

MINUTES OF THE MEETING AGENDA ITEM 5
OF THE LITTLEHAMPTON HARBOUR BOARD
HELD IN COMMITTEE ROOM 1 AT THE ARUN DISTRICT COUNCIL CIVIC CENTRE,
MALTRAVERS ROAD, LITTLEHAMPTON ON
MONDAY 4 DECEMBER 2017 AT 10AM

Present: Mr Philip Bush (Chairman)
 Councillor Roger Elkins (Vice Chairman)
 Councillor George Blampied
 Mr Tom Drennan
 Mrs Janet Mockridge
 Mr Richard O'Callaghan
 Mr Roger Spencer
 Councillor Dr James Walsh

In Attendance: Mrs S Simpson, Clerk to the Board
 Mr C Braby, Treasurer to the Board
 Mr P Richards, Notes Secretary

48 WELCOME & NOTICES

The Chairman reported that Commercial User's representative, Matthew Marchant, had unfortunately passed away. He requested that all attending stand for one minute in silence to pay respects to Mr Marchant.

Thereafter, the evacuation and safety procedures were then noted.

49 APOLOGIES

Apologies were received from Karl Roberts, Billy Johnson (Harbour Master) and Lee Harrison (Deputy Harbour Master).

50 DECLARATIONS OF INTEREST

Mr Braby declared a personal and prejudicial interest in relation to item 17. Mr Braby stated he would leave the room when this matter was discussed. There were no other declarations.

51 PUBLIC QUESTIONS

51.1 There were 7 members of the public present

51.2 The Clerk proceeded to read out the previously submitted questions and the replies to the same – copies of which are on the LHB website.

51.3 The Chairman invited supplementary questions based on the replies stated previously. Mr Boyce asked a supplementary question in regard to question 1 relating to the S43 consent he had submitted in August 2017. The Chairman observed that this query was not relevant to the submitted question however advised that this consent was under review. The Chairman stated that the allotted 15 minutes allowed for this item had been reached and accepted no further supplementary questions.

52 TO APPROVE THE MINUTES OF THE MEETING OF 18 SEPTEMBER 2017

52.1 Cllr Walsh referred to item 30 and moved that the Board should accept a review of the issue of recording meetings. The Chairman stated that he could not accept the motion but stated that a report would be prepared for the next meeting.

52.2 It was therefore **RESOLVED** that the Minutes of the meeting held on 18 September 2017 (previously circulated) be approved and signed by the Chairman.

53 **HARBOUR OPERATIONAL REPORT**

53.1 The Chairman reported that the Harbour Master had given his apologies for the meeting as he was attending the funeral of Mr Marchant and that the Deputy Harbour Master was dealing with a shipping movement. The Chairman had received an operational briefing from the Harbour Master and invited questions from the Board.

53.2 Mr Drennan asked for a summary of the incident involving the Shetland Trader. The Chairman updated the Board on the incident and that minor repairs to the retaining wall had been undertaken by Harbour Board staff. With no further questions, it was **RESOLVED** that:

- 1) **The contents of the Harbour Operational Report be noted.**
- 2) **The removal of Pontoon Harbour Dues from the Schedule of Charges be approved.**

54 **TREASURER'S REPORT**

54.1 The Treasurer presented the income and expenditure statement and income analysis for the period to the end of September 2017 (previously circulated). It was reported that, at the half year stage, operational income was slightly below budget however a rate rebate of £18,544 had boosted overall income. Operating expenses were below budget for the half year however, the cost of clearing the shoal due to a vandalism incident and repairs to the Erica work boat were above budget. Legal costs are forecast to increase in the coming months.

54.2 Cllr Walsh queried the vandalism incident and asked if the matter had been reported to the Police. He also asked for clarification on the insurance position and any claim. The Treasurer reported that the incident related to vandalism to a digger that was on hire. No insurance claim had been submitted as repair costs were similar to the excess amount. The Treasurer was unsure if the matter had been reported to the Police.

54.3 Cllr Elkins queried the increased operating costs with regard to the Erica work boat. The Treasurer reminded the Board that this issue was discussed at a previous meeting. However, the boat is being worked hard on income generating external contracts which has explained some of the increased costs. Cllr Elkins asked whether there is a review planned on the viability of the pilotage service based on these increased costs. The Treasurer reported that currently income from pilotage did not cover operational cost and that steps were being taken with the Harbour Master to address this. Discussions with Tarmac are in progress and the 2018/19 budgeted cost of the pilotage service has been shared with them. This showed that, with present shipping movements, charges will need to rise. The Treasurer is awaiting a response from Tarmac. It was **RESOLVED** that:

The Report be noted.

55 **OUTCOME OF THE EXTERNAL AUDIT OF THE 2016-17 ANNUAL RETURN**

55.1 The Treasurer presented the outcome of the external audit of the 2016-17 Annual Return. No matters arose from the audit.

55. Mr Drennan asked who appointed the auditors. The Treasurer advised that the current auditors, PKF Littlejohn, were appointed by Government but auditors would be appointed for the next Annual Return under a different regime. It was **RESOLVED** that:

- 1) **The findings of the external audit be noted.**
- 2) **The completed and audited 2016-17 Annual Return be approved and accepted.**

56 TO APPROVE THE 2018-19 PRECEPT

56.1 The Treasurer referred to the previously circulated report and advised that the officers have recommended that the presentation of the 2018-19 Budget and Schedule of Charges is delayed until the new year. This is to allow for more clarity on future costs especially, but not limited to, a pending court case. The Treasurer reported that Standing Orders would need to be waived to allow for this postponement and asked that the Board set a precept of £202,852 shared equally between West Sussex County Council and Arun District Council.

56.2 Cllr Walsh declared an interest as a District and County Councillor. He queried whether a precept could be set given the quantum is unknown with regard to the pending court case and other costs. The Treasurer advised that the extent of future liabilities is unknown and so the Board cannot advise the local authorities on the total amount of deficit. He has briefed the Heads of Finance at both local authorities and appraised them of the current situation where the future cost liability could be between £40,000 and £200,000. Cllr Walsh asked if the two local authorities are content that the Harbour Board would be submitting a supplementary financial request in 2018. The Treasurer advised that both Heads of Finance are well aware that they may need to make provision in their own budgets for 2018-19. Cllr Walsh suggested that it would be prudent to include a provision in the precept for the minimum liability cost of £40,000. The Chairman surmised that this was a prudent course of action subject to the agreement of the Heads of Finance at both local authorities.

56.3 Cllr Elkins declared an interest as a District and County Councillor and agreed with the position put by Cllr Walsh. He would favour a revision to the precept amount to include a provision of £40,000. It was **RESOLVED** that:

- 1) **The standing orders be waived relating to the setting of the Budget by the 31st December 2017.**
- 2) **The officers review the precept in consultation with the West Sussex County Council and Arun District Council Heads of Finance to include the minimum liability cost of £40,000.**

57 THE PORT MARINE SAFETY CODE

57.1 Mr Drennan reported on the outcome of his training day on the Port Marine Safety Code. He advised that the key message from the course is that the Harbour Master needs support. The Harbour Board, as Duty Holders, must provide adequate resources, training, structures and clear lines of responsibility. He surmised that the Harbour Board, in his view, appears compliant with the Safety Code.

57.2 Mr Spencer also attended this course and reflected on the increased use and impact of social media when dealing with the media when incidents are reported. The Chairman thanked Mr Drennan for the report and it was **RESOLVED** that:

The Report be noted.

58 CONFIDENTIAL AND EXEMPT BUSINESS

It was **RESOLVED** that:

Due to the confidential nature of the following item(s) 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.

The Chairman adjourned the meeting at 10:55am

The Chairman re-convened the meeting at 11:00am

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

59 MINUTES OF THE CONFIDENTIAL & EXEMPT BUSINESS FROM THE MEETING HELD ON 18 SEPTEMBER 2017

It was **RESOLVED** that the confidential and exempt minutes of the meeting held on 18 September 2017 (previously circulated to Members of the Board only) be confirmed as a true record and signed by the Chairman.

60 THE EU GENERAL DATA PROTECTION REGULATIONS (GDPR)

The Treasurer presented a report (previously circulated to Members of the Board only) on the forthcoming EU General Data Protection Regulations and advised on the steps taken to date to ensure compliance. It was **RESOLVED** that:

The Report be noted.

61 PROPOSALS FOR THE FUTURE USE OF THE OLD CUSTOM HOUSE

The Treasurer presented a report (previously circulated to Members of the Board only) on the options and business case relating to the future use of the Old Custom House. It was **RESOLVED** that:

The officers be authorised to conclude an agreement with a new tenant as soon as possible with the lease to start as soon as practical after the present tenant's lease terminates.

62 MINUTES OF THE SPECIAL MEETING HELD ON 7 NOVEMBER 2017

It was **RESOLVED** that the special meeting held on 7 November 2017 (previously circulated to Members of the Board only) be confirmed as a true record and signed by the Chairman.

63 CLERK'S UPDATE ON EVENTS FOLLOWING THE SPECIAL MEETING

The Clerk presented a report (previously circulated to Members of the Board only). The Chairman thanked the Clerk, Treasurer and Mrs Mockridge for their efforts and it was **RESOLVED** that:

The Report be noted.

Mr Braby declared a personal and prejudicial interest in the following matter and left the meeting at 11:50am

64 MINUTES OF THE PERSONNEL SUB COMMITTEE MEETING HELD ON 7 NOVEMBER 2017

It was **RESOLVED** that the Personnel Sub Committee Meeting held on 7 November 2017 (previously circulated to Members of the Board only) be confirmed as a true record and signed by the Chairman.

The meeting closed at 11:59am

_____ **CHAIR**