**MINUTES of the littlehaMpton harbour board held in committee room 1 at the arun district council civic Centre, maltravers road, on Monday 28th october 2013 at 10am**

**Present:** Councillor N Peters (Chairman)

Councillor I Buckland

Councillor R Elkins

Councillor A Gammon

Mr J O’Flynn

Councillor A Squires

Councillor Dr J Walsh

Councillor D Wensley

Mr G Langton

**In Attendance:** Miss N Jones (Clerk to the Board)

 Mr C Braby (Treasurer to the Board)

Mr B Johnson (Harbour Master)

Mrs J Harris (Notes Secretary)

**468. CHAIRMAN’S WELCOME**

The Chairman welcomed Councillor Buckland to his first meeting as a representative of West Sussex County Council.

**469. APOLOGIES**

 Apologies were received from Mr Bush (Vice Chairman).

**470. DECLARATION OF OFFICE**

Councillor Buckland read and duly signed his declaration of acceptance of office as a representative of West Sussex County Council on the Board.

**471. DECLARATIONS OF INTEREST**

Councillor Buckland declared a personal interest as both a County and Town Councillor in agenda item 6, Harbour Operational Report regarding the EA East Bank Flood Defence Scheme. Councillor Buckland also declared a personal interest in agenda item 17, Ballast Wharf, as an acquaintance of the Director of the company claiming ownership of the disputed piles at Ballast Wharf.

**472. MINUTES**

The Minutes of the meeting held on 2nd September 2013 and the Special Meeting held on 12th September 2013 (previously circulated) were confirmed as a true record and signed by the Chair.

**473. 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:

**473.1 Commercial Trade**

There had been three ship visits in October and consequently the Harbour was only 2/3 visits under budget for the year to date. The Harbour Master remained confident that the target for the year would be achieved. In terms of the size of the ships using the Harbour, the Harbour Master reported that:

 The Swift – 58m long, 11m wide, cargo up to 1000 tonnes

 Islay Trader – 75 m long, 11.5m wide, cargo up to 2200 tonnes

**473.2 Leisure Trade**

The Board noted that Town Quay was now closed to visiting vessels following the start of the EA Flood defence works on the East Bank. The Belle had been a popular addition to the tourism offer this summer and it was felt that the service complemented that offered by the locally sponsored ferry. It was noted that The Belle was having a winter refit and that the owners were looking into options for next year.

**473.3 Conservancy Duty - Survey**

The Harbour Master reported that following the acquisition of the new survey equipment, tests had been undertaken and the accuracy of the GPS was confirmed. It was envisaged that the GPS would be used in conjunction with sonar equipment to carry out surveys of conditions in the Harbour. Internal training would be arranged for staff and in house survey work would begin shortly.

**473.4 Section 43 Consents**

 The Harbour Master reported that one consent had been issued under delegated powers since the report.

**Consents 06/13 and 07/13** had now been issued. Regarding Consent 07/13, the Harbour Master reported that the Arun Yacht Club were aiming to carry out water injection drainage in December. It was noted that this was a standard operational requirement which did not require an MMO licence.

**473.5 Local Notices to Mariners**

**LNtM 20/2013**: Regarding the closure of Town Quay following the start of the EA Flood defence works on the East Bank. It was noted that in an effort to avoid disappointing potential visiting vessels, steps had been taken to publicise the closure locally. The Harbour Master stated that he aimed to have the lack of moorings resolved by Easter 2014.

**473.6 EA East Bank Flood Defence Scheme**

In response to concerns about the impact of the narrowing of the channel, the Harbour Master reminded Members that the hydrodynamic modelling indicated that any changes were within reasonable limits. However, the EA would be undertaking further analysis of the velocity in the river before and after the works in order to measure the impact of the Scheme. It was understood that the EA would set up an information / drop-in centre to keep the public informed on progress on the works. It was proposed that the Harbour Board website would link into the EA website and utilise social media to publicise progress. It was noted that the Harbour Master was also in weekly contact with the EA communications team.

**473.7 Infrastructure Maintenance**

Regarding the West Wall, the Harbour Master reported that a job by job breakdown had been received and costs calculated. The following Indicative costs were reported:

Year 1 - £20K

Years 2 & 3 - £10K

Years 5 – 10 - £2-£5K

Plus a further £10K for the Training Wall

The need for investment in the harbour infrastructure was emphasised and Members were keen to for work to begin. The Board was encouraged by this progress and it was noted that a fully costed report setting out the nature of the work required would be brought back to the Board for consideration.

**473.8 Harbour Revision Order**

The closing date for the consultation was 1st November 2013 however initial feedback to the proposals had been positive and it was expected that the Draft General Directions would be published shortly after this date.

**473.9 News on the River**

Regarding Harbour Dues, whilst the number of plaques issued was on budget, the Harbour Master stated the reduced income for the year was due to the size of vessels using the harbour and that this would be revised in next year’s budget.

**473.10** **CATCH22/ALBATROSS**

The Board noted that it was a complex case and that the Harbour Master was in the process of impounding the vessel.

**473.11Donation to St Johns Ambulance**

 Councillors Peters and Dr Walsh declared personal interests as Members of the St Johns Ambulance (Sussex). In recognition of the support received from the local branch of the St Johns Ambulance at this year’s Water Front Festival, the Harbour Master recommended that the Harbour Board make a donation of £250 to the local branch. This was unanimously supported by Members and the Board therefore **RESOLVED**:

**To make a donation of £250 to the local branch of the St Johns Ambulance.**

**473.12BPA Trust Port Briefing – 24th October 2013**

The Harbour Board was well represented at this briefing which had proved very beneficial in terms of networking and discussing best practice. Officers were in the process of analysing notes and feedback from the seminar with a view to making improvements to business and financial planning. The Board **RESOLVED** to:

**Note the contents of the Harbour Operational Report.**

**474. SAFETY STAKEHOLDER GROUP MEETING**

474.1 The Board received a report and the minutes of the Safety Stakeholder Group meeting held on 8th October 2013 (previously circulated). The purpose of the meeting was to provide a forum to discuss issues and share best practice with representatives of the main harbour users. The meeting had focussed on issues relating to speeding, dingy sailing and communications. Regarding the enforcement of the speed limit on the river, the Harbour Master stated that it was hoped that the implementation of General Directions would bring about an improvement. He assured Members that the current byelaws were enforced but explained that managing this issue was onerous for both the Harbour Board and the EA.

474.2 The Harbour Master emphasised the importance of the role played by the Group as consultees in the General Directions HRO process. Members wished to encourage use of the river by charities and voluntary groups and the Harbour Master stated that early engagement through this forum supported this aim.

474.3 Concerns had been expressed about bank erosion and that the implementation of revised pilotage directions could cause damage to the river bed. The Harbour Master advised that he was monitoring the situation.

474.4 The Group had gone on to discuss issues around the EA works, fuelling activity and accident / incident reporting. Regarding the fuelling procedures, it was noted that the pump had been installed at the Harbour Board Workshop and that steps were being taken to ensure compliance with the HMRC rules. The Harbour Master emphasised the important role of the Group in terms of sharing information about incidents on the river and educating users on maritime rules. Members commented that it was also important to share information about incidents on the river with other authorities such as the Sussex Police and Arun District Council where appropriate. In response to concerns about the growth of the shingle bank at the Harbour entrance, the Harbour Master reported that he was monitoring the situation.

474.5 The Board **RESOLVED** that:

**The Report and minutes of the Safety Stakeholder Group meeting held on 8th October 2013 be noted.**

**475. REVIEW OF PILOTAGE DIRECTIONS**

475.1The Board received a report from the Harbour Master which detailed the outcome of the review of the Harbour’s Pilotage Directions and highlighted the key amendments for approval by the Board (previously circulated). The review had focussed on removing obsolete requirements and updating current practice to reflect the changes in traffic seen in the Harbour. The Board noted that the Harbour Master had discretion to grant exemptions in certain instances and it was agreed that details of these would be circulated to Members.

475.2 Members considered that the implementation of the revised directions would be a positive move for the future of the Harbour and the Board therefore **RESOLVED** to:

**Approve the amendments to the current Pilotage Directions as set out in the report.**

**476. TREASURER’S REPORT**

476.1 The Treasurer presented the income and expenditure statement and income analysis for the period to the end of September 2013 (previously circulated). The Treasurer reported that whilst the shortfall in income was negated by the current fall in operating expenses at this point, this may not continue. He explained that this would be examined in more detail as part of the 2014/15 budgeting process. It was noted that rates were payable on the UMA Wharf despite it being vacant . The Treasurer confirmed that the Office Sales figure of £4950 related to budgeted income from the sale of advertising space in Harbour publications. It was **RESOLVED** that:

**The Report be noted.**

**477. MINUTES OF THE AUDIT SUB COMMITTEE**

477.1The Board received the minutes of the Audit Sub-Committee meeting held on 9th October 2013. T It was noted that the role of Accounting and Administration Officer was proving beneficial as operational staff were, to a great extent, now relieved of the burden of administration and accounting duties and more able to focus on operational matters. It was therefore **RESOLVED** that:

**The minutes of the Audit Sub-Committee meeting held on meeting held on 9th October 2013 be noted.**

**478. OUTCOME OF THE EXTERNAL AUDIT OF THE 2012/13 ACCOUNTS**

478.1 The Board received a report from the Treasurer which set out details of the outcome of the External Auditor’s Report of the Accounts for the year ended 31st March 2013 (previously circulated). The Board were pleased to note the positive outcome of the External Audit and it was therefore **RESOLVED** that:

**The Report be noted.**

**479. INTERIM INTERNAL AUDIT REPORT FOR 2013/14**

**479.1** The Board received a report from the Treasurer which set out the detail of the Internal Audit process and the outcome of the most recent Internal Audit (previously circulated). He explained that the Harbour Board’s systems and procedures are audited at least twice a year.. The Interim Audit attached to the report covered the six month period to 31st August 2013 and the outcome was satisfactory with no outstanding issues reported. It was therefore **RESOLVED** that:

**The Report be noted.**

**480. REVIEW OF THE CONSTITUTION OF THE LITTLEHAMPTON HARBOUR BOARD**

**480.1** The Board received a report from the Clerk which summarised details of a number of proposed amendments to the Harbour Board’s Constitution (previously circulated). She explained that the Constitution had not been reviewed since its implementation in 2010 and that the proposed amendments reflected changes required to bring the Constitution into line with current legislation, working practices and procedures and the staff structure. It was noted that External Auditors would look for regular reviews of the Constitution by the Board and check to ensure that it met the requirements of current legislation as part of the Audit process. It was therefore **RESOLVED** that:

**The Clerk be authorised to make the alterations to the Constitution as set out in the report and that the revised constitution be presented to the Board for adoption at the next meeting.**

**481. PUBLIC FORUM**

There were seven members of the public present.

**481.1** Regarding the moorings at Bridge Hard, Mr Gibbs asked why they remained unused and expressed concerns at the subsequent loss in income. He also suggested that unused pontoons could be utilised at the moorings to facilitate greater use.

**481.2** In response the Harbour Master explained that the availability of the moorings had been advertised but that there had not been any interest. It was noted that the Harbour Board leased the land from the County Council and it was suggested that the terms of the lease might not permit sub-letting. The Harbour Master was keen to see the moorings come into use and recommended that the Board retain them at least until the EA works were complete. Although in his opinion, pontoons might not be robust enough for use at the moorings, he offered to meet with interested parties and discuss options.

**481.3** Mr Boyce asked if the Harbour Board would be willing to negotiate surrendering the lease at Bridge Hard to allow other operators to take it on.

**481.4** In response, the Chairman stated that the Harbour Master would first pursue the option of discussions with interested parties.

**481.5** Regarding the moorings at Bridge Hard, Mr Chapman expressed the view that the lack of dredging was preventing use of the moorings and asked when the Harbour Board planned to dredge the area.

**481.6** The Harbour Master stated that the level of siltation was such that dredging was not required at BridgeHard.

**481.7** Mr Chapman went on to ask the same question about siltation on the West Bank and the Harbour Master reported that none of the agencies had the resources to fund dredging in the Harbour. It was reported that the Harbour Board had tried to get payments for dredging the West Bank reinstated but failed. Mr O’Flynn stated that the EA was not obliged to dredge the Harbour, but had Permissive Powers which it would use only on the basis of a satisfactory cost / benefit analysis in relation to the affected area. He confirmed that the EA had no intention to undertake such work in the Harbour at this time.

**481.8** In conclusion the Chairman stated that the Harbour Board was fulfilling its obligations by ensuring that the River remained navigable.

**481.9** Regarding the amendments to the Constitution, Mr Boyce questioned point 9.4.2 of the document which referred to point 9.4.4, which appeared to be missing.

**481.10**The Clerk agreed to take this forward as part of the review of the Constitution.

**481.11**Regarding Agenda Item 17, Ballast Wharf, Mr Boyce questioned the need for this item to be discussed under exempt business. It was his view that it was in the public interest that the Board’s discussions on this item be held in public and he asked the Board to use its discretion and reconsider the decision to exclude the press and public for this item. He questioned the openness of the Board’s decision making when he, as an interested party and member of the public would be excluded from this part of the meeting.

**481.12** A discussion by the Board concluded that the matter to be considered in exempt business related to an issue of ownership, not future use. It was therefore legitimate for the Board to exclude the press and public from that part of the meeting where it would discuss the advice which had been obtained on its behalf on this matter.

**481.13**In view of the open nature of the Harbour area, Mrs Porter asked if the

controls in the area were sufficient to prevent illegal immigration.

**481.14**In response, the Harbour Master stated that whilst the Harbour had no

specific responsibilities in this area, he was in contact with the Maritime Authorities and the UK Border Agency and received / exchanged intelligence with them. He did however understand that the public might have concerns and offered to meet with Mrs Porter to discuss this further.

**482. 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**

**483. EXEMPT MINUTES**

The Exempt Minutes of the meeting held on 2nd September 2013 (previously circulated) were confirmed as a true record and signed by the Chair.

**484. BALLAST WHARF**

484.1 The Board received and considered a report from the Clerk and legal advice regarding ownership of disputed piles at Ballast Wharf. Advice had been sought from a specialist solicitor (previously circulated to Members of the Board only) setting out a course of action open to the Board. The Board **RESOLVED**:

**To pursue the advice of the Solicitor regarding ownership of the piles at Ballast Wharf.**