

MINUTES OF THE MEETING AGENDA ITEM 6
OF THE LITTLEHAMPTON HARBOUR BOARD
HELD IN COMMITTEE ROOM 1 AT THE ARUN DISTRICT COUNCIL CIVIC
CENTRE, MALTRavers ROAD, LITTLEHAMPTON ON
MONDAY 6TH FEBRUARY 2016 AT 10AM

Present: Mr P Bush (Chairman)
Councillor R Elkins (Vice Chairman)
Councillor G Blampied
Councillor I Buckland
Councillor M Clayden
Mr M Marchant
Councillor N Peters
Mr A Squires
Councillor Dr J 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)

88. WELCOME AND NOTICES

The Chairman welcomed everyone to the meeting.

89. 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.

90. APOLOGIES

Apologies were received from Mr R O'Callaghan

91. DECLARATIONS OF INTEREST

None were declared at this point.

92. PUBLIC FORUM

92.1 There were six members of the public present.

92.2 Notice or Written Questions:

The Chairman reported that Mr David Robinson had submitted two written questions regarding harbour dues on pontoons and other charges. These had been circulated to the Board previously and were as follows:

Firstly, Mr Robinson sought confirmation from Board Members that they had considered the content of the exchanges of correspondence between himself and Harbour Board Officers regarding the legality of the Board's recent decision in relation to harbour dues on mooring pontoons and administration and debt collection charges. Secondly, the response from Officers to his inquiries on this matter was that they would not comment further because the legal status of pontoon charges was already the subject of litigation. He wished to ensure that all correspondence, minutes and supporting information he had exchanged with the Board were made available to the Court and therefore sought confirmation that the Board would comply with the Civil Procedure Rules on disclosure.

- 92.3 The Chairman clarified the position regarding the Board's decision to approve the revised schedule of charges at the last meeting. It was noted that Mr Robinson had received a written response to his questions and that Members of the Board had also received copies of this exchange. It was also noted that legal advice on the matter of the charges obtained by the Board indicated that mooring charges were lawful. Mindful that there was ongoing litigation in this respect, it was confirmed that the Board's legal counsel was aware of the current situation and would be complying with all the Court's legal requirements in terms of disclosure.
- 92.4 Regarding the Marine Management Organisation (MMO) proposals to introduce a new marine planning system, Mr Boyce asked what the Board's policy was in respect of the new system and how it had responded.
- 92.5 The Harbour Master reported that he had responded to the South Marine Plan with details of the strategic position as it related to Littlehampton and would be monitoring the public consultation.
- 92.6 Mr Boyce expressed concern that the new South Marine Plan could hinder Osborne of Arun's planned improvements to marine facilities on the West Bank and stated that he planned to go to London to make a representation as a stakeholder in the area. This was noted and the Harbour Master also agreed to send Mr Boyce a copy of the Board's response to this consultation.
- 92.7 In view of the investment in improvements to the river wall and walkway at Pier Road and his ongoing concerns about the vessel La Libertad , Mr Ellis asked if the Harbour Master was still content with the berthing arrangements in respect of the vessel.
- 92.8 The Harbour Master confirmed that his assessment of the mooring situation in respect of this vessel had not changed. It was understood that the vessel was undergoing refurbishment and noted that the Board had no powers of enforcement in respect of aesthetics.
- 92.9 Mr Boyce sought clarification of the rationale for the recent dredging activity in the river.
- 92.10 In response the Harbour Master stated that Town Quay had been dredged to maintain the depth on these moorings.

93. MINUTES

- 93.1 It was **RESOLVED** that the Minutes of the meeting held on 5th December 2016 (previously circulated) be approved and signed by the Chairman.

94. 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:

94.1 Commercial Trade / Pilotage

It was observed that increased reliance on larger vessels was borne out in the revised presentation of the commercial shipping statistics which showed that tonnage was holding up relatively well despite the drop in the number of commercial calls. The lack of commercial calls in recent months also meant that Mr John Jones was one ship below the number of pilotage trips required to re-qualify. This resulted in Members considering whether further steps were required to ensure that a similar issue did not recur. It was noted that simulator training or manned model course attendance could also help with re-qualification and Members therefore considered it would be practical to explore alternative arrangements. It was therefore **RESOLVED** that:

- 1) The Harbour Master's recommendation to extend the qualification period for Mr John Jones to allow re-validation as a Littlehampton Harbour Board Pilot be approved.**
- 2) The Harbour Master be directed to double-bank with Mr John Jones as pilot during the next commercial visit to the port to allow the re-validation to take place.**
- 3) The Pilotage Policy be reviewed and the outcome reported back to the Board at a later date.**

94.2 Leisure Activity

Members were conscious of the concerns that continued to be raised about the condition of some the vessels currently moored in the Harbour. The exteriors of some were unattractive and this was considered to have a detrimental impact on the appearance of the area. Whilst it was acknowledged that the vessels were seaworthy, there appeared to be little sign of any progress with maintenance or refurbishment of some. Observing that much had been done to improve the riverside recently, the consensus was that unsightly vessels detracted from the area. In view of the importance of tourism to the local economy, Members therefore agreed that some action should be taken. A range of options were discussed including changes to the mooring agreements. It was however considered prudent to contact owners in the first instance and initiate a dialogue with a view to establishing their intentions. It was therefore **RESOLVED** that

Letters be sent to the owners of the relevant vessels on this matter.

94.3 Conservancy Duty

The Harbour Master reported that a vessel had been towed into the Harbour and impounded by the Maritime & Coastguard Agency (MCA). Owing to the confidential nature of this matter it was noted that Members would receive a

full report under Exempt Business. Regarding the frequency of hydrographic surveys, the Harbour Master stated that the accuracy of recording had improved considerably. He was therefore satisfied that the Harbour was being properly maintained and that measurements had not altered significantly. It was noted that the next measurements would be taken during the February spring tides.

94.4 Dredging

It was noted that dredge work at Pier Road and the Marina had been completed and that work would be starting at Town Quay and Dukes Wharf that week.

94.5 Safety MarNIS Report

The Harbour Master reported that a further incident had been recorded on 4th February. This related to a minor oil spillage and it was noted that the Environment Agency were undertaking investigations. Councillor Buckland stated he had been notified of the spillage and that concerns had also been raised with him regarding the breaking up of a vessel on the public slipway. The Harbour Master confirmed that the staff had had to break down a vessel in this area. This had been undertaken at the request of the District Council, and that staff were appropriately equipped for the task and that the action presented no risk to the environment.

94.6 Flood Defence

It was noted that the predicted tidal surge during the January high tides had not had an impact and that the temporary flood defence put in place by the Environment Agency at River Road had not been required. It was noted that District Council and the Environment Agency were involved in discussions regarding the long-term protection for this stretch of the river. It was therefore **RESOLVED** that:

The Contents of the Harbour Operational Report be otherwise noted.

95. TREASURER'S REPORT

95.1. Income was currently ahead of budget by £68,000 primarily due to workboat income which was £40,000 ahead of budget at this point, £8,700 of unbudgeted lease rental income with respect to the new tenant on the former UMA Site, £7,000 up on chargeable services and £13,000 for moorings and boat storage. After discounting recoverable expense, operating expense was £25,000 above budget. The outlook for 2016/17 is forecast at a reduced deficit of £22,000.

It was **RESOLVED** that:

The Report be noted.

96. INTERIM INTERNAL AUDIT REPORT

96.1 The Treasurer presented a report which set out the main findings of the interim internal audit of the Harbour Board's accounting records carried out in November 2016 (previously circulated). Noting that there were no issues raised as a result of the mid-term audit, Members commended staff on the satisfactory outcome of this review. It was therefore **RESOLVED** that:

The Internal Auditor's Report be noted.

97. PORT MARINE SAFETY CODE (PMSC) REVIEW

97.1 The Harbour Master presented a report (previously circulated) which contained the outcome of the completion of the annual audit of the Board's Safety Management System (SMS). The Harbour Master explained that the audit comprised an examination of activities in the Harbour, risk management and looked at the Boards' improvement plans for the forthcoming year. In this respect, it was pleasing to note that operational training for staff in some of the areas highlighted was already underway. Regarding the schedule for specific works, the Harbour Master confirmed that these would be timetabled to meet seasonal requirements. It was noted that MAIB safety report was still awaited about the recent diving incident and the Harbour Master confirmed that he would follow this up. It was therefore **RESOLVED** that:

- 1) **The report of PMSC compliance issued by Nicholson's Risk Management dated 17th November 2016 following the annual audit be noted.**
- 2) **The contents of the Compliance Audit Letter to the Harbour Master be noted.**
- 3) **Publication of the revised SMS (Issue 10, dated 1st January 2017) be approved.**

98. PERSONAL WATERCRAFT (PWC) MANAGEMENT POLICY

98.1 The Harbour Master presented a report (previously circulated) which contained proposals to revise the controls on the use of PWCs in the Harbour. The Board sought changes in this policy because of increased use of these craft in 2016 and if approved, it was intended that the controls would be implemented prior to the 2017 summer season. The proposed changes had been discussed with Stakeholders and focussed on ending the practice of issuing daily harbour dues to PWC users, requiring users to submit details of insurance and a total ban on PWCs proceeding up the river without permission from the Harbour Master.

98.2 The Board proceeded to review the proposals and discussion focussed on whether PWCs should be banned and the impact of the change in fees. Key concerns had been reliability of the craft and speeding on the river and it was noted that several options had been considered. Observing that day rates were an option for visiting vessels, Members discussed if the proposal to revert to charging annual harbour dues for PWCs was equitable. It was noted that this measure aimed to discourage reckless casual use and could negate

the need for a complete ban. Acknowledging that most users were considerate it was judged that the enhanced controls would improve awareness and encourage responsible use. Noting that the potential to exclude PWCs from travelling beyond the A259 without permission would be kept under review and that the Environment Agency had additional powers in the area, it was also considered prudent to work with them on this. It was therefore **RESOLVED** that:

- 1) The revised controls for PWCs in the harbour as set out in 2.1 of the report be approved.
- 2) The Harbour Master, in liaison with the Environment Agency, be directed to keep under review the potential to exclude PWCs from travelling beyond the A259 without permission.
- 3) The Harbour Master and the Clerk be directed to draft and consult on a suitable General Direction encompassing the controls now approved and bring this Direction to the Board for its formal approval.

99. MINUTES OF THE STAKEHOLDER CONSULTATION GROUP MEETING
10th JANUARY 2017

- 99.1** The Harbour Master presented a report which contained the minutes of the meeting held on 10TH January 2017 (previously circulated). Observing that the next meeting of the Group would be held on 4th April 2017, the open invitation to Members of the Board to attend was acknowledged and it was **RESOLVED** that:

The minutes of the Stakeholder Consultation Group meeting held on 10th January 2017 be noted.

100. CORPORATE COMPLAINTS POLICY (CCP)

Councillor Dr Walsh declared a personal interest in this matter as a Member of the District Council's Standards Committee.

- 100.1** The Clerk presented a report (previously circulated) which contained a draft Policy setting out procedures to handle complaints against members of staff. Members were asked to approve the procedure and to consider whether adopting a similar format for complaints against Members of the Board would be beneficial. Members discussed the procedure under the policy and it was noted that, the Personnel Sub Committee who had responsibility for overseeing the process, could co-opt independent representation. In addition, it was noted that Members of the Board who were also elected Councillors were bound by their Code of Conduct. Members considered it would be beneficial to have a similar procedure in place to handle complaints against members of the Board and it was therefore **RESOLVED** that:

- 1) The Corporate Complaints Procedure for complaints against members of staff as set out in the report be adopted.
- 2) A similar Procedure for complaints against members of the Board be prepared and presented to the Board for formal adoption.

101. EXEMPT AND CONFIDENTIAL BUSINESS

It was RESOLVED that:

Due to the exempt and 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 or personal information relating to an individual, the business of third parties and/or legal proceedings.

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

**102. THE CONFIDENTIAL AND EXEMPT MINUTES OF THE MEETING HELD
ON 5TH DECEMBER 2016**

102.1 It was RESOLVED that:

The Confidential and Exempt Minutes of the meeting held on 5th December 2016 (previously circulated to Members of the Board only) be confirmed as a true record and signed by the Chair.

103. CHAIRMANS UPDATE

103.1 Members received a comprehensive update and agreed the way forward on several current confidential matters affecting the Board.

The meeting closed at 12.01pm.

CHAIR