

SUPPLEMENTARY QUESTIONS FROM DAVID ROBINSON FOR LHB MEETING ON 5TH FEBRUARY 2018

	Original Question	LHB Written Response	Follow-up Question or Comment
1.	Can the Board please confirm that LHB will no longer be charging harbour dues on mooring pontoons within Littlehampton Harbour wef 1st April 2018.	The Board agreed at its 4th Dec 17 meeting that it would not include a charge for HDs on pontoons in its next schedule of charges. (Minute 53.2)	Thank you. Can the Board please confirm that none will be reinstated in future years?
2.	Can the Board please confirm that LHB will no longer be charging harbour dues on river or fuelling barges or pontoons within Littlehampton Harbour wef 1st April 2018 (on the basis that, like mooring pontoons, they are incapable of navigation).	Although contained in the Schedule of Charges, no charges are currently levied on fuelling barges within the river. The Schedule of charges for future years is under review.	As a fuel barge or pontoon is, by its very nature, incapable of navigation and, therefore, not a vessel as held in the recent judgement against LHB, can the Board please clarify why it is unable to give a categorical assurance now that such charges will no longer be included in the LHB Schedule of Charges?
3.	Can the Chairman please clarify precisely what is meant by "Harbour Statutory Administration" as listed in LHB's Schedule of Charges, Fees and Dues introduced for the first time wef 1st April 2017.	This charge includes work undertaken in connection with the issue of PECs, local consents, Local Notices etc. where it is appropriate to pass on the cost of undertaking this work.	What is a PEC? With relation to the other items mentioned, please see my response under 5 below.
4.	Can the Chairman please confirm how much income LHB has received from Harbour Statutory Administration, exclusive of VAT , since those charges were introduced wef 1st April 2017.	To date this year the Board has charged £83.34 (ex VAT) for statutory administration.	Noted - thank you.
5.	Can the Chairman please clarify under what provisions within the Littlehampton Harbour and Arun Drainage Outfall Act 1927 (the 1927 Act) or any other relevant legislation LHB believes it has the power to	These charges are made under s60 of the port's establishing act as "work done services rendered". Charges made "in the exercise and performance of statutory powers and duties" to manage the harbour are to be "reasonable" and are covered by	These matters do not comprise work or services provided for the benefit of the applicant but, instead, are an administrative function of LHB in dealing with such applications, and any "work or service" is provided to advise the Board as to whether a

	charge for Harbour Statutory Administration and, in the absence of any such powers, to please confirm that such charges will be removed from its schedule of changes from 1st April 2018 and any monies paid over the past year refunded	s27 of the Harbours Act 1964.	notice should be issued or, in relation to a s 43 application, there is any basis upon which an approval may not be given on the grounds that the works would interfere with or endanger the use of the waterways of the harbour. Consequently, these charges fail to meet the criteria set out in section 60 of the 1927 Act and must, therefore, be ultra vires. Can the Chairman now please confirm that they will be discontinued with immediate effect and the £83.34 plus VAT paid over the past year refunded.
6.	Can the Chairman please confirm how much income LHB has received from debt recovery administration.	To date this year the Board has charged £87.51 (ex VAT) for debt recovery administration/correspondence.	Noted - thank you.
7.	Can the Chairman please clarify under what provisions within the 1927 Act or any other relevant legislation LHB believes it has the power to charge for debt recovery administration/correspondence introduced for the first time wef 1st April 2017 and, in the absence of any such powers, to please confirm that such charges will be removed from its schedule of changes from 1st April 2018 and any monies paid over the past year refunded.	See answer to Q5.	Please see my response under 5 above. It is inconceivable that the LHB should consider actions relating to the recovery of debts to be a "service provided to the debtor". That turns common sense on its head. Consequently, these charges fail to meet the criteria set out in section 60 of the 1927 Act and must, therefore, be ultra vires. Can the Chairman please now confirm that they will be discontinued with immediate effect and the £87.51 plus VAT paid over the past year refunded.
8.	Notwithstanding my strong belief that charges for Harbour Statutory Administration and for debt recovery are ultra vires and should be removed from LHB's schedule of charges, can the Chairman please explain why there should be any differentiation between	Hourly rates for statutory admin and debt recovery are based on the cost of time for Officers and where appropriate include a provision for legal advice. These figures were benchmarked against similar charges in other harbours.	The rates listed can only relate to the "cost of time" for Officers. Should lawyers be engaged to take action to recover a debt their fees will need to be in accordance with a court's award and subject to the usual assessment process. Consequently, I again ask the Chairman to please explain why there should be any

	the hourly rates chargeable for these functions and how such rates are believed to be reasonable in the context of the salary rates payable to the relevant employees administering these functions.		differentiation between the hourly rates chargeable for these functions and how such rates are believed to be reasonable in the context of the salary rates payable to the relevant Officers administering these functions.
9.	Can the Chairman please confirm how much revenue LHB was due to receive, excluding VAT , from harbour dues on mooring pontoons, had all monies claimed as being payable by stakeholders been paid, during the year commencing 1st April 2017 and was actually received during the year commencing 1st April 2016.	Expected revenue from Pontoon HDs for 17/18 was circa £4,300 (ex VAT). Actual revenue from Pontoon HDs for the year 16/17 was £4,341.24 (ex VAT).	Noted - thank you.
10.	Can the Chairman please confirm under which heading, in the Income and Expenditure Accounts, harbour dues on mooring pontoons are included.	Income from HDs previously charged on pontoons was included in annual accounts under Harbour Dues - Leisure Craft.	Noted - thank you. Can the Chairman now please confirm that, as HDs on pontoons have now been held to be unlawful from their inception, it is irrelevant in any assessment of how this income might now be made good what source of revenue any such shortfall should be apportioned?
11.	Can the Chairman please confirm the anticipated gross income receivable by LHB, exclusive of VAT , from all sources of income during the year commencing 1st April 2017, inclusive of harbour dues claimed on mooring pontoons, and the corresponding sums actually received during the year commencing 1st April 2016.	Total budgeted income for FY 17/18 is £367,393 (before precept). Total income received in FY 16/17 was £425,196 (before precept).	Noted - thank you. Excluding income from commercial rents and deferred loan income, but included the precept, the sums listed in 9 above represent approx 1.3% for 2017/18 and 0.94% for 2016/17. Can the Chairman please confirm, if it is not possible to reduce its expenditure by £4,300 in 2018/19, it would be equitable that this sum be recovered by no more than an additional 1.0% increase in charges above inflation across the board when setting the 2018/19 dues?

12.	Can the Chairman please explain precisely to what the "Earmarked Reserves" listed in the LHB Accounts relates.	Earmarked reserves (as appearing in FY16/17 Accounts include the LHBs statutory minimum reserve of £35K along with other funds accrued mainly through workboat activity over the past 5 years. Reserves would normally be used for capital/replacement projects (such as replacement plant and equipment) and infrastructure maintenance (such as monies spent on the West Works and East Training Wall).	Noted - thank you. Can the Chairman please explain whether or not it would be reasonable for any of this "Earmarked Reserve" to be used to off-set the loss of income from pontoon harbour dues in 2018/19 and beyond?
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