



29 July 2013

LITTLEHAMPTON HARBOUR BOARD

**MINUTES OF A MEETING OF THE LITTLEHAMPTON HARBOUR BOARD**  
**HELD AT THE ARUN DISTRICT COUNCIL CIVIC CENTRE**  
**COMMITTEE ROOM 1, MALTRAVERS ROAD, LITTLEHAMPTON**  
**ON 29 JULY 2013**

Present: Mr P Bush (Vice Chairman) Acting Chairman  
Councillor R Elkins  
Councillor A Gammon  
Mr J O'Flynn  
Councillor A Patel  
Councillor A Squires  
Councillor Dr J Walsh  
Councillor D Wensley

In Attendance: Mr C Braby (Treasurer to the Board)  
Mr B Johnson (Harbour Master)  
Mr L Harrison (Deputy Harbour Master)  
Mrs G Marchant (Notes Secretary)

Prior to the formal board proceedings Mr Bush reported the sad news that Board Member Councillor Frank Wilkinson had died a few days previously following a short illness and invited all present to stand and observe a minute's silence in his memory.

432. **ITEM 1 - APOLOGIES.** Apologies for non-attendance had been received from the Chairman, Cllr N Peters and the Clerk to the Board, Miss N Jones

433. **ITEM 2 – COMMERCIAL USERS REPRESENTATIVE.** The Board considered a recommendation presented by the Personnel Sub-Committee that Mr Gary Langton should be appointed the Commercial Users Representative. The Acting Chairman advised that Mr Langton was unable to attend the Board Meeting.

**The Board**

**Resolved**

**That Mr G Langton should be appointed the Commercial Users Representative**

434. **ITEM 3 – DECLARATIONS OF INTEREST.** There were no declarations of interest.

435. **ITEM 4 – MINUTES OF PREVIOUS MEETING.** The Minutes of the Previous Meeting held on 17 June 2013 were agreed as a true and accurate record. The following items were considered under Matters Arising:

Item 6 – Appointments to the Personnel Sub-Committee. Cllr Wensley undertook to fill the vacancy on the Personnel Sub Committee. This was agreed.

Item 17a – Section 43 Consent. The Board were informed that an objection had been lodged by Osborne of Arun Group to one of the Conditions set in the licence. Following discussion, an agreed line was concluded. It was agreed that the Harbour Master should respond accordingly taking further advice as required.

436. **ITEM 5 – PILOTAGE SUB-COMMITTEE.** No nominations were received to fill the vacancy on the Pilotage Sub-Committee.
437. **ITEM 6 – HARBOUR OPERATIONAL REPORT.** The Harbour Master summarised the written report previously circulated to Board Members.

Harbour Operations. There had been one commercial shipping movement in May and 2 in June. These had been adversely affected by the main shipping agent going into liquidation. Leisure trade had started to pick up with 112 overnight stays recorded in year. This was on a par with previous years.

Conservancy Duty. No additional LHB surveys had been conducted since the last Board Meeting. The EA had carried out a survey in connection with the East Bank Flood Defence Scheme and a copy of the report was awaited. Part of the EA survey was to determine the presence of pipes and cables across the river.

Aids to Navigation. Lights had been replaced in the pier front transit lights and in the lighthouse. The Harbour Master further reported that the yellow sector light had been removed on the advice of the contractor. A Trinity House inspection had since been carried out. Cllr Dr Walsh asked if notification of the change to the lighthouse light had been sent in the usual way. The Harbour Master confirmed that a Chart Change Notice had been submitted and notification to Trinity House had taken place but that details of the changes had still to be promulgated by the UKHO.

Dredging. Some prop washing and water injection had been carried out at Dukes Wharf as and when tides permitted to reduce siltation.

Local Notices to Mariners. These had been issued to cover the Open Water Swim, the Waterfront Festival and repair to the West Works.

Consents and Consultations. The Harbour Master reported that a MMO Consultation had been received regarding the EA East Bank Flood Defence scheme. He advised that a S43 Consent Application was awaited in connection with the work at 57 River Road. A response to a consultation forwarded by Arun District Council in connection with foreshore rock revetment coastal protection works in Pagham had also been submitted.

EA East Bank Flood Defence Scheme. The Board were informed that a Meeting between LHB, EA, Halcrow (designers) and Volker Stein (contractors) had recent taken place. The Harbour Master explained that an external company had been contracted to conduct some modelling work and hold a workshop session in an attempt to further establish the scale of effect that encroachment would have on commercial shipping operations. He added that it was a “work in progress” situation and it was important that the best possible solution was reached. Cllr Dr Walsh voiced concern at the lateness in reaching a solution to the work planned for the harbour narrows and the possible impact this might have on businesses in Pier Road. He asked if the consultation process would delay the scheme which could breach successful negotiations. The Harbour Master agreed the delay was

unfortunate and that it was now necessary to assess mitigation levels. He added data was required in order to make the best decisions. That said, the planned start date would be in September or October. Cllr Dr Walsh felt it was important to bear in mind that this would be an improvement for that part of the town. Cllr Elkins asked how the analysis of mitigation would be achieved at the workshop. The Harbour Master had asked the EA to provide a two day session including modelling/simulation time to assess how commercial operations would be affected. The Harbour Master stated the range of options for mitigation also needed to be worked out with the pilots. Cllr Elkins asked about timescales. He was advised that the contract should be awarded by the end of the week. With regard to the workshops, the Harbour Master had originally intended these to be held with pilots but thought that this could be extended to include Board Members.

Harbour Entrance Sediment Management. The Harbour Master reported that Walcon had re-boarded a total of 4 bays on the West Works and was hopeful that more work could be carried out during the next set of spring tides within the allocated budget.

Bridge Hard. The Board were informed that fore and aft moorings had been established at Bridge Hard and a trial use by a yacht had been successful.

Harbour News. Final reminders had been sent for outstanding harbour dues. So far 465 plaques and 185 credit notes had been issued. Two vessels had yet to settle and impound notices were to be served. The Harbour Master stated that there had been a drop in the number of plaques issued for 5-8 metre craft. With regard to events a group from the East Preston WI had visited the harbour in June. The Waterfront Festival had been successful with good press coverage including a complimentary letter to the Gazette Editor. Armed Forces Day was likewise successful. The Harbour Master stated that he would recommend the BPA Trust Port Seminar in London should any Board members wish to attend. The Harbour Master had also joined the RNLI in an annual swim downriver.

Tidal Predictions. The Harbour Master reported that LHB's tidal predictions were incorrect. He urged for proper monitoring of water particularly at low tide. He added this needed to be done to modern standards using a tide gauge. Cllr Elkins asked how the tide prediction issue would be addressed. He was advised that electronic equipment was required to facilitate permanent observations as current equipment only recorded peak flows. The Harbour Master was in discussion with the EA to facilitate measurements of low water tides. For meaningful data to be amassed it would be necessary to carry out regular readings over an extensive period.

Daily Visits. Cllr Elkins asked about daily visits to the harbour. The Harbour Master said there had been a small drop in numbers. He added that some clients were not renewing harbour dues if they kept their boat at home.

## **The Board**

### **Resolved**

### **To note the Report**

438. **ITEM 7 – PMSC, HEALTH & SAFETY AND OPERATIONAL TEAM REPORT.**  
Since the last meeting four incidents had been reported to the Board. Two vessels had run aground; there had been a break in/theft on a vessel; and one vessel had

had a small oil leak. All incidents had been logged and no further action was indicated. The Minutes of the Health & Safety and Operational Team Meeting Report were noted. Cllr Dr Walsh referred to the two groundings reported on 17 July 2013. The Harbour Master confirmed the duty officer had reported the incidents in the correct manner. There had been dialogue between the Coastguard and the RNLI and, in his view, the correct decisions had been made.

## **The Board**

### **Resolved**

### **To Note the Report**

439. **ITEM 8 – TREASURER’S REPORT.** The Treasurer explained the figures were for the first two months of the financial year. The June numbers had not yet been properly reconciled and therefore the Treasurer was not in a position to declare them. The Treasurer was hopeful that the commercial shipping numbers could be recovered. The Harbour Dues were 35 below target for the year. The Treasurer hoped to bring a breakdown of these figures to the September Meeting. Should commercial shipping fail to recover, he predicted that there would be a shortfall against the budget. Since the last meeting the Treasurer had pursued a suggestion to approach ADC for payroll services/support. He advised that payroll for LHB officers and staff was now run by ADC and was operating well. The Treasurer stated that he awaited a Service Level Agreement from ADC but was hopeful that the service would be provided free of charge. Cllr Wensley stated that payroll was part of his remit at ADC and he wanted to clarify for the purpose of the Minutes that he did not know whether the service was to be provided free of charge. Mr Bush suggested that this would be clarified once the Service Level Agreement had been finalised.

Cllr Dr Walsh stated the current commercial shipping figures had only returned to current low figures; he added the deficit may well increase leading to a need to increase the precept. The Treasurer replied that the Board may not necessarily need request an increase in the precept but may have to undertake a costs savings exercise. The Harbour Master added that he was making an effort to increase the number of commercial ships accessing the harbour and this was an ongoing initiative.

The Treasurer advised that the recently recruited Accounting Administrator would commence work on 1st August.

## **The Board**

### **Resolved**

### **To note Report**

440. **ITEM 9 – SURVEY EQUIPMENT IN THE HARBOUR.** The Harbour Master advised the Board that as part of its conservancy duty under the Port Marine Safety Code, the Competent Harbour Authority is required to “to survey s regularly as necessary and find the best navigable channels” and is also required to “keep a vigilant watch for any changes in the sea or river bed affecting the channel or channels and move or renew navigation marks as appropriate”. He added that currently no in house survey capability and the task was currently carried out either on the water or by borrowing equipment or, as recently, by conducting a joint survey with Adur and Worthing

Strategic Monitoring Team. The Harbour Master felt the time had come for the LHB to conduct its own in house surveys.

To achieve this it would be necessary to purchase some specialist equipment including a GPS station, survey software, dry-suits and a laptop computer at an estimated cost of £10,500. The Harbour Master had talked to the Treasurer about the budget implications and concluded that overall some cost savings could be effected. Accordingly, he recommended that the Board should approve his proposals. Cllr Wensley suggested that the Harbour Master might consider approaching the ADC IT Department for guidance on laptop prices. Cllr Wensley also enquired about the equipment's life expectancy. In response to a separate question, the Harbour Master confirmed training would be given to staff. He added that he would anticipate the equipment to last for a minimum of 10 years. Cllr Dr Walsh asked that if similar equipment was owned by the ADC could it be shared rather than LHB investing in its own. Cllr Elkins wondered if other local authorities might possess similar equipment and suggested they also be approached with regard to sharing. The Harbour Master undertook to investigate the possibility of equipment sharing but expressed the view that the LHB had a duty to carry out independent surveys in the harbour with its own equipment and felt that it was not good practice to go cap in hand to other local authorities. This point was reinforced by Cllr Squires who stated LHB was an independent body, separate from ADC, and if expenditure was necessary to fulfil LHB's duties under the Harbour Act, so be it. Cllr Squires supported the paper. Mr Bush confirmed with the Treasurer that the equipment was affordable. In noting the recommendation, Cllr Dr Walsh proposed and Cllr Wensley seconded an addition to the resolution asking that the matter of borrowing equipment from other agencies first be exhausted. In clarification, Mr Bush noted that the recommendation contained within the paper was to approve the purchase of the equipment as identified, it was agreed that subject to the additional amendment, the purchase was approved.

## **The Board**

### **Resolved (with one abstention)**

**That the Harbour Master should assess the feasibility of borrowing equipment from other agencies, and,**

**That, pending the outcome of the assessment, it approved the purchase of the equipment identified.**

#### **441. ITEM 10 – DELEGATION OF AUTHORITY TO AUTHORISE S43 APPLICATIONS.**

The Harbour Master referred the Board to the pertinent part of the Littlehampton Harbour and Arun Drainage Outfall Act 1927 which states at Section 43:

*“Subject to the provisions of this Act a person shall not make any embankment or erect any building or work on the bed or on the banks of the harbour or drive any pile therein without the written consent of the Harbour Board which consent shall be given unless in the opinion of the Harbour Board any such embankment building work or pile would interfere with or endanger the use of the waterways of the harbour.”*

The Harbour Master confirmed that these were not planning consents and applicants had to seek permission from landowner, the EA and so on. The MMO would then review the matter. At present each Section 43 was presented to the Board for approval as a consequence some applications took many months to get approval and, in some case, surpassed the date the marine licence was given.

To minimise the time taken for applicants to receive a consent, the Harbour Master proposed that, unless there were complex issues to be addressed, the responsibility be delegated to him. Significant safety of navigation issues and the more complex issues would still need to be endorsed by the Board. The Harbour Master recognised that some form of screening process should be in place and presented a workflow chart to illustrate this. Included within his proposals were some caveats that covered the ancillary effects of work such as the need to remove siltation from the main channel and adjacent areas. He also included the right of applicants to appeal to the Board should they be unhappy with the consent issued by the Harbour Master

Cllr Wensley asked when the timescale began on S43 consent. He also asked whether there was a time limit on permission to do the work and whether the days taken were calendar days. The Harbour Master replied that concerning time limits, it was not always possible to give an accurate answer. In response to a separate question, the Harbour Manager confirmed the days were indeed calendar days and this would be changed on his report and proposed procedure. Cllr Wensley stated that he supported the delegation of this activity to the Harbour Master.

Cllr Elkins asked if the proposals were in direct response the public question raised at the last Board meeting. Mr Bush explained that the matter had been under consideration for some time and noted that, in the past, the Board had spent a lot of time discussing the content of S43 applications on matters that were outside their statutory remit. Cllr Elkins asked how many consents had been given in the recent past. The Harbour Master responded by saying he had dealt with about six S43 applications. Cllr Elkins indicated that he could agree to the recommendations but recommended that before consents were given they should be approved by a member of the Board possibly the Chairman. Cllr Dr Walsh seconded this amendment to the proposal. It was also requested that the Harbour Master provided the Board on a retrospective basis with the details of all Section 43 consents he had authorised.

## **The Board**

### **Resolved**

**That the process for authorizing Section 43 requests is delegated to the Harbour Master and a Decision Notice may be issued once it has been endorsed by the Chairman or other Board member nominated by the Chairman.**

**That where, in the opinion of the Harbour Master or Chairman, complex issues exist, such approval should be deferred to the Board.**

**That the revised process should be incorporated into the LHB Standing Operating Procedures**

442. **ITEM 11 – DEVELOPMENT OF MARINE INFRASTRUCTURE AT FORMER UMA WHARF.** The Harbour Master summarised a proposal circulated in a paper prior to the meeting to develop the marine infrastructure at the former UMA wharf. He explained that there were relatively few areas that provided opportunities for developments such as this. He included within his report, a photograph that included the pontoon configuration that he was proposing. The Harbour Master acknowledged that a full business case would need to be developed in conjunction with the Treasurer.

Cllr Dr Walsh supported the proposal and thought it an exciting opportunity. Cllr Wensley agreed. Cllr Wensley asked for clarity as the river bed was owned by the Duke of Norfolk to high water. The Harbour Master replied in this instance the ownership was extended to low water and was the property of LHB. Cllr Wensley advised that it might be good practice to keep the Duke's agents informed this was agreed. Cllr Squires asked that the bank be thoroughly investigated and its safety confirmed. The Harbour Master agreed but felt the bank was in good order. Cllr Elkins was delighted to see this proposal to make use of assets belonging to LHB. The recommendation was proposed by Mr Bush and seconded by Councillor Wensley and agreed by all Board Members present.

#### **The Board**

#### **Resolved**

**To approve the concept of installation of piles and pontoons at the former UMA wharf, and**

**To instruct the Officers to prepare a business case for the construction and lease of moorings and land at the former UMA site.**

443. **ITEM 12 – DRAFT ANNUAL REPORT.** The Draft Annual Report had been circulated in advance of the meeting and the Acting Chairman invited comments on its content. The Report was taken as read with no amendments being proposed. Cllr Dr Walsh recorded his thanks to the Harbour Master and staff for a much improved and more readable report.

#### **The Board**

#### **Resolved**

**To approve the report for publication**

444. **ITEM 13 – PUBLIC QUESTIONS.** Six members of the public were present.

Written Questions. The Acting Chairman stated that a series of written questions had been received by the Board. As some of the responses required input from third parties it was not possible at this stage to present a reply. He did advise, however, that a written response would be provided once the necessary information had been received. A copy of the written questions was circulated to the Board Members present. Cllr Dr Walsh stated the reference to "swans and reeds" in the last paragraph had not been agreed by the Board.

Personal Water Craft. Mr Warren enquired how many Personal Water Craft owners had been given a license this year. The Harbour Master did not have the figures but confirmed the office now issued safety instructions to PWC users. Mr Warren recorded his concerns that a PWC had recently been observed speeding up and down the harbour entrance. Mr Warren believed it should not be difficult to police this. The Harbour Master agreed but said he would not want to police them too hard as the offenders were a minority.

Hydroelectricity. Mr Chapman said if the river was narrowed, water would flow faster at the entrance and this, in turn, might make the generation of electricity more viable. He further asked if there was further news on the plans presented at a Board Meeting some time ago that were investigating the feasibility of generating hydroelectric power. Mr Bush responded by suggesting that the person who had advocated the

project had been unable to secure funding. However, the Harbour Master suggested some funding had been secured and that the individual was producing a prototype. The Harbour Master added that gentleman was also looking for Shareholders.

Section 43 Consents. Mr Boyce referred to Item 10 on the Agenda and stated he was delighted the S43 authority had been delegated to the Harbour Master in consultation with the Chairman. However he added there was no provision under the Act for appeal after 10 days only after 28. The Acting Chairman qualified this by stating that the 10-day rule was intended for those wishing to appeal against the decision of the Harbour Master. The 28-day rule in the Act would start once the Board had given a decision.

445. **ITEM 14 – CONFIDENTIAL BUSINESS.** In a motion proposed by Cllr Dr Walsh and seconded by Cllr Elkins:

**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.**

446. **ITEM 15 – EMPLOYERS SUPERANNUATION DISCRETION POLICY.** The Treasurer summarised a paper he had circulated previously covering the local government policy relating to the Employers Superannuation Discretion Policy. Cllr Dr Walsh declared a personal interest as a Trustee of the Local Government Pensions Fund. The Treasurer advised that the policy followed the WSCC but some issues had been omitted as they did not apply to LHB staff – these mainly related to termination and redundancy issues. Cllr Gammon asked if it would be prudent to add a line that employees should seek financial advice. The Treasurer confirmed this was an LHB policy and not a document for employees. Mr Bush stated that if a staff advisory notice was written, the discretion policy would need to be brought to the attention of the employee. The Treasurer added that although LHB had no HR department, such papers drafted by the Board were vetted by the Local Authorities. Cllr Elkins stated there were some complex elements to pension contribution and as it was anticipated that expenditure by LHB may have to be reduced in the future what would happen to the discretion policy then. The Treasurer replied the draft policy stated the Board would only “consider” not that it would actually “do”. The Treasurer did not feel the paper unduly committed the Board and thought it might need to change within a year anyway. The scheme was a final salary scheme. Cllr Wensley asked where in the policy the Board exercised discretion, would this be a Board decision or for the Board to recommend to the Trustees of the County Council Pension Fund – the Treasurer responded by stating that at this stage this was difficult to predict.

**The Board**

**Resolved**

**That the proposed discretions policy should be adopted.**

