



**MINUTES OF THE ANNUAL MEETING OF LITTLEHAMPTON HARBOUR BOARD HELD
IN COMMITTEE ROOM 1 AT THE ARUN DISTRICT COUNCIL, CIVIC CENTRE,
MALTRAVERS ROAD, ON MONDAY 28TH APRIL 2014 AT 10AM**

Present: Councillor N Peters (Chairman)
Mr P Bush (Vice Chairman)
Councillor I Buckland
Councillor R Elkins
Councillor A Squires
Councillor Dr J Walsh
Councillor D Wensley
Mr O'Flynn

In Attendance: Ms N Jones (Clerk to the Board)
Mr C Braby (Treasurer to the Board)
Mr B Johnson (Harbour Master)
Mrs J Harris (Notes Secretary)

532. WELCOME AND NOTICES

The Chairman welcomed everyone to the meeting. The Clerk reported that Mr Langton had tendered his resignation and that consequently the Board would be looking to appoint a new Commercial Users Representative.

533. 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.

534. APOLOGIES

Apologies were received from Cllr Gammon.

535. DECLARATIONS OF INTEREST

There were none.

536. APPOINTMENT OF CHAIRMAN 2014/15

536.1 Mr Bush proposed that Councillor Peters continue as Chairman for the forthcoming year. This was seconded by Councillor Squires and it was therefore **RESOLVED** that Councillor Peters be appointed as Chairman for the forthcoming year.

537. APPOINTMENT OF VICE CHAIRMAN 2014/15

537.1 The Chairman proposed that Mr Bush continue as Vice Chairman for the forthcoming year. This was seconded by Councillor Elkins and it was therefore **RESOLVED** that Mr Bush be appointed as Vice Chairman for the forthcoming year.

538. APPOINTMENT OF MEMBERS TO THE PERSONNEL SUB-COMMITTEE

538.1 There were four positions which were currently held by the Chairman, the Vice Chairman, Councillor Squires and Councillor Wensley. There being no other nominations it was **RESOLVED** that these Members remain on the Personnel Sub-Committee for the forthcoming year.

539. APPOINTMENT OF MEMBERS TO THE AUDIT SUB-COMMITTEE

539.1 There were four positions which were currently held by the Chairman, the Vice Chairman, Councillor Gammon and Councillor Squires. There being no other nominations it was **RESOLVED** that these Members remain on the Audit Sub-Committee for the forthcoming year.

540. APPOINTMENT OF MEMBERS TO THE PILOTAGE SUB-COMMITTEE

540.1 There were three positions which were currently held by the Vice Chairman, Councillor Patel and Councillor Dr Walsh. There being no other nominations it was **RESOLVED** that these Members remain on the Pilotage Sub-Committee for the forthcoming year.

541. MINUTES

541.1 Regarding Minute 522.4, Mr O'Flynn offered further clarification regarding the need for work in respect of the narrowing of the river and stated that the EA's cost / benefit analysis demonstrated a limited business case for intervention.

541.2 Regarding Minute 519.5, meetings between the Pier Road and Arun Parade traders and the EA during the flood defence works. In view of the economic importance of the Harbour to the area, the need for the Harbour Master to be involved in meetings between the traders and the EA was emphasised.

541.3 These comments having been noted, it was **RESOLVED** that the Minutes of the meeting held on 3rd March 2014 (previously circulated) be approved and signed by the Chairman.

542. 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:

542.1 Commercial Trade

The Harbour Master reported that the first call of MV Victress at the UMA Wharf had gone smoothly. Two further commercial ship visits had been cancelled for what was thought to be commercial reasons.

542.2 Leisure Trade

The Harbour Master reported that although Town Quay remained largely closed, a small number berths had been created enabling the Harbour to accommodate 12 overnight stays during April.

542.3 Survey

It was noted that a recent inspection of the Bar had shown limited change since the last survey was conducted.

542.4 Aids to Navigation – AYC Seasonal race marks

The Harbour Master reported that having been contacted by the AYC regarding their placement of racing marks outside the harbour a further two marks (in addition to the single buoy normally laid) would be established throughout the summer. Notices to mariners would be issued accordingly.

542.5 S43 and MMO Consents

Regarding 05/13, piling at Osborne of Arun North Timber Dock, the Harbour Master confirmed that the new licence was issued on 10th April 2014.

It was also noted that the AYC had recently completed repair work to the Dinghy Pen.

542.6 EA East Bank Flood Defence Scheme Works

Delays in the completion of the piling at reaches 1 and 2 had compelled the Harbour Master to take action to create additional space at Town Quay. It was envisaged that the additional space would be required until the end of May when the works were expected to be completed and the Pier Road pontoons handed back. The Harbour Master acknowledged that some private berth holders and charter fisherman had been inconvenienced and he expressed his thanks to them for their co-operation.

542.7 Harbour Dues

The Harbour Master reported that take up so far was good with 245 plaques issued to date. Whilst it was noted that this was on a par with the prior year, Members wished to have sight of the previous years' take up in order to make a meaningful year on year comparison. The Harbour Master agreed to take this forward and include the information in subsequent reports.

The Board **RESOLVED** to:

Otherwise note the contents of the Harbour Operational Report.

543. MINUTES OF THE STAKEHOLDER SAFETY GROUP (SSG) MEETING 1ST APRIL 2014

543.1 The Board received the minutes of the SSG meeting held on 1st April 2014 (previously circulated). It was noted that Councillor Buckland had attended the meeting as an observer and he commended members of the group on the quality of the discussion.

543.2 Regarding the build-up of shingle on the East Beach, the Harbour Master re-iterated his view that it was very much in shore and as such was unlikely to be a hazard. Concerns remained that visitors unfamiliar with the area might find this challenging and he agreed to review the need for it to be charted.

The Board **RESOLVED** that the minutes be otherwise noted.

544. STRATEGIC AWAYDAY PROPOSED ACTION POINTS

544.1 The Vice Chairman presented a summary of the action points from the Away Day which took place on 5th February 2014 (previously circulated). He explained that the summary aimed to provide a framework for the prioritisation of the future work of the Board over the next 10 years and Members views were sought on the content.

544.2 Members went on to review the summary in more detail and the need to adopt a holistic approach in fulfilling the agreed priorities was emphasised. It was however noted that on-going ownership issues regarding moorings in the harbour were being pursued by the Board's solicitors and would need to be resolved before some of the actions could move forward. Regarding the proposed action on the East Training Wall, it was noted that the potential extension of the Wall would be reviewed as part of the five year business plan. In view of the timescales and the Board's precepting powers, Members considered it important that the action points were shared with the local authorities promptly and that all avenues of funding were explored.

544.3 Members were supportive of the actions set out in the summary and acknowledged that it was incumbent upon the Board to thoroughly investigate all potential avenues of funding and review progress. It was therefore **RESOLVED** that:

The Proposed Action Points be approved and progress be reviewed in six months.

545. TREASURER'S REPORT

Cllr Dr Walsh and Cllr Peters declared personal interests regarding the discussion on pension costs as Trustees of the West Sussex County Council Pension Scheme.

545.1 The Treasurer presented the income and expenditure statement and income analysis for the year ended 31st March 2014 (previously circulated). He apologised for the late circulation of the report which was due to finalising the year end position. Whilst the figures contained in the report were unconfirmed, the Treasurer did not anticipate any significant changes to the final accounts which will be brought to the June Board Meeting for approval. He highlighted some exceptions in the figures which were at a variance to the budget and stated that it was expected that the accounts would show a small deficit for the year ended 31st March 2014. Looking forward, he drew

Members attention to the changes in the Local Authority Pension Scheme arrangements which would impact on employee costs. These included the introduction of automatic enrolment and increases in employer contributions from 17.4% in the current year to 19.3% by 2017.

It was **RESOLVED** that:

The Report be noted.

546. REVIEW OF THE BUSINESS RISK REGISTER

546.1 The Board received a report which proposed a number of changes to the Business Risk Register which had been updated following a review undertaken 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.

546.2 Having examined the revised document the Board **RESOLVED** that:

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

547. REVIEW OF INTERNAL CONTROL ARRANGEMENTS

547.1 The Board received a report which set out the system of internal control which governed its procedures and activities and the Audit Plan that was utilised to measure the effectiveness of them (previously circulated). The Treasurer explained that the Board was asked to consider whether it was satisfied that the process and level of control in operation was effective.

547.2 Having examined the arrangements the Board **RESOLVED** that:

- 1) It was satisfied with the internal control arrangements and**
- 2) The current process was adequate to aid the Board in its decision as to whether it was able to approve item 2, Schedule 2 of the Annual Governance Statement.**

548. PUBLIC QUESTIONS PROCEEDURE

548.1 The Clerk presented an overview which set out the purpose of Public Question Time, the Board's obligations to facilitate this and how the session should be conducted (previously circulated). The Clerk stated that Officers welcomed enquiries from members of the public and Board Members at any time and emphasised the availability of Officers to answer questions during office hours.

548.2 The Board went on to consider in detail the current arrangements for public questions as set out in the Constitution. A debate ensued regarding the purpose of the public question session and the effectiveness of the current arrangements. Members understood and were supportive of the requirement for Board meetings to be held in

public. They also recognised the need to have rules in place to ensure that as far as possible everyone who wished to speak was able to do so during the public question time session. However, Members also expressed strong views on the current arrangements which some considered to be restrictive and felt could discourage public participation.

548.3 Consequently, Members wished to set out some principles to guide the conduct of this aspect of Board meetings. These included:

- Every effort should be made to fully answer questions raised by the public in this session at the meeting.
- That discretion should be exercised to ensure that there is sufficient time for the public to make their point and to probe more complex questions.
- The wider circulation of written questions to include ordinary members of the Board.

548.3 In view of the comments made during the discussion, it was agreed that this aspect of the Boards' Constitution should be thoroughly reviewed and the Clerk was asked to take this forward. It was therefore **RESOLVED** that:

The Public Questions procedure be reviewed and that the findings be presented to the Board for consideration at a future meeting.

549. PUBLIC FORUM

There were eight members of the public present.

549.1 Mr Boyce asked if the Board agreed that all papers relating to Board meetings as well as the agenda should be published on the Harbour Board's website.

549.2 In response the Chairman stated that in accordance with the rules regarding the publication of meetings, the meeting papers were made available two days before the meeting and copies could be requested from the Harbour Board Office. He accepted that the publication rules lacked provision for publication via the website and it was agreed that this would be examined by Officers and brought back to a future Board Meeting for further consideration.

549.3 Mr Finnamore, General Manager of Littlehampton Marina stated that he was shocked to discover that the Harbour Board had started dispensing fuel. He questioned whether it was appropriate for the Board, as a subsidised public body, to be involved in this practice.

549.4 In response the Harbour Master explained that by operating this facility, the Board was aiming to regularise the dispensing of fuel in the Harbour and emphasised that it was not intending to enter into competition with other providers. He stated that as a Trust Port, the Harbour Board had a duty to allow competition within the Harbour.

549.5 Mr Finnamore stated that the Marina already offered this facility as a supporting a service for harbour users and questioned the basis upon which the Board was now operating in the Harbour.

- 549.6 In response, the Harbour Master stated that the Board was as Statutory Body, offering this service in the same way that it offered moorings. He did however understand that other operators might have concerns and offered to discuss these with them.
- 549.7 Mrs Boyce, owner of the Ferry stated that she hoped to start operating the service and given the works in the Harbour, asked what arrangements there were to facilitate this.
- 549.8 In response the Harbour Master stated that the extra moorings created on Town Quay should provide sufficient space for the service to operate from the East Bank with the gangways and pontoons being restored as soon as the piling work was completed. Mrs Boyce was advised to contact the Environment Agency for details of the precise timescales relating to the completion of the works.
- 549.9 Mr Draffan, Managing Agent for the Angmering Park Estate, explained that the Estate was in the process of regularising its arrangements in the Harbour and that as part of his remit, the Trustees of the Estate had asked him to take a greater interest in the operation of the Harbour. He asked if the Board were aware of the Estate's decision to terminate a licence for Ballast Wharf on the grounds of cost.
- 549.10 The Chairman confirmed that it was and took the opportunity to remind the meeting that there was a vacancy for a Commercial Representative on the Board.
- 549.11 Referring to questions raised at the previous meeting regarding the Board's Duty of Care, Mr Basnett circulated an extract from the Littlehampton Harbour and Arun Drainage Outfall Act 1927. He asked whether the Board agreed that this contradicted the responses given at previous meetings concerning the Board's responsibilities.
- 549.12 In response, the Chairman stated that the Board had responded in accordance with what it believed were its responsibilities at the point that it took control of the Harbour. He went on to explain that it was unwise to take one piece of legislation in isolation and view it as definitive when it could have been superseded by other Statutory documents and changes in ownership over the years. As ownership was an important part of establishing responsibility in the harbour, it was agreed that the Harbour Master would provide a map showing ownership in the harbour area.
- 549.13 Mr Boyce expressed concern that Members appeared to be unaware that the mooring licence on Balast Wharf had been terminated and asked if the Board had been informed of the decision.
- 549.14 In response the Chairman confirmed that Officers of the Board were aware.
- 549.15 Mr Boyce stated that in his view, the fact that Officers were aware was not the same as the Board itself and suggested that this was indicative of how the Board operated. He therefore questioned the basis upon which the Board had also sought legal advice specifically on the matters that had an impact on the commercial

interests of Osborne of Arun. He questioned the professionalism and integrity of the Officers stating that in his opinion their actions constituted an abuse of process and the Board's Powers. In conclusion he asked if the Board was confident in its Officers and whether the Board believed that the management team should resign.

549.16 The Chairman responded that the Board did not believe that the management team should resign.

549.17 Mr Chapman asked for a breakdown of the costs relating to the harbour dues and asked why they had increased when in his opinion, there had been no investment in the Harbour to improve services for users.

549.18 In response, the Treasurer stated that the increase was based on the rate of inflation. He highlighted some of the work in progress which would result in improved facilities for users. He emphasised that the annual fees were derived from the collective costs of maintaining the harbour which were set out in the annual accounts that were in the public domain.

549.19 Mr Chong owner of The Belle Cruiser reported that he had been unable to source a secure overnight berth for the cruiser during the holiday season and asked if the Board could provide clarification on where the cruiser might be safely berthed overnight to allow it to operate on the river in the tourist season.

549.20 In response the Harbour Master referred to previous conversations with Mr Chong where the possibility of moorings on the West Bank had been mentioned. The importance of establishing a secure overnight berth was understood and it was agreed that the Board would continue to work with the owners of The Belle on this matter.

549.21 Regarding the new licence issued to Osborne of Arun in connection with North Timber Dock, Mr Boyce questioned the validity of the Section 43 when the Board appeared not to have involved in the process. Also, regarding the Section 43 Notice, Mr Boyce stated that he had not received any formal notification from the Board, had therefore been unable to carry out the works and accused Officers of maladministration.

549.22 It was noted that the Harbour Master had reported earlier in the meeting that the licence had been issued on 10th April and it was agreed that a duplicate be sent.

550. 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**

551. THE RULES OF DISCLOSURE

551.1 Members of the Board were reminded of the rules relating to the disclosure of sensitive information as set out in the Constitution.

552. THE EXEMPT MINUTES OF THE MEETING HELD ON 3RD MARCH 2014

552.1 MOORING LICENSE ARRANGEMENTS

The Clerk confirmed that negotiations with Angmering Park Estates were being conducted by Officers as authorised by the Board.

552.2 NORTH YACHT BERTH PILES

The Clerk confirmed that the Ballast Wharf termination notice had been passed on to the Board's solicitors.

552.2 It was **RESOLVED** that the exempt minutes of the meeting held on 3rd March 2014 (previously circulated to members of the board only) be confirmed as a true record and signed by the chair.

Cllr Dr Walsh left the meeting at 11.41am.

553. THE EXEMPT MINUTES OF THE PERSONNEL SUB-COMMITTEE MEETING HELD ON 26TH MARCH 2014

553.1 The Board received the exempt minutes of the Personnel Sub-Committee meeting held on 26th March 2014.

It was **RESOLVED** that the minutes be noted.

The meeting closed at 11.43am.