

MINUTES OF THE LITTLEHAMPTON HARBOUR BOARD HELD IN COMMITTEE
ROOM 1 AT THE ARUN DISTRICT COUNCIL CIVIC CENTRE, MALTRAVERS
ROAD, ON MONDAY 21ST MARCH 2016 AT 10.00 HOURS

Present:

Mr P Bush (Chairman)
Councillor Elkins (Vice Chairman)
Councillor Blampied
Councillor Buckland
Councillor Clayden
Mr M Marchant
Councillor Mockridge
Councillor Peters
Mr T Squires
Councillor Dr Walsh

In Attendance:

Mrs S Simpson, Clerk to the Board
Mr C Braby, Treasurer to the Board
Mr B Johnson, Harbour Master
Mrs J Harris (Notes Secretary)

759. WELCOME AND NOTICES

The Chairman welcomed everyone to the meeting.

760. MOBILE PHONES

Members and the public were reminded that the use of mobile phones (other than on silent) was prohibited at Harbour Board and Sub-Committee meetings.

761. APOLOGIES

There were apologies from Mr R O'Callaghan.

762. DECLARATIONS OF INTEREST

Councillors Blampied, Buckland and Walsh declared personal interests as District Councillors in matters across the agenda relating to Arun District Council. Councillors Buckland and Walsh also declared personal interests as Town Councillors in matters across the agenda relating to Littlehampton Town Council.

763. MINUTES

763.1 Regarding Minute 738.7, (The Fishing Hub) it was suggested that, in view of the forthcoming Referendum on membership of the EU, the letter to the local

MEPs should be deferred until after the vote. However, the consensus among members was that the referendum itself should not delay the Board in moving forward with the agreed action under this minute.

763.2 Councillor Buckland questioned the placing of agenda item 18 (proposing an amendment to the Board's Constitution) in Confidential Business and, in the interests of openness and transparency, he asked that this be reviewed. In response, the Chairman confirmed that the item would remain in Confidential Business for this meeting and that if members considered that similar items needed to be discussed within the public domain then they should notify the Clerk prior to the meeting so that further consideration could be given to whether they would be discussed under the Confidential Business section of the meeting. It was therefore **RESOLVED** that:

The Minutes of the meeting held on 25th January 2016 (previously circulated) were confirmed as a true record and signed by the Chair.

764. HARBOUR OPERATIONAL REPORT

The Harbour Master presented a report (previously circulated) which detailed the operational activities undertaken in the harbour since the last meeting. In addition the Harbour Master updated the Board on the following matters:

764.1 Commercial Trade

The Harbour Master reported that a further commercial visit was expected in March which would bring the total the year in terms of cargo in line with the budget.

764.2 Workboat Activity

It was noted that the Workboat continued to carry out work for the Saunders Energy and Rampion Wind Farm projects. During March she also was deployed off shore to carry out the inspection of, and repairs to, the District Council's Met Mast.

764.3 Conservancy Duty – Survey

It was noted that the Harbour Board's survey equipment was unable to carry out work at present. Survey data therefore would be gathered by the Wessex Explorer when she was in area during March.

764.4 Dredging

The Harbour Master confirmed that the equipment deployed for the emergency dredging of the shoal bank was being removed that day. It was noted that a 5300 tonnes of material had been removed from the River alone and a total of 6000 tonnes of material had been moved to Elmer.

764.5 Local Notices to Mariners

The Harbour Master reported that two further notices had been issued:

06/ 2016 – Seasonal race markers in respect of Arun Yacht Club activity in the River.

07/2016 – Unlit navigational lights in respect of ADC's Met Mast and Southern Water's Outfall Buoy.

764.6 Maintenance

The Harbour Master reported that the bolts on the Dicker Works had been tightened and replaced as required. Regarding the damage to the West Training Wall, he confirmed that a survey had been undertaken which confirmed that the damage was not structural. It was noted that the repairs would be finished that day.

764.7 News / Events on the River

The Harbour Master reported that Harbour Assist was live and currently running alongside the existing system. It was noted that the Harbour had been featured in the media recently and craning was planned now that the season had opened. It was **RESOLVED** that:

The contents of the Harbour Operational Report and updates be noted.

765. TREASURER'S REPORT

Councillors Peters and Dr Walsh declared personal interests in this item as Trustees of the West Sussex Local Government Pension Scheme.

765.1 The Treasurer presented the income and expenditure statement and income analysis for the period to 31st January 2016 (previously circulated). He reported that having completed February's figures, the forecast outcome for the year end remained unchanged and improvement in the overall deficit was projected. Whilst income derived from both workboats was well ahead of budget, Harbour Dues and income from moorings remained substantially short of budget expectations.

765.2 Regarding the future provision of staff pensions, it was noted that work on investigating alternative arrangements had temporarily come to a halt pending confirmation of the Board's classification within the LGPS which has been promised before the Board's Auto Enrolment Staging Date in November 2016. This information would determine the rules by which the Board would be required to operate under the new pension arrangements. It was **RESOLVED** that:

The Report be noted.

766. HOUSE BOATS AND FLOATING RESTAURANT CHARGES

766.1 The Board received a report from the Harbour Master (previously circulated) which sought approval for the temporary suspension of the published charges for Houseboats to allow Officers to complete their research into the matter. The Harbour Master explained that, since the last meeting, Officers had instigated conversations with the District Council, and through them the Valuations Office had also been contacted. In addition advice from the Environment Agency had been requested and was awaited. The temporary suspension therefore would enable the necessary information to be obtained and presented to the Board for a decision on the matter.

766.2 The Board discussed the progress to date and it was noted that Members also had supplied Officers with information gleaned for their own research. Acknowledging the complexities of this matter, particularly when it came to defining a “live–aboard” vessel, it was noted that few boats would be affected. However, Members concluded that it was prudent that this discrepancy be resolved to prevent issues coming forward in the future. The Board recognised that more time would be required to ensure that Officers had sufficient information to prepare an informed recommendation on the level of charges appropriate for the local area. It was therefore **RESOLVED** that:

Until a formal decision can be made, Harbour dues for Houseboats and Floating Restaurants within the Harbour should be charged at the appropriate rate applicable for pleasure craft.

767. THE BUSINESS PLAN FOR WIDER PUBLICATION

The Board had been circulated with a revised version of its Business Plan which was intended for wider publication. The Harbour Master explained that the Plan set out, in broad terms, the strategic aims and objectives of the Board in terms of its operational and statutory obligations. The Plan also clearly set out how the Board was constituted and funded in order to fulfil its statutory role in relation to the regulation of shipping and safety of navigation within the Harbour. It was considered important that these points were highlighted as the Board precepted two authorities. Feedback on the published Plan would be sought from Stakeholders at the next Stakeholder Meeting. The Board **RESOLVED** that:

The revised 2016 Business Plan be approved for wider publication and views on its contents would be sought at the next Stakeholders Meeting.

768. MAKING OF GENERAL DIRECTIONS

768.1 The Harbour Master presented a report which contained a revised set of General Directions relating to activities on the River (previously circulated). He explained that the Harbour Revision Order (HRO) 2015 had come into force in July 2015 and allowed the Board to issue General Directions. Following a consultation process, appropriate corrections had been made to take account

of consultees' responses and to bring the document in line with current procedures.

768.2 The Harbour Master proceeded to provide details of such amendments including those which related to the age at which an individual could take charge of a vessel (as recommended by the Royal Yacht Association). Members noted that, whilst this was not mandatory, it was also consistent with other Harbours. Referring back to the earlier discussion on Houseboats, and mindful of the potential impact on the river environment, Members considered that the Directions would need to be revisited once the position regarding "live-aboard" vessels was known. It was therefore **RESOLVED** that:

- 1) The General Directions as set out in the annex attached to the report be made.**
- 2) The Board make a new byelaw, as empowered by Part VII, Section 70 of the 1927 Littlehampton Harbour and Arun Drainage Outfall Act, revoking all extant byelaws made by the Littlehampton Harbour Board in April 1929, October 1936 and October 1950.**

769. REVIEW OF THE EFFECTIVENESS OF THE INTERNAL AUDIT

The Board received a report outlining the current internal audit arrangements and where asked to review its effectiveness. After some discussion Members expressed their satisfaction with the process. The Board **RESOLVED** that:

- 1) It was satisfied with the current internal audit arrangements.**
- 2) 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.**

770. REVIEW OF INTERNAL CONTROL

Members considered a report (previously circulated) which addressed the Board's Internal Controls. The Treasurer emphasised that the main pillars of support for this process was the effective understanding of risk and the internal audit process. The Board were reminded that in Schedule 1 of the Annual Return, (at 2), they declared that they had maintained a system of internal control and that they regularly reviewed its effectiveness. The Board was satisfied that they complied with the Annual Governance Statement **and** therefore **RESOLVED** that:

- 1) It was satisfied with the internal control arrangements.**
- 2) It was satisfied that there was a proper system of Internal Audit in place.**
- 3) The process was adequate to aid the Board, in its decision as to whether it was able to approve Item 2, Schedule 1 of the Annual Governance Statement.**

771. REVIEW OF THE BUSINESS RISK REGISTER

The Treasurer presented a report which proposed a number of minor changes to the Business Risk Register following its review by the Harbour Master and the Treasurer (previously circulated). The Treasurer explained that it was an audit requirement that the register be regularly reviewed. The Board was therefore asked to consider a number of amendments which aimed to ensure that the Register accurately reflected current working practice. Having examined the revised document the Board **RESOLVED** that:

The amendments to the Business Risk Register as contained in the draft attached to the report be approved.

772. PUBLIC QUESTIONS

There were ten members of the public present.

772.1 Mrs Boyce stated that the Littlehampton Yacht Club, as a riparian owner, would be happy to undertake dredging in their part of the river. Having checked with the MMO, a licence was not required and she asked if the Board thought it appropriate that all riparian owners be so instructed.

772.2 Whilst it was acknowledged that this was a practical suggestion, the Harbour Master stated that it was his understanding that the Board could not delegate its responsibilities in this respect to third parties. In view of the conflicting advice, it was agreed that Mrs Boyce would supply details of the advice she had received to the Harbour Master who would follow it up and report the findings to the next stakeholders meeting where the dredging base line document would be discussed.

772.3 Mr Terry Ellis of the Littlehampton Civic Society stated that he had a number of questions regarding the final use of the shingle that had been removed from the West Bank. Mr Ellis confirmed that he was also a representative of the Littlehampton Charter Group and Littlehampton Flood Action Group.

772.4 The Harbour Master explained that the Board worked with the Environment Agency (EA) on the periodic removal of shingle in this area. He confirmed that the surplus shingle could be either sold on or deposited in other parts of the coast as determined by the EA. Mr Ellis provided a list of questions and it was agreed that the Harbour Master would facilitate a response.

772.5 Regarding the agenda item concerning Osborne of Arun Group Management Ltd's Section 43 Consent, Mr Boyce asked why the Board was not dealing with the application as non-confidential business. He stated that that, in his view, there was nothing about the application that legally required it to be exempt and, in the interests of openness and transparency, sought discussion of the item in the open session.

772.6 In response the Chairman stated that having reviewed the papers, it was appropriate that this matter be dealt with as a confidential matter.

772.7 Mr James Baird stated that the shingle removed from the West Bank should be retained as a flood defence asset. Whilst he appreciated the need to maintain navigation in the river, as a stakeholder in the area, he felt strongly that the shingle should be retained as part of the sedimentary budget for use on the West Bank and he asked how this might be achieved.

- 772.8** In response the Harbour Master explained that whilst he was happy to discuss the retention of shingle for beneficial use in the area, the ultimate destination of the shingle was a matter for the EA and Arun District Council.
- 772.9** Mr Nigel Draffan, in his capacity as Managing Agent for the Angmering Park Estate, asked why the Estate, as owner of the River, was not listed as a non-beneficial stakeholder in the Business Plan.
- 772.10** This point was noted by the Harbour Master who stated that this would be reviewed as part of the feedback on the Business Plan that would be sought from representatives at the next Stakeholders Meeting.
- 772.11** Mr Simon Gibson observed that several members of the Board appeared to be unaware that the shingle excavated from the shoal bank had been removed from the area and he asked if the work had been carried out in accordance with the General Directions.
- 772.12** The Harbour Master confirmed that the necessary protocols had been observed and explained that this was an operational matter which was reported periodically in his business updates to the Board.
- 772.13** It was apparent from the level of questioning that there were concerns about the removal from the area of shingle excavated from the West Bank. Noting that Climping Parish Council was investigating forming a Flood Action Group, Members felt it would be beneficial if the Board were to engage with it.

Councillor Dr Walsh left the meeting at 11.26am.

773. CONFIDENTIAL AND EXEMPT BUSINESS

It was **RESOLVED** that:

Due to the confidential nature of the following items 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.

**SUMMARY OF MATTERS DISCUSSED IN THE
EXEMPT PART OF THE AGENDA**

774. AGENDA PROTOCOL

Regarding the questions that had been raised about the classification of certain items of business as Exempt and Confidential, the Chairman asked Members to raise any concerns they may have with the Clerk when the papers are circulated.

775. EXEMPT MINUTES OF THE MEETING HELD ON 25TH JANUARY 2016

The Board received the confidential and exempt minutes of the meeting held on 25th January 2016 (previously circulated to Members of the Board only) which were duly noted and it was **RESOLVED** that:

The Confidential and Exempt Minutes of the meeting held on 25th January 2016 be confirmed as a true record and signed by the Chair.

776. MINUTES FROM THE PERSONNEL SUB GROUP COMMITTEE MEETING HELD ON 16TH FEBRUARY 2016

The Clerk declared a personal and prejudicial interest and left the meeting for consideration of this item at 11.45am.

The Board received the Minutes of the Personnel Sub Group meeting held on 16th February 2016 (previously circulated to Members of the Board only) which were duly noted and it was **RESOLVED** that:

The minutes of the Personnel Sub Group committee meeting were noted and the recommendations therein were approved.

The Clerk re-joined the meeting at 11.47am.

777. TO CONSIDER AN AMENDMENT TO PART V OF THE LHB CONSTITUTION

Consideration was given to a report (previously circulated to Members of the Board only) which recommended a change to the Constitution relating to the election of the Chair and Vice Chair. It was **RESOLVED** that:

The amendment to Part V of the Littlehampton Harbour Board Constitution be made.

778. SECTION 43 CONSENT

The Board noted the position regarding the Section 43 Consent made by Osborne of Arun Group Management Ltd and **RESOLVED** that

Officers should meet with Osborne of Arun Group Management Ltd to endeavour to resolve the matter and to report back to the Board with any progress.

The meeting closed at 12.15pm.

CHAIR