budgeted reference 6.1.2. and the Treasurer replied the figure was £15k for legal advice in the 2012/13 budget. The Treasurer to the Board strongly emphasised that there was no sum in the budget to cover full HRO costs to achieve leisure port status. It was understood this was for powers of general direction only. There was general discussion regarding the length of time involved in achieving leisure status via the HRO route. Cllr Blampied asked about the specific timescales to secure powers of general direction and the Clerk to the Board thought it would be six months. All agreed that LHB should proceed. Cllr Wilkinson enquired what LHB did if there was an objection from the public. The Harbour Manager replied this was why there had to be consensus amongst all harbour user groups. The LHB

needed to work with local businesses, residents etc to ensure any objections were heard and dealt with.

Cllr Dr Walsh proposed and Mr Bush seconded a motion to promote a Harbour Revision Order to obtain powers of general direction.

#### **The Board**

##### **Resolved**

**6.1.1 to approve further work by the Harbour Manager and Clerk on the development of an HRO to introduce Powers of General Direction at Littlehampton Harbour;**

**6.1.2 to approve in the 2012/13 budget of the sum of £15000 to allow for specialist legal advice on the development of an HRO;**

**6.1.3 to require that officers develop a communication strategy to underpin the development of a HRO to be brought to the Board at a future meeting**

#### **222. AGENDA ITEM 12 – Staff Handbook**

The Harbour Manager informed the Board that LHB staff had Standing Instructions covering standard operating procedures but that the Harbour Manager and Designated Person felt, in view of the size and complexity of the document, it might be helpful for staff to have a brief summary of rules and responsibilities in the form of a Staff Handbook. The Harbour Manager emphasised it was important staff were made aware of the content and where the handbook was located. The text of the handbook was attached as an appendix to the paper and once approved by the Board, all members of staff would be provided with a copy and be asked to sign to say they had received it.

#### **The Board**

##### **Resolved**

**4.1.1 To approve the text of the Staff Handbook.**

#### **223. AGENDA ITEM 13 - CONFIDENTIAL BUSINESS**

In a motion proposed by Cllr Tyler 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.**

**224. AGENDA ITEM 14 – CATWALK AND JETTY AT FORMER UMA WHARF**

The Clerk to the Board gave a brief report on progress with the removal of the jetty at former UMA Wharf, including an update from the contractor. It transpired that the piles supporting the jetty were in two sections which were bolted together at about 2m in height. It was the opinion of the Harbour Manager that, if the base piles were left in the bed of the river, they would cause a danger to navigation and they must therefore be cut off at bed level. The Board discussed briefly an article regarding the removal of the jetty which had appeared in the Littlehampton Gazette the previous week. Cllr Dr Walsh believed the safety argument had to be the overriding factor, and suggested it be minuted that the Board had and would continue to act in the best interests of safety of harbour users at all times. Mr Bush further suggested it be minuted that the Board had acted on legal advice received at all times. All members of the Board agreed with both suggestions.

**There being no further business the Meeting finished at 11.42pm**