



**MINUTES OF THE LITTLEHAMPTON HARBOUR BOARD HELD IN THE NEW
MILLENNIUM CHAMBER, LITTLEHAMPTON TOWN COUNCIL,
THE MANOR HOUSE, CHURCH STREET, LITTLEHAMPTON
ON MONDAY 29TH SEPTEMBER 2014 AT 10AM**

Present: Councillor N Peters (Chairman)
Mr P Bush (Vice Chairman)
Councillor I Buckland
Councillor M Clayden
Mr T Shenton
Councillor A Squires
Councillor D Wensley

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

574. WELCOME AND NOTICES

574.1 The Chairman opened the meeting and welcomed Mr T Shenton of Lafarge Tarmac who was proposed for appointment as the Commercial Users Representative on the Board.

575. 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.

576. APOLOGIES

Apologies were received from Councillor R Elkins, Councillor Dr J Walsh and Mr J O'Flynn.

Mr T Shenton left the meeting.

577. COMMERCIAL USERS REPRESENTATIVE

577.1 The Board received and considered a recommendation presented by the Personnel Sub-Committee that Mr T Shenton of Lafarge Tarmac should be appointed the Commercial Users Representative. The Board **RESOLVED** that:

Mr T Shenton of Lafarge Tarmac should be appointed as the Commercial Users Representative.

Mr T Shenton re-joined the meeting.

577.2 Mr Shenton read and duly signed his declaration of acceptance of office as the Commercial Users Representative on the Board.



578. DECLARATIONS OF INTEREST

There were none.

579. MINUTES

579.1 In response to a question regarding discussions relating to the future of the Harbour, the Chairman confirmed that this would be covered in agenda item 10, Business Plan Update.

579.2 The Minutes of the meeting held on 23rd June 2014 (previously circulated) were confirmed as a true record and signed by the Chair.

580. 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:

580.1 Commercial Trade

The Harbour Master confirmed that the planned visit by the vessel Ben Varey had taken place as scheduled on 7th September.

580.2 Leisure Trade

The Board noted that the number of leisure visits had held up well during the summer season despite the flood defence works. It was also noted that the September trade had been boosted by a visit from members of the Sussex Yacht Club.

580.3 Conservancy Duty

The Harbour Master stated that a further survey of the Bar was conducted on 9th September with no significant change recorded. He reported that the dredging activity in the Harbour was keeping the Shoal Bank in check and that the repairs to the West Works were having a positive effect on the Harbour.

580.4 Local Notices to Mariners

The Board noted that the following additional notice had been issued:

16/2014 – Notifying users of the presence in the Harbour of heavy equipment including a work barge and Multi-Cat platform in connection with the on-going flood defence works at Commercial Quay and Mariners Quay. Work in this section of the Harbour was expected to continue until the New Year.

580.5 Section 43 Consents

The Harbour Master reported that a further request had been received which set out proposals for the introduction of 100 additional moorings on the West Bank. He confirmed that in view of the size and scope of the request a full report would be presented to the Board at the December meeting.



580.6 British Ports Association: Small Ports Recovery Fund

The Harbour Master reported that having been successful in a bidding for a £2K grant, the materials required for repair works on the Training Wall at the East Pier were on order.

580.7 News on the River

The Board noted that a number of local sailing organisations including the Arun Youth Aqua Centre and Arun Yacht Club had participated in the annual global sailing race and fundraising event known as "Bart's Bash" on Sunday 21st September 2014.

580.8 Harbour Dues

The Harbour Master reported that 483 plaques had been issued to date and that this figure was in line with the same period last year.

580.9 Major Infrastructure Renewal

Commenting upon the proposals for the completion of this work, Councillor Squires urged the Board to consider completing the work as one project as opposed to adopting a phased approach. The Chairman confirmed that this would be covered in agenda item 9, Infrastructure Assessment Update.

580.10 The Annual Waterfront Festival

Mr Bush reported that the festival had been well received and he thanked the Harbour Master and his team for their work during this year's event.

It was **RESOLVED** that:

The contents of the Harbour Operational Report be otherwise noted.

581. TREASURER'S REPORT

581.1 The Treasurer presented the income and expenditure statement and income analysis for the period to the end of August 2014 (previously circulated). He reported that whilst overall income was above budget, this was mainly due to the unbudgeted income received from the safety boat operation and latterly the footbridge. The underlying income from commercial vessels and moorings was down even though the budget had been set at a conservative level for 2014/15. Overall operating expenses were close to budget despite the fact that the Harbour Master had been unable to carry out budgeted infrastructure maintenance work. This was attributed to the fact that staff who would have normally carried out this work had been occupied in providing a manned safety boat for the duration of the flood defence works. It was noted that pressing maintenance work will be contracted out and if there was any surplus in the maintenance budget at the year-end it would be ear marked and carried forward to 2015/16. It was disappointing that there had been no fuel sales and Members were reminded that the purchase of the fuel dispensing equipment was driven by the need to provide a safe alternative for dispensing fuel in the Harbour. It was therefore considered appropriate to retain the facility.



The Treasurer reported that the external audit had been completed with no matters giving cause for concern.

It was therefore **RESOLVED** that:

The contents of the Treasurer's report be noted.

582. INFRASTRUCTURE ASSESSMENT UPDATE

- 582.1 The Harbour Master presented a report (previously circulated) which set out a number of options to take forward capital works on the Harbour infrastructure in the short to medium term. He explained that the proposals had been formulated following the Strategic Discussion Group earlier in the year. The infrastructure appraisal conducted by Arun District Council (ADC) in 2013 formed the basis of the current maintenance plan which was designed to ensure the safe operation of the Harbour until 2026 when some of the Board's current major financial and commercial commitments were due to expire. It was also the basis upon which an additional precept of £35,000 had been collected from the Local Authorities for 2014/15.
- 582.2 The Board noted that planned maintenance work had fallen behind because of the over-run on the flood defence works which required the ongoing provision of a manned safety boat. The Harbour Master assured Members that there were no significant issues requiring immediate attention and stated that the Board may have to employ external contractors and / or roll over planned work into 2015/16. In the meantime the Harbour Master and the Treasurer had been working on plans to meet the priorities expressed by Members at the Strategic Discussion Group and it had become apparent that a more co-ordinated approach to the capital works was required. With this in mind a Scope of Service based on a phased approach to the capital works had been tendered and four quotations received. The Harbour Master stated that the quotations for undertaking a study of this nature ranged from £3,000 to £25,000 and he explained that the range reflected the amount of analysis and modelling that might be required. The Board was therefore asked to review the information received and determine the way forward.
- 582.3 Highlighting the obligations of the Board to maintain the Harbour, Councillor Squires reiterated his view that prolonging the maintenance work would increase costs in the long run. He therefore sought the completion of the capital works as one project as opposed to the phased approach proposed in the report. This view was shared by Councillor Buckland who lamented the delays to maintenance work and questioned the Health and Safety implications for users.
- 582.4 In response the Harbour Master stated that there were no significant Health and Safety issues for users or risk of further damage to the infrastructure as a result of the delays in carrying out maintenance work. He emphasised that if required, outside contractors would be used to complete any work that became necessary. He went on to explain that the proposals aimed to provide a co-ordinated strategy to address long term maintenance requirements based on the engineering assessment of the current state of the infrastructure and anticipated future requirements. The scale of the work required was also commented upon and the Harbour Master stressed the importance of having a plan to under pin the work and achieve the most effective use



of resources without impeding the future development in the Harbour. It was noted that there was not the capacity or the skill set within the current staff structure to oversee the work and that consequently the services of a project manager would also be required.

582.5 A discussion ensued regarding the cost and scale of the capital works and the consensus was that Members lacked sufficient information to adopt a definitive policy regarding the replacement of infrastructure in the Harbour at this time. The Board noted that it was proposed that a working Group be formed to review the proposals. Members were supportive of this approach as a means of undertaking a more thorough evaluation of the quotations received and assessing the programme of work. It was also agreed that an assessment of the need for a project manager form part of their work. In view of the impending budget process, the Treasurer sought guidance from Members in terms of expenditure on this phase of work. Having considered the nature of the work required Members considered £25,000 would be sufficient for this phase of work and agreed that this should not be exceeded without reference to Board. It was therefore **RESOLVED** that:

1. **The Board continue with a maintenance approach to the management of the harbour infrastructure.**
2. **A working Group be convened to review the options for major infrastructure work.**
3. **For budgetary purposes a sum of £25,000 be included in the 2015/16 budget for initial professional advice.**

583. UPDATE TO BUSINESS PLAN

583.1 The Harbour Master presented a report which set out the rationale for a proposed review of the Business Plan (previously circulated). He explained that there was currently a ten year plan in place which had been agreed in 2009. Upon his appointment as Harbour Master in 2012, it had been agreed that the plan would be reviewed and as a result of the discussion that had taken place earlier in the year at the Strategic Discussion Group it was now prudent to take the review forward. The discussion with Members in February had focussed on the Board's current financial and commercial commitments and highlighted that the concept of a leisure only port would not be deliverable within the timescale of the plan. With this in mind he therefore proposed that the Board adopt a multifaceted approach to future activity in the Harbour which encompassed leisure, commercial shipping and fishing activities. He confirmed that if agreed, the revised Business Plan would be subject to consultation with key stakeholders.

583.2 The Board acknowledged the value of undertaking a review at this point in the current Plan and considered that the proposed change in direction would offer wider opportunities for the Harbour in the future. Members also felt that the revised Plan should include a publicity strategy which took into consideration advances in communications technology and sought to maximise promotional opportunities. The Board therefore **RESOLVED**:

1. **To note the action points from the Strategic Discussion Group (previously approved).**



2. **To formally adopt a revised strategic aim for the harbour incorporating leisure, commercial shipping and fishing activities.**
3. **That Officers be authorised to produce a revised business plan based on the revised strategic aim, to cover the period 2014-2019**

584. PUBLIC FORUM

There were seven Members of the public present.

- 584.1 Mr Basnett asked if the Board was aware of the Government publication "Modernising Trust Ports" and if this would form part of the Business Plan review process.
- 584.2 In response the Harbour Master confirmed that the Board was aware of the guidance which was a benchmark for all ports. He explained that the document recognised that ports varied in terms of size and structure and that certain aspects of the guidance might not therefore be directly applicable. For example, the composition of the Board reflected the fact that it was a precepting authority. The Board was therefore required to highlight this aspect of its constitution and the reasons for it in the Annual Report which was published on the Harbour Board's website.
- 584.3 Mr Basnett asked Members to consider including representation on the Board in respect of stakeholders with small vessels that regularly used the Harbour.
- 584.4 In response the Chairman explained that the composition of the Board was designed to reflect the main stakeholders in the Harbour. He emphasised that each Member was obliged to consider what was in the best interests of the Harbour before the interests of the organisation that had nominated them. It was also noted that the Board was formed by an Act of Parliament and that any constitutional changes would require a repeal of the relevant statute.
- 584.5 Mr Basnett asked the Board to consider establishing a Stakeholder Group that better reflected the wide range of users in the Harbour the chairmanship of which was independent of the Board.
- 584.6 In response the Chairman stated that Mr Basnetts' suggestion would be taken forward as part of the review of the Business Plan.
- 584.7 Regarding the Notices to Mariners, Mrs Boyce asked if the Harbour Master would consider informing stakeholders earlier in the process if he became aware of works such as dredging in the river.
- 584.8 In response the Harbour Master explained that there were a number of reasons why it was not always possible to give advance warning prior to notices being issued. However, where practicable he would endeavour to notify users earlier in future.
- 584.9 Regarding the North Yacht Berths, Mr Draffan, Managing Agent for the Angmering Park Estate, sought an assurance from the Board that the maps that had been informally presented to the Estate in this matter were the definitive boundary. He sought further confirmation from the Chairman that there was no intention by the Board to make an adverse possession claim against the Estate. The Chairman



confirmed this was the case and that the Board did not propose to make such an application.

584.10 The Chairman confirmed that they were.

584.11 A member of the public asked what the relevance of the pink papers was.

584.12 In response the Clerk explained that reports on pink paper contained exempt and/or confidential information and that their circulation was therefore restricted to Members of the Board, Officers and certain senior members of the Local Authorities.

584.13 Mr Chapman asked why the Harbour Board yard had been inaccessible the previous weekend.

584.14 In response the Harbour Master explained that the gates had been fitted with a new combination padlock. He apologised for any inconvenience and confirmed that the new access arrangements had been disseminated to the majority of users. Anyone who found that they were unable to access the yard could telephone the duty officer on the duty mobile number.

584.15 Regarding the decision to supply a safety boat for the duration of the flood defence works, Mr Chapman asked if this might not have been better deployed undertaking maintenance work in the Harbour.

584.16 In response the Harbour Master stated that having considered all factors it was the view of the Board that this was the best option for the Harbour.

584.17 Mr Boyce sought confirmation that the UMA Wharf had been let and asked whether the Board was still paying the rates.

584.18 In response the Harbour Master stated that the wharf was being used temporarily by the contractors during the flood defence works in that part of the river and that the Board therefore remained liable for rates.

584.19 Mr Boyce sought an assurance from the Board that the future plans of the other stakeholders in the river would form part of the Business Plan review process.

584.20 In response the Chairman gave an assurance that the Board would take into account the views of all stakeholders in the river as part of the review of the Business Plan.

584.21 Mr Boyce asked that key stakeholders such as the leisure users and the Angmering Park Estate be represented on any future Harbour Stakeholder Group as well as the Board.

584.22 In response the Chairman confirmed that Mr Boyce's views would be taken into consideration.

584.23 Regarding the action being taken by the Board in respect of the North Yacht



Berth piles, Mr Boyce asked if the Board intended to create a ransom strip in the area.

584.24 The Chairman stated that he was unable to respond as this was a confidential matter for the Board.

584.25 Mr Boyce asked if the Board was aware of the possible costs of defending a claim in relation to this matter and questioned the integrity of the material supplied to the Board's solicitors by Officers.

584.26 Again, the Chairman stated that he was unable to respond as this was a confidential matter for the Board.

584.27 A member of the public asked why the purchase of a multipurpose workboat was being considered under confidential business.

584.28 In response, the Chairman explained that the papers on this matter were confidential as they contained commercially sensitive material. He added that more information would become publicly available in due course.

585. 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**

586. UPDATE ON NORTH YACHT BERTH

586.1 The Board received a report (previously circulated to Members of the Board only) which set out the progress of the Board's Adverse Possession claim in respect of the piles at North Yacht Berth. The Clerk confirmed that that the paperwork had been prepared and Statutory Declarations completed and submitted to the Land Registry. As part of the discussion, Members also agreed to give consideration to implementing a Harbour Stakeholder Group.

The Board **RESOLVED** to note the contents of the Report.

587. THE EXEMPT MINUTES OF THE PERSONNEL SUB-COMMITTEE MEETING HELD ON 2ND JULY 2014

587.1 The Board received the exempt minutes of the Personnel Sub-Committee meeting held on 2nd July 2014 (previously circulated to Members of the Board only).



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

588. BUSINESS CASE FOR A MULTIPURPOSE WORK BOAT

588.1 The Board received a report which set out the progress to date on the development of a business case for a new work boat for the Harbour.

It was **RESOLVED** that:

The Harbour Master and the Treasurer continue to explore options for a work boat for the Harbour and present a business case, seeking a final decision by the Board on the replacement of the Pilot Boat in December 2014.

588.2 Cllr Wensley sought clarity on the issue of personal liability for Commissioners. The Clerk agreed to provide a response to all Board Members by email.

The meeting closed at 12.40pm.

CHAIR