

SUPPLEMENTARY QUESTIONS FROM DAVID ROBINSON FOR LHB MEETING ON 19TH MARCH 2018

	Original Question	LHB Written Response	Revised 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.	It is noted that this has now been re-named as a River or Fuelling Barge in the draft 2018/2019 Schedule of Charges. Can the Board please confirm that this is intended to refer to the likes of the fuel barge or pontoon at Littlehampton Marina. If so it is, by its very nature, incapable of navigation and, therefore, not a vessel as held in the recent judgement against LHB and must, therefore, be ultra vires. In the light of this, can the Board please explain why this item should be included in the LHB's 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.	It is noted that in the draft 2018/2019 Schedule of Charges this has now been re-named Consultancy/Administration by HM or Clerk. Can the Chairman please confirm that it is intended to cover the same work previously described as "Harbour Statutory Administration".
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 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	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 s27 of the Harbours Act 1964.	This supplementary question now relates to the renamed charges as set out for 2018/2019. These matters are not 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 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.	It is noted that a new item has been included in the draft 2018/2019 Schedule of Charges relating to Consultancy/Administration by Finance and Accounts, whilst still retaining charges for Debt Recovery Administration. Can the Chairman please explain the difference between the two. 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 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.	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.	It is noted that the time charges proposed for 2018/2019 have been amended. Can the Chairman please explain exactly how these various time charges have been arrived at.
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. Excluding income from commercial rents and deferred loan income, but included the precept, the sums mentioned in 9 above represent approx 1.3% for 2017/18 and 0.94% for

			<p>2016/17, of gross income.</p> <p>In the light of this can the Chairman please explain why it is felt that only pleasure craft and charter vessels should bear the loss of this income by a disproportionate increase in dues rather than to spread this loss of income across all dues and charges (with the exception of commercial rents) when setting the 2018/19 dues?</p>
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.	<p>Total budgeted income for FY 17/18 is £367,393 (before precept).</p> <p>Total income received in FY 16/17 was £425,196 (before precept).</p>	Noted - thank you.
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?
13.			It is noted from the draft 2018/2019 Schedule of Charges that a charge of from £450 is chargeable for filming within the harbour limits. However, I can find no provision within the 1927 Act that prevents such activity or requires

			the prior approval of LHB for it. Can the Chairman please inform me which provision of the 1927 Act entitles LHB to levy such a charge.
14.			It is noted from the draft 2018/2019 Schedule of Charges that for the Ferry operating in the harbour Annual Charter Dues or passenger dues per passenger are chargeable at the Board's discretion at a rate agreed in advance by LHB. As the ferry is usually operational from Easter, can the Chairman please confirm whether any such agreement has been reached and, in the absence of any agreement being reached, upon what basis will any charge be levied.