



Harbour Office  
Pier Road  
Littlehampton, West Sussex BN17 5LR  
Tel: 01903 721215  
Fax: 01903 739472

HARBOUR MASTER      B Johnson BSc Hons  
DEPUTY HARBOUR MASTER    H Gregory M. Eng  
TREASURER                C Braby ACMA, CGMA  
CLERK                        Mrs J Brooker BSc Hons

**MEETING OF THE LITTLEHAMPTON HARBOUR BOARD  
(FOR ATTENDANCE OF BOARD MEMBERS AND OFFICERS ONLY)**

**AGENDA**

**MONDAY 17 FEBRUARY 2020 at 10am**

**Pink Room, Arun District Council, Maltravers Road, Littlehampton**

- 1. Apologies**
- 2. Declarations of Interest**  
Members and Officers are reminded to make any declarations of personal and/or prejudicial interests that they may have in relation to items on this Agenda.  
  
They should declare their interest by stating:
  - a. The item they have the interest in
  - b. Whether it is a personal interest and the nature of the interest.
  - c. Whether it is also a prejudicial interest.
  - d. If it is a prejudicial interest, whether they will be exercising their right to speak under Question Time.
- 3. Minutes of the Meeting held on 2 December 2019** **1-8**  
To confirm as a correct record the Minutes of the meeting of the Board held on 2 December 2019.
- 4. Update on the implementation of Board Actions – report attached** **9-12**
- 5. Proposed Revisions to Constitution** - report attached (see separate pack for appendices) **13-18**
- 6. Review of Financial Regulations** - report attached **19-67**
- 7. Designated Person's Report** - report attached and Peter Nicholson will be in attendance **68-109**
- 8. Harbour Operational Report – report attached** **110-113**
- 9. Treasurer's Report** - report attached **114-117**
- 10. Stakeholder Engagement** - report attached (including the minutes of the Stakeholder meeting held on 7 January 2020) **118-129**
- 11. Appeal against consent for works decision** (annex 3 'appeal submission in full' circulated electronically to Members) **130-135**

- |     |   |                |
|-----|---|----------------|
| 12. | <b>2020-21 Meeting Dates</b> - report attached  | <b>136-137</b> |
| 13. | <b>Date of Next Meeting</b> - Monday 18 May 2020 at 10am  |                |
| 14. | <b><u>Confidential and Exempt Business</u></b><br><i>The Board is asked to consider passing the following resolution:- that due to the confidential nature of the following item(s) to be considered, the public and accredited representatives of the press and other media be excluded from the meeting on the grounds it involves the likely disclosure of business of personal information relating to an individual, the business of third parties and/or legal proceedings.</i> |                |
| 15. | <b>Confidential and Exempt Minutes of 2 December 2019</b><br>To confirm as a correct record the Confidential and Exempt Minutes of the Board meeting held on 2 December 2019.   | <b>138-141</b> |
| 16. | <b>Update on the implementation of Confidential and Exempt Board Actions</b> – report attached  | <b>142-143</b> |
| 17. | <b>Tender for Designated Person</b> - report attached   | <b>144-147</b> |
| 18. | <b>Update on Legal and Estate Matters</b> - report attached   | <b>148-151</b> |



**MINUTES OF THE MEETING OF THE LITTLEHAMPTON HARBOUR BOARD**  
**HELD ON MONDAY 2 DECEMBER 2019, AT LITTLEHAMPTON TOWN COUNCIL**

**Present:** Mr Philip Bush (Chairman)  
Cllr Roger Elkins (Vice Chairman)  
Mr Barry Goodhew  
Cllr Shirley Haywood  
Mr Richard O'Callaghan  
Mr Karl Roberts  
Mr Roger Spencer  
Cllr Bryan Turner  
Cllr Dr James Walsh

**In Attendance:** Mr Chris Braby, Treasurer  
Mrs Jen Brooker, Clerk to the Board  
Mr Billy Johnson, Harbour Master

**ITEM 1 - APOLOGIES**

- 1.1 Apologies were received from Mr Tom Drennan. Mrs Janet Mockridge was not in attendance.

**ITEM 2 - DECLARATIONS OF INTEREST**

- 2.1 As a harbour dues payer, the Chairman declared a personal interest in the proposed 2020/21 Schedule of Charges. Cllr Dr Walsh declared an interest as the leader of Arun District Council. Cllr Roger Elkins declared an interest as a Member of WSCC.

**ITEM 3 – PUBLIC QUESTIONS**

- 3.1 The Chairman advised that questions had been received from Mr David Robinson and Mr Robert Boyce and written responses provided in advance of the meeting. Mr Robinson read out his question and the Harbour Board response was read out by the Clerk. Mr Robinson then read out a supplementary question on the issue and was directed by the Chairman to the previous response.
- 3.2 There followed disruption in the public gallery when Mr Chapman provided the Chairman with a copy of an email sent between the Harbour Master and Chairman in 2015 in which he had been referred to within. He advised that he would be taking legal action. The Chairman said as the issue was now a legal matter it could not be discussed.
- 3.3 Mr Boyce read out the first four of his questions with the Harbour Board response read out by the Clerk. The Chairman called the end of public questions after 15 minutes, in line with the constitution and Mr Boyce thanked the Board for their time.

#### **ITEM 4 - MINUTES OF THE BOARD MEETING HELD ON 21 OCTOBER 2019**

- 4.1 The Minutes of the Board Meeting held on 21 October 2019 were considered.

#### **RESOLVED:**

**That the Minutes of the meeting held on 21 October 2019 be approved and signed by the Chairman.**

#### **ITEM 5 – UPDATE ON THE IMPLEMENTATION OF ACTIONS**

- 5.1 A report on the progress of actions agreed by the Board was provided for information. The only incomplete action had been for the Audit Sub Committee to meet on Monday 25 November 2019. The meeting had been cancelled following a full clean audit and no issues that required consideration by the Sub Committee.

#### **ITEM 6 –STAKEHOLDER ENGAGEMENT**

- 6.1 The Board considered a report by the Clerk which had been produced in response to an agreed action at the Board Away Day held on 8 October 2019.
- 6.2 The Clerk advised that the recommendations proposed in the report had been arrived at by assessing existing stakeholder engagement arrangements, reviewing these against best practice and drawing on her governance knowledge and experience. Broadly speaking, the recommendations were intended to develop a stakeholder engagement structure which fed into Board decision making more effectively and in which dialogue took place with a wide range of stakeholders rather than any particular user group.
- 6.3 There followed a lengthy debate in which Cllr Dr Walsh and Mr Roberts expressed strong objection to the proposal that Board meetings become closed to the public given that the Harbour Board was reliant upon the Precept which amounted to a taxation. The Harbour Master and Mr O’Callaghan responded that reliance on the public purse did not equate to a requirement to have meetings in public and that the local government model the Board was currently operating under was hampering the business of the Board. Reference was made to school governing bodies as recipients of local authority funds and Government agencies as recipients of central Government funding – organisations which excluded the public from Board meetings.
- 6.4 Although not within the report, Cllr Dr Walsh also raised his objections to the proposed reduction in local authority appointments to the Board, contained within the previously approved Harbour Revision Order (HRO). He stated that he had also made representation to the leader of WSCC. The Harbour Master referred to the Department for Transport (DfT) trust port governance guidelines, which the Port was bound to, which stated that there should be no representatives on the Board and that if the Councils wished to have greater control of their monies then they should look to municipalise the Port, which neither Council had shown interest in doing.
- 6.5 The Harbour Master advised that the HRO would enable local authority representatives to input their views on a stakeholder group and there would be no conflict of interest as there currently was with local authority representatives on the Board. Cllr Dr Walsh stated that he was able to separate his roles of Harbour Board Member and local authority councillor to ensure there existed no conflict of interest.

- 6.6 There was broad consensus that the current stakeholder engagement model was clearly ineffective, that change was needed and that the recommendations were in line with the guidance for Trust Ports. Some Members welcomed the principle of broader stakeholder representation, which underlined many of the report recommendations, but Cllr Dr Walsh expressed concern that the Board would determine the Membership of the Advisory Group and not the stakeholders themselves.
- 6.7 The Clerk advised that the Board would be responsible for approving the Terms of Reference of the stakeholder advisory group and which organisations should be represented within it, but it was a decision for each of those groups as to whom they wished to nominate to the advisory group. She confirmed that the stakeholder advisory group would have its own Chairman and submit their Minutes to the Harbour Board in line with DfT governance guidance. The Harbour Master added that the advisory body also provided the opportunity for representatives of local councils to openly speak on behalf of those organisations.
- 6.8 It was identified that there was a need to improve communications between the Harbour Board and the precepting authorities and this needed to be at both a strategic level with Council Members and at an operational level with Officers. Cllr Dr Walsh advised he would not access his Littlehampton Harbour email account and that all correspondence should be directed to him at Arun District Council or West Sussex County Council.
- 6.9 Due to the controversial nature of some of the recommendations put forward and the presence of the general public at the meeting, the Chairman requested Members vote for the proposals by way of a ballot form. The results of this were compiled by the Clerk and it was:

**RESOLVED:**

- (i) That the existing stakeholder meeting arrangement is replaced with a stakeholder advisory body comprising a diverse range of stakeholders appointed by the Board (9 votes in agreement)**
- (ii) That the Board shall consult the advisory body on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of Littlehampton Harbour and its navigation (9 votes in agreement)**
- (iii) That any user groups are encouraged to feed into this advisory body (9 votes in agreement)**
- (iv) That the Senior Management Team develop proposed Terms of Reference for the advisory body (9 votes in agreement)**
- (v) To reflect the existing Precept arrangement. In addition, the Senior Management Team investigate the feasibility of having regular meetings with representatives from the local authorities (8 votes in agreement and 1 against)**
- (vi) That Board meetings are no longer open to the public but non confidential and non-exempt minutes continue to be published on the Harbour Board Website (5 votes in agreement and 4 against)**

- (vii) **An annual general meeting of stakeholders is widely publicised, attended by Board Members and Offices for stakeholders to ask questions of and at which the annual report and accounts are scrutinised (8 votes in agreement and 1 abstain)**
- (viii) **That, although not subject to the Freedom of Information Act, a process remains in place for stakeholders to ask questions of the Harbour Board (9 votes in agreement).**

6.10 The Clerk confirmed that, as was the case with all Board resolutions, the agreed resolutions would be implemented from immediate effect and the constitution amended accordingly.

**ITEM 7 – FINANCIAL OUTCOME FOR 2019/20 AND THE 2020/21 BUDGET SUBMISSION INCLUDING THE PROPOSED 2020/21 SCHEDULE OF CHARGES**

- 7.1 The Treasurer presented his report on the 2019/20 financial outcome. Key points were:
- The year-end forecast showed a deficit of £29k. This would be offset by £7k of held reserves which meant a net shortfall of £22k.
  - This outcome would result in a requirement for an additional precept of £22k which equated to £11k from each local authority although the exact amount would not be known until after the financial year close in March 2020.
  - The 2019-20 budget included £40k set aside for infrastructure maintenance and repair and this provision was being apportioned equally in the management accounts as the year progressed. £20k of this reserve has already been earmarked for major repairs to the West Works
  - When the Board are presented with the final outcome for the year at the June 2020 Board Meeting, Members will have to decide whether to make a retrospective additional precept for the 2019/20 year.
- 7.2 Referring to previous engineering reports on the condition of the West Works, Members raised concern at the life left in the structure. There was concern whether recently identified damage to one pile, was a one-off problem or if was indicative of the condition of the remainder of piles. In his capacity as a coastal engineer, Roger Spencer advised that the reports he had seen suggested that the damage was an isolated issue and the repairs would increase the lifespan of the structure.
- 7.3 The Treasurer presented the 20-21 Budget. Key points were:
- There was a 1.7% increase in charges, staff salaries and allowances, in line with the annual CPI rate of inflation.
  - Significant operating expenses including work on the UMA Wharf to improve drainage to ensure improved future rental returns.
  - Reduction in legal and professional costs due to various charges in 2019/20 not being carried over to 2020/21.
  - Increase in spend on the ERICA workboat due to a planned “out of water” major service.
  - A capital allowance of £15k allocated to the installation of jet ski moorings, subject to a business case to be approved by the board.
  - Increased spending on training over the prior year including oil spill contingency training.
  - Setting of a precept of £284,154 to be divided equally between both local authorities.

- 7.4 The Treasurer advised that, the Board's legal advisors had estimated a cost of £70k should a full public inquiry be required for the HRO. No allowance for this had been made within the 2019-20 forecast or the 2020-21 budget.
- 7.5 In response to queries, the Harbour Master advised that the installation of jet ski moorings was thought to be a viable project that would enhance income. The proposal had come about through dialogue with stakeholders. There were existing jet ski moorings at Littlehampton Marina, but Littlehampton Jet Ski Club had identified a need for more.
- 7.6 The Treasurer confirmed he had engaged with the finance departments of both local authorities regarding the 2020/21 budget precept and the potential 2019/20 deficit. Thus both local authorities were fully aware of the forecast deficit for this year and the financial impact should a public enquiry on the HRO be called.

**RESOLVED:**

- (i) **That the Board note the forecast revisions to the 2019/20 Budget and authorise the Treasurer to vire income and expense among the relevant budget categories**
- (ii) **The Board approve the 2020/21 Budget and consequent precept of £284,154 to be shared equally between West Sussex County Council and Arun District Council**
- (iii) **The two local authorities are to be alerted by the Treasurer to (1) that an additional precept for 2019/20 currently estimated at £22,237 will be required in addition to the 2020/21 amount in 7.6 (II) above and (2) should the current Harbour Revision Order lodged with the Marine Management Organisation go to public enquiry an additional precept for 2020/21 in the region of £70,000 will also be required**
- (iv) **The Board approve the 2020/21 schedule of charges as presented.**
- (v) **The Harbour Master engage with Mr Roger Spencer (in his capacity as Coastal Engineer) and the Environment Agency on the immediate and long-term repair and maintenance of the West Works structure.**

**ITEM 8 – THE OUTCOME OF THE 2019/20 INTERIM INTERNAL AUDIT**

- 8.1 Presenting the report, the Treasurer advised that the interim audit of the Harbour Board's financial records for 2019/20 had been conducted in early November.
- 8.2 No issues had been identified that required consideration by the Board and the auditor had concluded that the accounting arrangements, procedural controls, records and documentary evidence were exemplary and accurately recorded the Harbour Board's financial position.
- 8.3 On behalf of the Board, the Chairman congratulated and thanked the Treasurer for the exemplary accounting standards and asked that his thanks be passed to the Accounting and Administration Officer.

**RESOLVED:**

- (i) **The Board note the positive outcome of the 2019/20 interim internal audit report**
- (ii) **The thanks of the Board to the successful work of the Treasurer and Accounting and Administration Officer be formally noted.**

#### **ITEM 9 - HARBOUR OPERATIONAL REPORT**

- 9.1 The Harbour Master presented his report on recent operations which provided an overview of commercial activity, port marine safety code & conservancy duty work, news and activity on the Harbour.
- 9.2 With regard to pilotage activity, the 'ELISE' had departed from the harbour at 2am that morning. Regarding the Arundel flood defence works currently taking place, the Harbour workboat "WINDSONG" had been employed to support operations and "ERICA" had been used for towage of a modular barge.
- 9.3 Following discussions with Arun District Council, the removal of the west bank timber piling had now taken place. The dilapidated structures concerned were those to the North of Arun Yacht Club and South of Ballast island. They were however on a bend in the river that meant residual timber cut down to bed level but left in place needed to be marked. A temporary aid to navigation was currently in place and Trinity house had since given approval for a permanent beacon to be established.
- 9.4 Despite recent dredge efforts, there had been shingle build up in the main harbour entrance channel adjacent to the west beach. Attempts to remove this would be made through ploughing using the ERICA, but its position meant that a barge may be required for the works. The cost of a barge was not known but an estimate would be provided to the Board if it was deemed required and exceeded the budget allocation.
- 9.5 In response to queries, the Harbour Master advised that the safety incident on 1 November 2019 related to a contractor for the Arundel flood defence works falling overboard from a barge under tow. The individual had been admitted to hospital after the incident and discharged later that day. The Harbour Master reassured Members that the Harbour Board had reported the incident to the Marine Accident Investigation Branch (MAIB) of the MCA and the company concerned. The company had completed its own investigation into the incident and the key finding was that the individual concerned had been standing on the wrong side of the guard rail. Positive feedback had been provided on the recovery actions undertaken by Harbour Board staff.

#### **RESOLVED:**

**That the Harbour Operational report be noted.**

#### **ITEM 10 - DATE OF NEXT MEETING**

- 10.1 The following meeting of the Board was scheduled to take place on Monday 17 February 2020 at 10am.

#### **ITEM 11 – CONFIDENTIAL OR EXEMPT BUSINESS**

- 11.1 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 or personal information relating to an individual, the business of third parties and/or legal proceedings.**



The non-confidential section of the meeting ended at 11.41am.

Signed\_\_\_\_\_

Date\_\_\_\_\_

**THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK**



**ITEM 05      PROGRESS OF OUTSTANDING BOARD RESOLUTIONS**

Meeting Date	Item No.	Issue	Progress	Notes	Assigned Owner
2 Dec 2019	4	<b>Minutes</b> The Minutes of the Board Meeting held on 21 October 2019 be approved and signed by the Chairman	Complete	Signed copy on file	Clerk
2 Dec 2019	6	<b>Stakeholder Engagement</b>  That the existing stakeholder meeting arrangement is replaced with a stakeholder advisory body comprising a diverse range of stakeholders appointed by the Board (9 votes in agreement)  That the Board shall consult the advisory body on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of Littlehampton Harbour and its navigation (9 votes in agreement)  That any user groups are encouraged to feed into this advisory body (9 votes in agreement)  That the Senior Management Team develop proposed Terms of Reference for the advisory body (9 votes in agreement)  To reflect the existing Precept arrangement. In addition, the Senior Management Team investigate the feasibility of having regular	Stakeholder Engagement Report Included on Agenda	See Agenda item 10	Clerk Harbour Master

		<p>meetings with representatives from the local authorities (8 votes in agreement and 1 against)</p> <p>That Board meetings are no longer open to the public but non confidential and non-exempt minutes continue to be published on the Harbour Board Website (5 votes in agreement and 4 against)</p> <p>An annual general meeting of stakeholders is widely publicised, attended by Board Members and Offices for stakeholders to ask questions of and at which the annual report and accounts are scrutinised (8 votes in agreement and 1 abstain)</p> <p>That, although not subject to the Freedom of Information Act, a process remains in place for stakeholders to ask questions of the Harbour Board (9 votes in agreement).</p>			
2 Dec 2019	7	<p><b>Financial Outcome for 2019-20 and 2020-21 Budget Submission</b></p> <p>That the Board note the forecast revisions to the 2019/20 Budget and authorise the Treasurer to vire income and expense among the relevant budget categories</p> <p>The Board approve the 2020/21 Budget and consequent precept of £284,154 to be shared equally between West Sussex County Council and Arun District Council</p> <p>The two local authorities are to be alerted by the Treasurer to (1) that an additional precept for 2019/20 currently estimated at £22,237 will be required in addition to the 2020/21 amount in 7.6 (II) above and (2) should the current Harbour Revision Order lodged with the Marine Management Organisation go to public enquiry an additional precept for 2020/21 in the region of £70,000 will also be required</p>	<p>Complete</p> <p>Complete</p> <p>Complete</p>		Treasurer

		<p>The Board approve the 2020/21 schedule of charges as presented.</p> <p>The Harbour Master engage with Mr Roger Spencer (in his capacity as Coastal Engineer) and the Environment Agency on the immediate and long-term repair and maintenance of the West Works structure.</p>	Complete	To be uploaded to LHB Website in advance of 1 April 2020 Commencement date of charges	
2 Dec 19	8	<p><b>Outcome of the 2019-20 Interim Internal Audit</b></p> <p>The Board note the positive outcome of the 2019/20 interim internal audit report</p> <p>The thanks of the Board to the successful work of the Treasurer and Accounting and Administration Officer be formally noted.</p>	<p>Complete</p> <p>Complete</p>		Treasurer
2 Dec 19	9	<p><b>Harbour Operational Report</b></p> <p>That the Harbour Operational report be noted.</p>	Complete		Harbour Master

**THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK**



## **AGENDA ITEM 05**

**MEETING: LITTLEHAMPTON HARBOUR BOARD**

**DATE: 2 DECEMBER 2019**

**REPORT BY: CLERK TO THE BOARD**

**SUBJECT: REVIEW OF GOVERNANCE FRAMEWORK AND ORGANISATIONAL POLICIES**

### **1. Summary**

- 1.1 This report proposes various amendments to the governance and policy framework in response to:
- Decisions previously made by the Board
  - Inconsistencies in governance documentation
  - Governance best practice including the Ports Good Governance Guidance
  - UK Corporate governance principles
- 1.2 The governance and policy framework can be divided into three groups: governance framework, Board policies and Organisational policies.
- 1.3 This report provides proposed amendments to the first group - governance framework, one Board policy – 'Access to Information' and the Management Structure Chart.

### **2. Background**

- 2.1 The existing governance framework was last reviewed in 2013 and a review is therefore over-due. There are a number of reasons why the Board should review its governance framework:
- To ensure it has robust oversight of the organisation and an effective framework in place to support the delivery of operational priorities
  - To establish whether any of the board's governance practices and capabilities need improvement
  - To make revisions in response to best practice
  - To ensure consistencies in governance policies and procedures
  - To move from a framework which incorporates operational policies into a governance framework owned by the Board and operational framework owned by the Senior leadership team.

- 2.2 It is proposed that existing Board and organisational policies/framework is separated into the following three groups of documents:

**SECTION 1: Governance Framework**

- Articles
- Board Structure Chart
- Code of Conduct
- Protocol of Member/Officer Relations
- Committee Terms of Reference
- Scheme of Delegation
- Meeting Rules and Procedures (to be renamed Governance rules and procedures)
- Financial Regulations (see agenda item 6)

**SECTION 2: Board Policies/Procedures for Board Ownership and Future Review**

- Access to Information Policy
- Customer Complaints Policy
- Anti Bribery, Gifts and Hospitality Policy
- Whistleblowing Policy
- Health and Safety Policy
- Organisational Structure Charts (Officer)

**SECTION 3: Organisational Policies/Procedures (for ownership and review by Harbour Master unless relate solely to a senior officer post (i.e. the Harbour Master, Clerk or Treasurer)**

- Employment Procedures/Staff Handbook
- Job descriptions (reviewed by Personnel Sub Committee)

2.3 **Proposed Changes**

2.3.1 **Section 1: Governance Framework**

Removal of existing part 1 (Introduction) and Part 3 – Responsibility for Functions

All information contained within these documents is duplicated elsewhere within the governance framework.

Articles

- Article 3 – removal of right of public to attend meetings and removal of public question times (Board resolution of 2 December 2019)
- Article 4 – adjustment of ‘sub committees’ to ‘committees’ to more accurately reflect existing structure. Addition of requirement for full Board to annually appoint Membership and Chairman of each Committee (thus ensuring that there is a Committee Chairman in place to approve the agenda of each committee meeting).
- Article 6 – Terms of Reference of Committees removed and placed into stand alone documents for future review by individual committees and recommendations submitted to the Board



- Article 10 – addition of requirement for the Board to review its constitution every three years as a minimum (replacing wording that it will be kept under review)

#### Board Structure Chart

New diagrammatic overview of Board and committee structure and Membership numbers

#### Code of Conduct

Separated into Members Code of Conduct and Protocol of Member/Officer Relations

New section in Code of Conduct on communication with the media

#### Committee Terms of Reference

- Currently included within Articles but extracted into stand-alone documents
- Standardisation of format to include Membership requirements, frequency of meetings, requirement for Chairman to attend annual general meeting of stakeholders, scope, authority, reporting arrangements to the Board
- Minimum membership of 4 for each committee with Quorum of 3 (thus ensuring a committee chairman cannot take a decision unilaterally)
- Draft minutes to be approved by email before their submission to the Board
- Amendments to Personnel Terms of Reference to reflect Senior Leadership Team Members being Board appointments and remainder of staff being management appointments
- Amendments to Personnel Terms of Reference to reflect role of committee for recruitment of recreational and commercial user representatives

#### Part 4 – Officer Scheme of Delegation

Amendments to reflect proposed changes to financial regulations

New section on level of approval and review of governance framework and policies

#### Part 5 - Meetings Rules and Procedures

- Renamed to Governance rules and procedures to more accurately reflect content of document
- Addition of contents page to ease navigation
- Annual Meeting of the Board – addition of statement that the Board will appoint Committee Chairmen
- Ordinary Meetings – removal of public question time (to reflect Board resolution)
- 7.0 Quorum – clarification of wording to state that the meeting will cease to take place if not at quorum
- 8.0 Public Accountability – new section to reflect requirements including what information will be readily available on the internet, what information is available on request and what will be provided routinely to the legal teams of both precepting authorities. Also detail on how to submit any questions to the Harbour Board.
- 9.0 Confidentiality – new section on what information is defined as confidential and addition of requirement to annually review classified material to establish if it can be declassified.

- 11.0 Voting – additional information on voting process to support procedures including principles of majority decision making and Members rights if do not support a decision.
- 14.0 Record of Attendance – removal of requirement of Members to sign attendance sheet and addition of responsibility of Clerk to list attendees in the Minutes
- 16.0 Declaration of Interests – addition of existing responsibility of Members to complete a register of interests form on appointment and annually complete a related parties transaction declaration.

Part 6 – Rules of Procedure (Other) – section 2 – Financial Procedure

Renamed Financial Regulations and reviewed (see separate agenda item)

**2.3.2 Section 2: Board Policies/Procedures for Board Ownership and Future Review**

Access to Information Policy

- Renamed Access to Information Procedure as stand-alone document
- Removal of right of public to attend Board meetings (Board resolution of 2 December 2019)
- Amendment to state only non-confidential reports will be made available to the public (to reflect existing practice)
- Addition of definition of confidential and exempt information
- Clarity that non confidential minutes are made available to the public for a period of six years following the meeting

Management Structure

Amendment to organisational structure to reflect Harbour Master, Clerk and Treasurer being Board appointments and comprising the Senior Leadership Team.

To be reviewed

Customer Complaints Policy, Anti Bribery, Gifts and Hospitality Policy, Whistleblowing Policy, Health and Safety Policy

**2.3.3 Section 3: Organisational Policies/Procedures**

Job Descriptions

Reviewed by Personnel Sub Committee

Employment Procedures/Staff Handbook

Under review

### **3. Recommendations**

- i) The proposed amendments to the documentation set out above are adopted and the Governance framework and Access to Information Policy placed on the LHB website.**
- ii) The proposed 'Governance Framework' is owned by the Board with review a minimum of every three years.**
- iii) Organisational Policies and job descriptions of non-senior posts are delegated to approval and review by the Harbour Master**
- iv) Job Descriptions of senior posts and HR policies relating solely to those posts, are owned by the Board with review a minimum of every three years**
- v) Future amendments to the documentation that do not change its substance can be approved by the Senior Management Team in consultation with the Chairman.**

### **4. Attachments**

- 4.1 Governance framework with track changes shown where possible**
- Access to Information Policy**
- Management Structure Chart**

**THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK**

**AGENDA ITEM**                      **6**

**MEETING:**                      **LITTLEHAMPTON HARBOUR BOARD**

**DATE:**                          **17 FEBRUARY 2020**

**REPORT BY:**                  **TREASURER TO THE BOARD**

**SUBJECT:**                      **FINANCIAL REGULATIONS UPDATE**

**1. Summary**

- 1.1 The Financial Regulations have been updated to reflect changes in working practices. Duplications where they appear and matters where other policies take preference have been removed. The most significant items for review by the Board centre on monetary values where limits have been raised to better reflect current values and materiality.

**2. Background**

- 2.1 The Clerk undertook a review of all Governance papers. The Financial Regulations document required updating and this has now been undertaken by the Treasurer and Accounting and Administration Officer. The suggested amendments are highlighted in the document by showing tracked changes.
- 2.2 It is appreciated that the tracked changes in this document are numerous and to assist Board Members the following areas of change all relating to monetary limits are highlighted:

<b>Reference</b>	<b>Summary of Changes requiring approval</b>
3.2(b)	Treasurer's authority level for unfunded income or expense before reference to the Board raised from £2,000 to £20,000
6.12.1	Level of monies to be kept in office safe overnight changed to comply current insurance limits
9.7	Point at which tangible revenue items need to capitalised raised from £1,500 to £2,500
9.8, 9.12.1 and 9.12.3	9.8 Disposal of assets value limit before consent is sought from the Board raised from £1,500 to £10,000. 9.12.1 and 9.12.3 limit raised from £5,000 to £10,000
10.1	This deals with the raising of minor value orders for work shop and office supplies. The limit before formal officer approval is required for the purchase of individual items is set at £250
10.8	The limit at which the Board need to approve unbudgeted capital purchases is raised from £5,000 to £20,000
11.15 & 26.2	Limits imposed on contracts to be in writing raised from £10,000 to £20,000 and the level at which sealing is required is raised from £10,000 to £20,000.

11.18.2	The present regulations require all contracts that exceed the contractual price, excluding fluctuation clauses, by 5% or more to require a report to be submitted to the Board. It is proposed that this 5% is deleted as it ignores the relevance of the contract value and is replaced with the word “significantly”
12.6	Changed to reflect current limits
Appendix 3 Authority levels	<p>Signatories required for <b>budgeted</b> items up to £1,500 removed and replaced with a need for authorisation above £5,000 by DHM and HM. <b>Budgeted</b> spend above £10,000, (was £5,000) requires joint approval of the HM and Treasurer, the Clerk to be substituted if the Treasurer is not available.</p> <p><b>Unbudgeted</b> spend above £5,000, (was £10,000) requires the approval of the HM, <b>unbudgeted</b> over £10,000, (was £5,000) requires the approval of the HM and the Treasurer with the Clerk authorised to approve if the Treasurer is not available. <b>Unbudgeted</b> over £20,000 requires Board approval but in an emergency, i.e. where a delay to the next Board Meeting is not practical e.g. recent shoal removal, this can be covered by e mail exchange</p> <p><b>Asset Write Off</b> limits changed to bring in line with expense</p> <p><b>Contractual Commitments</b> remain unchanged</p>

### 3. Financial Implications

3.1 As highlighted above

### 4. Recommendation

4.1 It is recommended that the Board adopt and approve the revised Financial Regulations 2020 document.

Supporting papers; Financial Regulations revised 2020, (tracked)



## LITTLEHAMPTON HARBOUR BOARD - FINANCIAL REGULATIONS

January 2020

### Background

Regulation 1	General
Regulation 2	Budget
Regulation 3	Proposals to incur Expenditure or Reduce Income
Regulation 4	Accounting
Regulation 5	Banking
Regulation 6	Income
Regulation 7	Invoicing
Regulation 8	Payment of Accounts
Regulation 9	Fixed Assets
Regulation 10	Orders for Work, Goods and Services
Regulation 11	Contracts
Regulation 12	Tenders
Regulation 13	Employment Checks and Payment of Employees
Regulation 14	Consultants
Regulation 15	Expenses
Regulation 16	Hospitality and Gifts
Regulation 17	Internal Control
Regulation 18	Risk Management and Insurance
Regulation 19	Debt Collection
Regulation 20	Office Till Procedure
Regulation 21	Petty Cash
Regulation 22	Prevention of Corruption
Regulation 23	Computer and IT Security
Regulation 24	<u>Inventory</u>
Regulation 25	Security
Regulation 26	Use of the Seal

Appendix 1: Authority to Waive Standing Orders

Appendix 2: Authorisation to Dispose of an Asset with a Net Book Value of Less Than £5000

Appendix 3: Expenditure Commitment Authority Levels

Deleted: May

Deleted: 2019

Deleted: Stocks

Deleted: Appendix 4: Anti Bribery Policy¶

¶  
Appendix 5: Email, Internet and Licencing Policy and Procedures¶

## **BACKGROUND**

The Harbour Board has a statutory responsibility to make arrangements for the proper administration of its financial affairs, and for securing that an officer has responsibility for those affairs, referred to as the Chief Financial Officer. The Treasurer shall be designated as Chief Financial Officer insofar as these rules apply.

Deleted:

The Harbour Board may make such Financial Regulations as the Treasurer may from time to time recommend controlling the financial affairs of the Board.

Financial regulations provide the framework for managing the Board's affairs. They apply to every Member and officer of the Board and anyone acting on its behalf.

The main objectives to be achieved within the financial structuring of the Harbour Board's organisation are to ensure a proper stewardship and to attain the utmost efficiency in the collection, application and spending of public monies.

Overall responsibility for the efficient management and execution of the Harbour Board's functions is vested in the Harbour Master. These regulations do not derogate from the responsibilities and duties of officers as determined by the Harbour Board and it is emphasised that they are designed to aid efficient operations without hindrance and at the same time fulfil the statutory obligations.

All members and staff have a general responsibility for taking reasonable action to provide for the security of the Board's assets under their control and for ensuring the use of resources is legal, properly authorised, provides value for money and achieves best value.

These orders specify how the Board's financial affairs are to be conducted. The instructions apply to all members of staff, both permanent and temporary and any contract workers who provide services to the Board.



## **REGULATION 1: GENERAL**

1.1 Financial Regulations are made to secure the proper administration of the financial affairs of the Littlehampton Harbour Board in pursuance of the LHADO Act 1927 and the WSCC Act 1972 (Part II) and as provided for in Board's Standing Orders.

1.2 The Treasurer has statutory duties in relation to the financial administration and stewardship of Littlehampton Harbour Board. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Littlehampton Harbour & Arun Drainage Outfall Act 1927
- West Sussex County Council Act 1972 Section 151 of the Local Government Act 1972
- Section 14 of the Audit Commission Act 1998.
- ~~The Accounts and Audit (England) Regulations 2015~~
- ~~Local Audit and Accountability Act 2014~~

1.3 The Treasurer is responsible to the Harbour Board for:-

- the proper administration of financial affairs;
- setting and monitoring compliance with financial management standards;
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- providing financial information;
- preparing the revenue budget and capital programme;
- treasury management;
- issuing advice and guidance to underpin the financial regulations that Board Members, officers and others acting on behalf of the Board are required to follow;
- selecting accounting policies and ensuring that they are consistently applied;
- determining the accounting procedures and records for the Board;
- ensuring that the annual statement of accounts and the annual return are prepared in accordance with the Accounts and Audit Regulations 2015, as relating to smaller relevant bodies.

1.4 For the purpose of complying with these Regulations the Harbour Master, or other officer shall:-

- ensure that the Harbour Board is advised of the financial implications of all proposals and that the financial implications have been agreed by the Treasurer
- consult with the Treasurer and seek approval on any matter liable to affect the Authority's finances materially, before any commitments are incurred or before reporting thereon to the Harbour Board,
- provide the Treasurer with any financial and related information reasonably requested,
- allow the Treasurer access to financial records and other relevant documents under his/her control,
- comply with the Treasurer's recommendations regarding the form and method of keeping any financial records or the operation of any financial procedures.

1.5 Details of every document involving any financial claim or charge by, or on the Harbour Board shall be ~~brought to the notice of the Treasurer,~~

Deleted: (Part 6)

Formatted: Highlight

Deleted: 1 as amended.

Deleted: 03 (as amended)

Deleted: submitted to the Treasurer for registration; and, if required, he/she shall be furnished with a copy or abstract of any documents for filing.¶

## **REGULATION 2: BUDGET**

- 2.1 The financial year will commence on 1 April and end on 31 March of the following year.
- 2.2 The schedule of charges, budget and precept for the following year is to be finalised and approved no later than at the December meeting of the Board. The Board is to be kept informed of performance against budget and when appropriate, the likely outturn for the year at each of its meetings.
- 2.3 The detailed form of capital and revenue estimates shall be determined by the Treasurer consistent with the general direction of the Harbour Board and after consultation with each Harbour Board Officer concerned.
- 2.4 Estimates of income and expenditure shall be prepared by the Treasurer in consultation with the Harbour Master and Clerk. The Treasurer will collate estimates considered by any Committees and thereafter will report to the Harbour Board, such report to include financial implications and compliance with the programmes approved by the Harbour Board.
- 2.5 It is the duty of each Harbour Board Officer concerned to control income and expenditure within their area of responsibility and to monitor performance, taking any action necessary to avoid exceeding budget allocation and alerting the Treasurer in a timely manner to any problems anticipated.
- 2.6 The Treasurer shall make available to each Harbour Board Officer periodic statements of income and expenditure.

**Deleted:** on revenue accounts and receipts and payments on capital account shall be prepared by the Treasurer in consultation

**Deleted:** Sub Committee

**Deleted:** or receipts and payments under each relevant head of approved estimate such other relevant information available. No budgetary control reports or budget working papers other than those generated directly from the Financial Management System shall be distributed to Harbour Board Officers unless the specific approval of the Treasurer has been obtained....

### **REGULATION 3: PROPOSALS TO INCUR EXPENDITURE OR REDUCE INCOME**

3.1 Authority for expenditure will be as authorised in the expenditure matrix at appendix 1.

3.2 Except where provided for in approved capital & revenue budgets of the Harbour Board:

a) No proposal by an officer shall be made to incur any cost, debt or liability or to reduce the amount of any income to the Harbour Board unless adequate notice of the proposal has been given by the appropriate Harbour Board Officer to the Treasurer. The Treasurer shall make appropriate arrangements for submission to the Harbour Board of an estimate of such cost, debt or liability, or reduction of income based on information supplied by the Harbour Board Officer concerned.

b) Supplementary estimates (both revenue and capital) must be submitted for approval as follows:-

to the Harbour Board in cases where no specific source of funding has been identified, or where the Treasurer judges the amount to have a material effect on the Harbour Board's overall financial position, items of unavoidable expenditure (e.g. items resulting from statutory or legislative changes, etc.) not exceeding £20,000 can be authorised by the Treasurer.

c) Virements defined as the transfer of budgetary provision from one head of account, to another.

d) All proposals for virement must be submitted to the Treasurer for approval and/or referral to the Harbour Board in accordance with the following guidelines:

- Virements within a service or between similar services may be approved by the Treasurer, unless in his/her judgment the sum involved is material in relation to the Harbour Board's service policies or budget strategy, in which case he/she will refer the request to the Harbour Board for approval.
- Virement between dissimilar services are to be referred to the Harbour Board except where the Treasurer judges the amount involved is immaterial.
- Harbour Board Officers must demonstrate that saving offsets are feasible. Virements against future anticipated fees and charges or other uncertain sources of income will not be allowed. Savings of a non-recurring nature cannot be used to justify the incurring of expenditure with a continuing commitment into later years.

3.3 The Treasurer must be consulted at an early stage on any proposals that could possibly affect the Harbour Board's VAT position.

Deleted: 2,000

Deleted: (the source vote)

Deleted: (the target vote)

Deleted: the Chairman or

Deleted: for the Chairman's

Deleted: s

Deleted: on the source vote

Deleted: In view of the complex VAT rules that apply to public bodies tT

#### **REGULATION 4: ACCOUNTING**

4.1 All accounting procedures and records of the Harbour Board and its officers shall be determined by the Treasurer.

4.2 All accounts and accounting records of the Harbour Board shall be compiled under the direction of the Treasurer.

The following principles shall be observed in the allocation of accounting duties:-

the duties of providing information regarding sums due to or from the Harbour Board and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them.

4.3 The Treasurer shall provide imprest accounts as he/she considers appropriate for the purposes of defraying petty cash and other expenses. Such accounts shall be maintained in the manner prescribed by the Treasurer.

4.4 The officer responsible for an imprest account will:

- make adequate arrangements for the safe custody of the account,
- limit payments from the account to minor items of expenditure (i.e. abnormal purchases with a value of less than £50) and to other such items as the Treasurer may approve,
- obtain a receipted voucher in relation to each purchase. Where appropriate (and in the case of all purchases attracting VAT), wherever possible, a proper VAT receipt must be supplied before full reimbursement is provided,
- record transactions promptly,
- reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder;
- on leaving the Board's employment or otherwise ceasing to be entitled to hold an imprest advance, account to the Treasurer for the amount advanced to him/her.

4.5 No income received on behalf of the Harbour Board may be paid into the imprest account but must be banked or paid to the Harbour Board as provided elsewhere in these Regulations.

**Deleted:** Where such procedures and records are maintained by the Accounting & Administration Officer, or an Officer other than that of the Treasurer, he/she shall, before making any determination, consult the relevant Harbour Board Officer concerned.¶

**Deleted:** by

**Deleted:** or under his/her direction.

**Deleted:** . Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.¶

**Deleted:** for such officers of the Harbour Board as may need them for the purposes of defraying petty cash and other expenses.

**Deleted:** An

**Deleted:** <#> if so requested, give to the Treasurer a certificate as to the state of his/her imprest advance,¶

#### **REGULATION 5: BANK ACCOUNTS**

- 5.1 A minimum of two accounts will be maintained; one to be a current account to service day to day transactions and the other to be an investment account which should earn the Board interest at current market rates for High Street Clearing Banks.
- 5.2 The Treasurer is also authorised, when appropriate, to put monies on deposit providing they are covered by the Financial Services Compensation Scheme.
- 5.3 No new accounts are to be established without authority from the Board.
- 5.4 The Board's Bankers are National Westminster Bank Plc
- 5.5 The signatories to the accounts are any two from the current bank mandate.  
The current signatories in force for the accounts are:
- The Harbour Master
  - The Treasurer
  - The Clerk
  - A nominated Member of the Harbour Board
- 5.6 The Bank Accounts are to be administered by the Accounting Officer under the direction of the Treasurer.
- 5.7 The Board will accept payments by all Credit and Debit Cards as administered by designated Merchant Services. American Express will not be accepted.
- 5.8 Mandates supporting the operation of both accounts are to be kept at the Harbour Office.
- 5.9 No changes to the Bank Mandates for either account shall be made without the authority of the Board; the Chairman will sign all amendments.
- 5.10 All Bank Statements are to be reconciled formally by the Accounting & Administration Officer (AAO) or other appointed company or member of staff at least monthly and any irregularities are to be reported to the Treasurer and the Harbour Master without delay

Deleted: Streamline

## REGULATION 6: INCOME

6.1 The collection of all monies due to the Harbour Board shall be under the direction of the Treasurer.

**Deleted:** supervision

6.2 Each relevant Board Officer shall furnish the Accounting Officer with particulars in connection with work done, goods supplied or services rendered and of all other amounts due as may be required by him/her to record correctly all sums due to the Harbour Board and to ensure the prompt rendering of accounts for the recovery of income due.

**Deleted:** Treasurer

**Deleted:** such

6.3 The Treasurer shall be notified promptly of all money due to the Harbour Board and of contracts, leases and other agreements and arrangements entered into which involved the receipt of monies by the Harbour Board and he/she may inspect any documents or other evidence in this connection as necessary.

6.4 The Treasurer may prescribe the use of such forms of receipt books, tickets, etc. as may be desirable.

**Deleted:** All receipt forms, books, tickets and other such items shall be ordered and supplied to relevant Harbour Board officers by the Treasurer or in accordance with arrangements agreed with him/her and he/she shall satisfy himself as to the arrangements for their control.¶

6.5 All monies received by an officer on behalf of the Harbour Board shall be paid as soon as practical to the Harbour Board's banking account. No deduction may be made from such money save to the extent that the Treasurer may specifically authorise. Each officer who so banks monies shall do so in accordance with any directions issued by the Treasurer. Any discrepancy between income due and monies banked shall be declared regardless of the amounts involved.

**Deleted:** without delay

6.6 Personal cheques shall not be cashed and loans or advances shall not be made out of the monies held on behalf of the Harbour Board.

6.7 Every transfer of official monies from one member of staff to another will be evidenced in a recognised official form.

6.8 Once raised, no bona fide debt may be cancelled except by full payment or its formal writing off in accordance with the laid down scheme of delegation. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.

### 6.9 Receipting of Invoiced Revenue

6.9.1 Where practical monies received in person at the harbour office will be receipted whilst the individual is still present in the office.

**Deleted:** the Harbour Management System (HMS)

**Deleted:** Two receipts from the system should be printed.

**Deleted:** One copy of the

**Deleted:** The other copy is to be retained in the Harbour Office

**Deleted:** Immediately on receipt of the Bank Statement any

**Deleted:** HMS

**Deleted:** Receipting of

**Deleted:** 6.10.1

**Deleted:** The following income can be processed through the Office Till:¶

**Deleted:** All Harbour Dues and Berthing Fees for leisure craft¶  
Fees for Visitor berths¶  
Electricity cards¶

¶  
6.10.2 Such income is to be recorded under the appropriate register in the till and a white visitor receipt slip handed to the Customer. ¶

¶  
6.10.3 All other income must be invoiced.¶

### 6.10 Non-Invoiced Income

No income is to be received without a relevant invoice raised in "HA"

### 6.11 Receiving and Recording of Cash

6.11.1 The office safe is to be kept locked at all times even when the office is manned.

6.11.2 Keys to the safe are to be kept on the person of the designated custodian. Such custodian will not under any circumstances pass any keys to unauthorised personnel.

**Deleted:** cash boxes, the till and

6.11.3 All cash will be placed, immediately on receipt into the till or into the office safe.

**Deleted:** , into a locked cash box,

**Deleted:** Whilst the office is unoccupied any cash boxes including all till receipts must be locked in the safe. ¶

## 6.12 Banking of monies Received

6.12.1 Normally the frequency of Banking will be determined by the amount of money being held within the office. Cash should not be allowed to exceed the amount of the safe's insurance limit currently £2,500. Banking frequency is dependent on the value of the receipts held but must take place at least monthly. Any monies received during a financial year must always be banked by the close of that financial year.

**Deleted:** 1,000

6.12.2 All monies paid into the Board's Bank Account must be analysed for each individual banking in such a way that the AAO or other appointed company or member of staff can identify each pay in transaction on the bank statement by customer.

**Deleted:** either

**Deleted:** invoice or in the case of non invoice banking by type of transaction.¶

**Deleted:** 6.12.3 Non-invoiced Income is to be banked separately from invoiced income.

## 6.13 Supply of LHB Labour

6.13.1 All chargeable work undertaken by harbour personnel is to be entered into weekly timesheets. The Deputy records date of service, description of task, number of staff involved, boats used, equipment used, stores expended, time taken, full Customer details.

**Deleted:**

**Formatted:** Not Highlight

**Deleted:** in the Workshop Diary

**Formatted:** Not Highlight

**Deleted:** information to be recorded is:

6.13.2 An invoice for this service is to be raised within 14 days of the service being carried out.

## 6.14 Boats in Store

6.14.1 A separate record is to be kept of Boats in Store. On notification that a vessel has arrived in store either by crane lift or arrival by road the following information should be recorded.

Name of boat

Length

Customer's name

Type of storage i.e. afloat or ashore

Commencement date

End of storage period

6.14.2 Invoices for such storage will be raised monthly or for the full period when known. A final invoice will be raised not later than 7 days after departure.

**Deleted:** if less than one month

**Deleted:** 6.15 Miscellaneous Income ¶

6.15.1 Two copies of each invoice should be produced from the system, one copy will be sent by post within 24 hours and the other copy will be retained within the Harbour Office.¶

6.15.2 The AAO or other appointed company or member of staff will import invoice details into Sage on a monthly basis. ¶

6.15.3 In the unlikely event that an error is made in this invoicing process the original invoice will not be amended under any circumstances, instead any change must be made by the issuing of a credit note, (see credit note procedures), or an additional invoice whichever is appropriate. It is vital that a full proper audit trail is maintained of all invoice transactions, thus reissuing of new invoices and credit notes is a must. ¶

## REGULATION 7: INVOICING

### 7.1 Annual Invoicing

7.1.1 Whilst there are some Board Owned Moorings, the majority of the annual dues come from craft moored on private moorings within the harbour.

7.1.2 A database of all berth holders and harbour users is maintained and held within HA. These records are updated formally before the commencement of the new financial year starting on the 1st of April. The HA system contains the Harbour's Tariffs which are proposed by the Harbour Master and Treasurer and submitted to the Board for approval in December each year.

7.1.3 The accuracy of the berth holder's database is to be visually checked prior to the Annual Invoicing to ensure the accuracy of the HA system database.

7.1.4 The Harbour Master is responsible for ensuring that all tariffs held within the HMS system are updated before the commencement of the new financial year.

7.1.5 All invoices are generated using the tariffs and customer detail held within HA.

7.1.6 All invoices must carry the Board's terms of business which will be strictly 30 days net, that is to say all monies should be received at the latest by the last day of the month following the month of invoicing.

7.1.7 Invoices for annual Harbour Dues will be dispatched, where practical, by 01st April each year. Mooring fees will be invoiced by 01st July each year.

7.1.8 Despite visual checking it will not be uncommon to find that in some instances details of third party berth users are incorrect and it may be the case that berths have changed hands without notification. In this case HA is to be updated and where appropriate an invoice or credit note should be sent out immediately.

7.1.9 Where invoices remain unpaid after one month they must be chased.

### 7.2 Invoicing Commercial Traffic and Pilotage

7.2.1 For a visit from a commercial vessel, the shipping spreadsheet and HA should be updated. Any pre-arrival documentation filed electronically including the bill of lading. If not already completed, CERS should be completed and submitted online prior to the vessel arrival.

On departure of the vessel, the pilotage record sheet (MPX) and shipping staff record should be collated and filed in the office.

7.2.2 All commercial invoicing will be carried out within the HA system.

7.2.3 All invoicing should be completed within 48 hours of the vessel's departure.

7.2.4 In the unlikely event that an error is made in this invoicing process the original invoice will not be amended under any circumstances once committed in HA. Instead, any change must be made by the issuing of a credit note (see credit note procedures) or an additional invoice whichever is appropriate. It is vital that a full proper audit trail is maintained of all invoice transactions thus reissuing of new invoices and credit notes is a

Deleted: the HMS

Deleted: MS

Deleted: MS

Deleted: the

Deleted: MS

Deleted: Invoices should not be systematically copied.

Deleted: Two copies of each invoice need to be produced from the system. One copy is to be receipted and sent to the customer and the other copy retained within the Harbour office. ...

Deleted: the HMS

Formatted: Indent: Left: 2.54 cm, Hanging: 1.27 cm

Deleted: On arrival and departure of a vessel the Harbour Master/Manager's Journal, Pilotage Record Sheet, and the relevant Company record sheet are to be updated. The minimum information that must be entered to each document after the vessel has departed is as follows:¶  
Pilotage Record Sheet¶  
Date, vessel name, start/finish time and name of pilot.¶  
Monthly record sheet by company¶  
Date, name of vessel, Pilot Bill number, cargo type, cargo quantity and invoice number.¶  
Harbour Master/Manager's Journal¶  
Date, vessel name, gross tonnage, cargo, port of origin and master's name.¶

Deleted: MS

Deleted: will

Deleted: and the invoice number recorded on the company record sheet. ¶

7.2.4 Two copies of each invoice should be produced from the system. One copy will be sent by post within 48 hours and the other copy will be retained within the Harbour Office. ¶

Deleted: 7.2.4 Two copies of each invoice should be produced system. One copy will be sent by post within 48 hours and the other copy will be retained within the Harbour Office. ¶

Deleted: 5



must.

### 7.3 Invoicing for Services Rendered

#### Chargeable Services

7.3.1 The ~~Deputy~~ is to record all chargeable services in ~~HA~~.

7.3.2 The Harbour Office is to maintain a detailed record of all chargeable services and workshop staff should record chargeable activity on a weekly timesheet.

7.3.3 The Deputy is responsible for keeping records of the following:

Crane Lifts  
Services of the Work Boat  
Boats in store ashore  
Boats on LHB Moorings  
Boats on Visitor Moorings  
Labour

7.3.4 As the type of service supplied demands a different discipline this procedure gives guidance on the process to be adopted by the type of service rendered.

7.3.5 An invoice for any service is to be raised within 14 days of the service being carried out.

#### Refunds and Credit Notes

7.3.6 On occasions it will become evident that an invoice raised in ~~HA~~ is incorrect and as a consequence the charge will need to be either amended or cancelled. Any such amendments will be carried out either by the raising of a credit note or in the event of a charge being increased an additional invoice. It is preferable to credit the original invoice in full and raise a fresh invoice.

7.3.7 Original documents once committed to HA will never be altered under any circumstances thus ensuring the integrity of the system's audit trail.

### 7.4 Raising of Credit Notes

7.4.1 All credit notes will:

- Be referenced back to the original invoice by entering the invoice number on the document where possible.
- Contain an explanation written on the face of the credit note detailing exactly why it is being raised

Comply with the scheme of delegation (3.1.5).

**Deleted:** Foreman

**Deleted:** the Workshop Diary and pass details to the Harbour Office within two days of completion of Service....

**Deleted:** A separate

**Deleted:** record is to be kept for the following:

**Deleted:** the

**Deleted:** MS

**Deleted:** Generally

**Deleted:** i

**Deleted:** i

**Deleted:** will be

**Deleted:** entered

**Deleted:** in

**Deleted:** the

**Deleted:** MS System

**Deleted:** .

**Deleted:** full

**Formatted:** Tab stops: 4.5 cm, Left

**Deleted:** Be signed by either the Harbour Master/Manager or Deputy¶  
<#> ¶  
<#> ¶

## REGULATION 8: PAYMENT OF ACCOUNTS

8.1 Apart from petty cash the normal method of payment of money due from the Harbour Board shall be by BACS, cheque, credit card or other instrument drawn on the Harbour Board's bank account.

8.2 The Harbour Board Officer certifying an order is responsible for examining and verifying the related invoice(s).

8.3 Before certifying an invoice, the certifying officer shall, save to the extent that the Treasurer may otherwise agree, have satisfied himself or herself that:-

- the work, goods or services to which the invoice relates have been received, carried out, examined and approved,
- the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct,
- the expenditure has been properly incurred and is within the relevant original or revised estimate provision,
- appropriate entries have been made in inventories as required,
- the invoice has not been previously passed for payment and is a proper liability of the Harbour Board.

8.4 Duly certified invoices shall be passed without delay to the AAO who shall examine them to the extent necessary to make such enquiries and to receive such information and explanations as he/she may require. Where the amount of the invoice is in excess of £500, the certifying officer should not be the same person as the officer placing the original order and checking the invoice details.

8.5 Invoices submitted for payment should not be amended by any Harbour Board officer. If the invoice is incorrect it should be returned to the supplier for re-issue.

8.6 The Treasurer shall pay all amounts to which the Harbour Board is legally committed after certification by the Harbour Board Officer concerned, or on their behalf. All certificates, invoices or accounts shall be endorsed with proper allocations to the respective items in the approved estimates to which they are chargeable.

8.7 The Treasurer shall make arrangements for invoices to be paid promptly. A Bacs Schedule shall be prepared for all payments to be made, referenced by number to the relevant invoices. A copy of each Bacs schedule shall be signed by the Harbour Master and countersigned by the Treasurer and filed as an independent record. The Bacs schedules, together with supporting vouchers, shall be made available for examination by any Member of the Board on request.

8.8 As soon as practical after 31<sup>st</sup> March in each year, all Harbour Board Officers shall be responsible for notifying the AAO of any outstanding expenditure not covered by order commitments relating to the previous financial year.

8.9 Harbour Board Officers should not authorise any orders or payments for which they may be perceived as receiving personal gain.

8.10 All payments issued shall be sent directly to the payee and only under the express approval of the Treasurer shall any payment be returned to the originating Harbour Officer.

**Deleted:** ing account or account

**Deleted:** issuing

**Deleted:** ,

**Deleted:** and certifying

**Deleted:** and similarly for any other payment vouchers or accounts arising from sources in his/her area of responsibility. The names of officers authorised to sign such records shall be held by the Treasurer together with specimen signatures and shall be amended on the occasion of any change therein....

**Deleted:** The names of officers authorised to sign such records by the Treasurer together with specimen signatures and shall be amended on the occasion of any change therein....

**Deleted:** account

**Deleted:** account

**Deleted:** , stores records or stock books

**Deleted:** account

**Deleted:** accounts

**Deleted:** Treasurer

**Deleted:** that he/she considers

**Deleted:** , for which purpose he/she shall be entitled

**Deleted:** , nor a subordinate of

**Deleted:** but should be returned to the supplier for replacement.¶

**Deleted:** accounts

**Deleted:** and cash discounts received where applicable

**Deleted:** s

**Deleted:** of

**Deleted:** and to the number of the cheque issued in respect of each payment. A copy of each

**Deleted:** by appointment with the Treasurer.

**Formatted:** Superscript

**Deleted:** Each

**Deleted:** , immediately after 31st March in each year, notify the Treasurer of all outstanding expenditure not covered by order commitments relating to the previous financial year.¶

**Deleted:** cheques

**Deleted:** cheques

## REGULATION 9: ASSETS

- 9.1 The Treasurer will in accordance with good practice, ensure that an asset register is maintained, providing the Harbour Board with information about fixed assets. **Deleted:** an asset register  
**Deleted:** so that they are: safeguarded, used efficiently and effectively and adequately maintained....
- 9.2 The fixed asset inventory will include all portable items of value. The inventory will include the date asset was acquired, cost, location, date of disposal. **Deleted:** and income value of disposal.
- 9.3 An annual physical audit of the inventory records is to be carried out by the Treasurer or under his direction the AAO. **Deleted:** physical random
- 9.4 Any equipment loaned to staff is to be documented, the conditions of loan clearly stated and the staff member is to acknowledge receipt.
- 9.5 Assets are to be adequately security marked.
- 9.6 Harbour Board Officers will ensure that inventories are maintained by all departments to record prescribed properties, furniture, fittings, equipment, plant and machinery and moveable assets. The form is to be agreed between the relevant Harbour Board Officer and the Treasurer. Inventory records shall be promptly updated on acquisition or disposal of assets.
- 9.7 The purchase of any item costing more than £2,500 must be treated as an asset for accounting purposes and accounted for as such. **Deleted:** 1  
**Deleted:** Therefore, the Treasurer shall be required to authorise any fixed asset where the purchasing cost is greater than £1,500.¶
- 9.8 Any surplus or obsolete assets, equipment, plant and machinery will be disposed of by competitive tenders or public auction unless the appropriate Harbour Board Officer in consultation with the Treasurer/appointed Internal Auditor decides otherwise:
- where both the replacement cost and/or current value of the item(s) exceed £10,000, prior approval of the Board is also required; **Deleted:** 1,500  
**Deleted:** Chairman of the
- 9.9 Harbour Board officers will ensure the proper security and safe custody of all buildings and other assets under their control. They shall not utilise the Harbour Board's property or assets in any way under which they may be perceived as receiving personal gain. **Deleted:** <#>where, in the opinion of the Treasurer or appointed Internal Auditor, the replacement cost and/of current value of the item(s) is material, prior Harbour Board approval must be obtained.¶
- 9.10 The Harbour Board's property shall not be removed otherwise than in accordance with the ordinary course of the Harbour Board's business except in accordance with specific directions issued by the Harbour Master, in which case the use shall be supported by documentation identifying terms, responsibilities and duration of use. **Deleted:** or used otherwise than for the Harbour Board's purposes except in accordance with specific directions issued by
- 9.11 All book assets are to be valued in accordance with the relevant accounting standards in force.

## 9.12 Disposal of Assets

9.12.1 Board approval is required for the disposal of any asset with a net book value in excess of £10,000. ~~Such disposals shall be publicly advertised and sold through a reputable professional agency.~~

9.12.3 For ~~online disposal of~~ items with a net book value up to £10,000 the Harbour Master and his Deputy will be responsible for jointly reviewing the bids at the end of the advertising period. The highest bid must be accepted ~~provided it meets any reserve price.~~

9.12.5 All ~~asset~~ disposals shall be recorded on a disposal form prepared by the Treasurer and shall be signed by at least two officers of the Board neither of whom shall be connected with any future use of the item (Appendix 2).

**Deleted:** 5

**Deleted:** Disposals will normally only be made after advertisement and receipt of sealed bids.¶

**Deleted:** 9.12.2 Any disposal by means of sale must be publicly advertised and bidders shall be allowed a minimum of one month to submit sealed bids. The closing date and time for the receipt of bids must be clearly indicated in the public notice/advert, any bids received after the stated time and date are to be ignored and not opened. After the closing time and date the correctly submitted bids should be opened and reviewed by the Harbour Master/Manager in the presence of another senior Board Officer, and if appropriate the Chairman of the Board and a written record of all bids received shall be kept.¶

**Deleted:** 5

**Deleted:** If for any reason the Harbour Master/Manager does not wish to accept the highest bid he must obtain the approval of the Chairman or in the Chairman's absence the Vice Chairman.¶

**Deleted:** 9.12.4 A copy of the public advert and the original submitted bids must be retained as part of the asset management records.¶

**Deleted:** under £5000

## REGULATION 10: ORDERS FOR WORK, GOODS AND SERVICES

10.1 Official orders shall be issued for all work, goods or services to be supplied to the Harbour Board except for supplies of public utility services, for periodical payments such as rent or rates.

10.2 Workshop and office staff have authority to order individual items up to the value of £250.00. Orders in excess of £250 require approval from DHM.

10.3 Orders shall not be systematically reprinted, reproduced or photocopied. Under exceptional circumstances, where it has been necessary to reprint, reproduce or photocopy an order, it must be clearly marked as being a copy.

10.4 Once authorised, the details contained on an order must not be changed in any way unless authorising officer approves this.

10.5 All Orders shall carry a unique reference which should be quoted on all correspondence and a request made to the Supplier to notate the order number on his invoice. Order books are controlled stationery.

10.6 A copy of the order must be retained and matched against the supplier's invoice(s) when received and attached to the invoice before payment is made.

10.7 All the Board's officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure before placing the order, that as far as reasonable and practicable, the best available terms have been obtained in respect of each transaction.

10.8 Prior to the raising of an order the officer shall ensure that the item is within budget and that there is Board or delegated approval in place to cover the commitment. If not, it should be referred to the Treasurer to the Board in order to ascertain whether a virement between budgeted expense heads might be possible.

10.9 All unbudgeted Capital purchases with a value exceeding £20,000 require a report to be submitted to the Board before any commitment is made. Where a capital purchase is not budgeted the Treasurer to the Board needs to be informed prior to the submission of the Board report.

10.10 Purchase Orders with a value;

Of more than £10,000

The Harbour Master will always seek a minimum of three competitive quotations or tenders. Where possible such firms invited to quote should be taken from the approved supplier list or a public notice placed seeking expressions of interest from suitable experienced/qualified organisations.

Between £5,000 and £10,000

The Harbour Master will obtain a minimum of two competitive quotations.

£5,000 or less

The Harbour Master or his duly authorised deputy shall have executive power but must be able to demonstrate, if competitive quotations have not been sought and obtained, that the Board has achieved value for money.

**Deleted:** , for petty cash purchases or such other exceptions as the Treasurer may approve unless a formal contract is to be prepared or an official order would be inappropriate. (e.g. petty (e.g. petty cash purchases).

**Deleted:** (e.g. petty cash purchases).

**Deleted:** 2

**Formatted:** Indent: Left: 1 cm, Hanging: 1.53 cm

**Deleted:** 3

**Deleted:** .

**Deleted:** 4

**Deleted:** 5

**Deleted:** 6

**Deleted:** 7

**Deleted:** 8

**Deleted:** 5

**Deleted:** whether budgeted or not

**Deleted:** 9

**Deleted:** Orders over £10,000 require the signature of the Chairman of the Board, or in the absence of the Chairman, the Vice Chairman.

**Deleted:** 2,501

**Deleted:** 2,500

## REGULATION 11: CONTRACTS

11.1 All contracts should be in writing. Every contract made by the Board shall comply with these Financial Regulations and no exception from any of the following provisions shall be made otherwise than by direction of the Board. These Financial Regulations can only be waived by completing the "Authorisation to waive standing orders relating to contracts or other purchases" form (Appendix 1) and obtaining the authorisation of the Treasurer to the Board. However, in the case of emergency the Chairman, or Vice Chairman in the absence of the Chairman, may approve a waiver of standing orders but only after consulting with the Harbour Master and Treasurer. The Harbour Master should ensure that such consultation is confirmed in writing e.g. E Mail. In such circumstances the actions taken shall be reported to the next available meeting of the Harbour Board.

11.2 These Financial Regulations shall not apply to contracts which relate to items below unless the value(s) are likely to breach the EU procurement directives;  
the supply of gas, electricity, water, sewage, waste collection and telephone services;  
for work to be executed or goods or materials to be supplied which constitute an extension to an existing contract by the Board;  
for goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price

11.3 Where it is intended to enter into a contract exceeding £10,000 in value for the supply of goods or materials or for the execution of works or specialist services, (other than such goods, materials, works or specialist services as are excepted as set out in paragraph 11.2, the Harbour Master will prepare a detailed specification of the Board's requirements and seek a minimum of three competitive quotations. Where possible such firms invited to quote should be taken from an appropriate approved list.

11.4 Prior to entering into any contract regardless of value, the responsible officer shall ensure that Board or delegated approval is in place.

11.5 Where a contract for leasing is involved the formal advice of both the Clerk and the Treasurer to the Board must be sought in order to ascertain the legal and financial implications.

11.6 Contracts that establish a commitment to the Board in excess of one year or exceed £25,000 shall require the approval of both the Treasurer and the Clerk.

11.7 All Relevant Contracts (being contracts for work or for the supply of goods, materials or services, but excluding contracts of employment, engagement of Counsel, or the acquisition, disposal or transfer of land) which exceed £10,000 in Total Value shall be in writing and signed by the Clerk to the Harbour Board. [\(See also Regulation 26: Seal\).](#)

11.8 The formal advice of the Clerk to the Harbour Board must be sought for the following circumstances:

- where leasing arrangements are involved (the views of Treasurer should also be sought)
- where it is proposed to use a supplier's own terms
- where a third party or sub contractor is involved in the fulfilment of the contract and those which are complex in any other way.

11.9 The Harbour Board's official order form and standard terms and conditions or those issued by a

Deleted: ¶  
¶

Deleted: (a) to (c)

Deleted: Contractual commitments above £10,000 require the approval of the Chairman of the Board. ¶

Deleted: 11.8 All contracts entered into must be under seal where the Board wishes to enforce the contract for more than 6 years after its completion, or (see use of seal regulation 26) ¶  
The price paid or received under a contract is a nominal price and does not reflect the value of the goods or services, or where there is doubt about the authority of the person signing for the other contracting party, ¶  
Where the total value is expected to exceed £10,000 ¶  
¶  
¶

Deleted: 9

Deleted: 11.10 All Relevant Contracts (being contracts for work or for the supply of goods, materials or services, but excluding contracts of employment, engagement of Counsel, or the acquisition, disposal or transfer of land) which exceed £10,000 in Total Value shall be signed by the Clerk to the Harbour Board. ¶

Deleted: 11

relevant professional body must be used.

- 11.10 All Relevant Contracts, irrespective of value, shall clearly specify:  
the works, materials, services, matters or things to be furnished, had or done (description and quality)  
the price to be paid, with a statement of any discounts or other deductions (amount and timing),  
and  
the time, or times, within which the contract is to be performed.

Deleted: 2

- 11.11 In addition, every Relevant Contract or purchase over £10,000 must also as a minimum state clearly:

Deleted: 3

- that the contractor may not assign or sub-contract without prior written consent
- any insurance requirements
- health and safety requirements
- data protection (if relevant) and Freedom of Information requirements
- that charter standards are to be met if relevant
- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant.
- the Harbour Boards right to require removal of a contractors employee
- prevention of corruption
- compliance with legislation regarding equalities, diversity and discrimination.

Deleted: <#>(where consultants are used to let contracts) that consultants must comply with the Harbour Board's standing orders relating to contracts¶

- 11.12 The Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.

Deleted: 4

- 11.13 Agreements are to be completed as follows:

Deleted: 5

Total Value	Form of Contract	
Up to £2,500	Signature	Purchase order
£2,500 to £20,000	Signature	Purchase order/ <u>written contract</u>
Above £20,000	Sealing	Purchase order and written contract

Deleted: 1

Deleted: C

Deleted: 1

- 11.14 All purchase orders and/or contracts documents must be concluded before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the appropriate Harbour Board Senior Officer. An award letter is insufficient in the case of formal contracts over £20,000.

Deleted: 6

Deleted: 1

- 11.15 All records relating to orders, contracts, and disposals shall be kept for a minimum of 6 years except where made under seal in which case they must be retained for 12 years. All correspondence including invitation to tender, quotations, waivers and any written communication with successful or other suppliers must be retained as above.

Deleted: 7

- 11.16 Payments Under Contracts for Building or other Construction Works

Deleted: 8

- 11.16.1 Payments on account of the contract sum shall be made within the time specified in the contract and where appropriate upon authorised certificates of the architect or other consultants engaged to supervise the contract.

Deleted: 8

11.16.2 Where contracts provide for payment by instalments, the Treasurer shall maintain a record of all such payments. In any case when it is estimated that the total cost of the work carried out under a contract, excluding fluctuation clauses, will significantly exceed the contract sum, a report shall be submitted to the Board.

Deleted: 8

Deleted: by 5% or more

11.16.3 Any variation to, addition to, or omission from, a contract must be approved by the Harbour Master in writing, the Board being informed where the final cost is likely to exceed the financial provision

Deleted: 8



## REGULATION 12: TENDERS

- 12.1 When applications are made to waive Standing Orders relating to contracts to enable a tender to be sought without competition, the reason shall be embodied in a report to the Board.
- 12.2 An invitation to tender shall state the general nature, scope, required terms and conditions of the Board for the intended contract and the Harbour Master shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation to tender shall in addition state that tenders must be returned addressed to the Harbour Master and the last date and time by which such tenders should reach the Harbour Master.
- 12.3 All tenders shall be ~~reviewed~~ after the prescribed date and time by the Harbour Master ~~along with~~ another senior Board Officer and if appropriate the Chairman of the Board or the Vice Chairman in his absence. A record of all the tenderers received and opened shall be made and kept. The record shall include the details of the tenderer and the amount of their tender. The record shall be signed and dated by both Officers and if appropriate the Chairman.
- 12.4 If less than three tenders are received for contracts valued above £10,000 or if the tenders are identical this will be reported to the next available meeting of the Harbour Board. The Harbour Board may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- 12.5 The Board shall not be obliged to accept the lowest or any tender. The award criteria must be agreed prior to seeking tenders and then documented and retained as part of the records of the transaction.
- 12.6 Strictly speaking the Harbour Board are not subject to the Public Procurement Directive. However, it does appear that Harbours are treated as "Utilities" under the EU Directive and therefore the Harbour may be subject to the EU Thresholds. When entering into any contract where the total value excluding VAT, breaches the current EU thresholds, advice should be sought from ADC procurement. These thresholds change periodically, from 1st January 2020 they were; Services £189,330 and Works £4,733,252.

### 12.7 Competition Requirements:

Estimated Total Value	Competition Requirements and Method of Selection and Appointment
Less than £2,500	A minimum of one Quotation
£2,500 to £10,000	A minimum of two written Quotations
£10,001 to EU Threshold	Invitation to Tender by advertisement or approved list to at least three tenderers,
Above EU Threshold	EU Procedure, or where this does not apply, Invitation to Tender by advertisement / approved list to at least four candidates

Deleted: opened at the same time

Deleted: in the presence of

Deleted: 12

Deleted: 73,934

Deleted: 348,350

Deleted: 8

### **REGULATION 13: EMPLOYMENT CHECKS AND PAYMENT OF EMPLOYEES**

- 13.1 Appointments of all employees shall be made in accordance with the Regulations of the Harbour Board and the approved establishments and rates of pay.
- 13.2 With the exception of the role of Clerk, only the Harbour Master can sanction an offer of employment. No additions to the agreed establishment or replacement of Officers shall be made without the consent of the Board.
- 13.3 A "New Employee" form authorised by the Harbour Master or the Deputy if authorised is to be raised for all new employees. This form will act as the authority for the AAO or other appointed company or member of staff to add an employee to the Board's payroll.
- 13.4 Checks are to be made to verify a new employee's identity and will include National Insurance Number, original signature, address and bank details. In addition, a passport or other documentation proving the individual's right to work in the UK will be requested.
- 13.5 The Harbour Master is to monitor all Time Sheets in order to verify their accuracy.
- 13.6 Any amendments or variations to pay must be approved by the Board prior to amending the Board's payroll system.
- 13.7 Records are to be kept of all leave and sickness for each employee.
- 13.8 The Treasurer will retrospectively check and sign a monthly payroll print which is to be retained, along with the other payroll records for audit purposes.
- 13.9 The payment of all salaries, wages and other emoluments to employees or former employees of the Harbour Board shall be made under the direction of the Treasurer.
- 13.10 The Harbour Board Officers shall notify the AAO & Treasurer as soon as possible and in a form agreed with him/her, of all matters affecting the payment of such emoluments, and in particular:
- appointments, resignations, dismissals, suspensions, secondments and transfers,
  - absences from duty for sickness or other reason, apart from approved leave,
  - changes in remuneration, other than normal increments, pay awards and agreements of general application,
  - information necessary to maintain records of service for superannuation, income tax, national insurance and the like.
- 13.11 All time records or other pay documents shall be in an approved form and, shall be certified by, or on behalf of, the Harbour Master, Clerk or Treasurer.

**Deleted:** , grades

**Deleted:** sight of a Birth Certificate,

**Deleted:** A

**Deleted:** form approved by the Board's Approved HR Advisor and Treasurer and shall be certified by, or on behalf of, the

**Deleted:** The names of officers authorised to sign such records shall be sent to the Treasurer by the Harbour Master/Manager, together with specimen signatures. Copies of the authority (signed by the delegating officer) should be held by the delegating officer, and the Board's Treasurer. Amendments should be advised as necessary.¶

### **REGULATION 14 – CONSULTANTS**

- 14.1 The engagement of consultant architects, engineers and surveyors, or other professional consultants including Counsel shall be subject to completion of a formal letter, contract of

appointment or brief.

14.2 Consultants shall be required to provide evidence of and maintain professional indemnity policies to the satisfaction of the relevant Harbour Board Officer for the periods specified in the respective agreement.

14.3 Consultants shall be selected and commissions awarded in accordance with the procedures detailed within these financial regulations.

Estimated Total Value	Competition Requirements and Method of Selection and Appointment
Less than £2,500	A minimum of one Quotation
£2,500 to £10,000	A minimum of two written Quotations
£10,001 to EU Threshold	Invitation to Tender by advertisement or approved list to at least three tenderers. <u>Where specialist skills apply this may be waived by the Clerk or Treasurer.</u>
Above EU Threshold	EU Procedure, or where this does not apply, Invitation to Tender by advertisement / approved list to at least four candidates

Deleted: ,

14.4 Written records of consultancy appointments shall be maintained in accordance within these Financial Regulations.

#### **REGULATION 15- EXPENSES**

- 15.1 Any expenditure incurred on behalf of the Board can be claimed either by completing a petty cash slip, passed to the Harbour Master for authorisation, any expenses incurred by the Harbour Master will be authorised by either the Chairman or Treasurer, for reimbursement in cash. No individual can authorise their own expenses or claims.
- 15.2 Claims for travel and subsistence and allowances are to be properly authorised by the individual's line manager and submitted for payment through the Board's payroll system. Expenses in excess of £100 are to be counter signed by the Harbour Master. The Treasurer or the Chairman of the Board must authorise all expense claims made by the Harbour Master and Clerk.
- 15.3 Any mileage travelled, ~~subsidence allowances and incidental expenses~~ made on behalf of the Board can be claimed once a month, at the end of each month, by completing an approved expenditure form, to be authorised by the Harbour Master and submitted to the payroll administrator.
- 15.4 ~~▼~~
- 15.5 The certification by, or on behalf of, Harbour Board Officers shall be taken to mean that the certifying officer is satisfied that the journeys are authorised, the expense properly and necessarily incurred and that the allowances are properly payable by the Harbour Board.

**Deleted:** or subsidence expenditure

**Deleted:** All claims for payment of car allowances, subsidence allowances, travelling and incidental expenses shall be submitted, duly certified in a form approved by the Treasurer, made up to the last day of each month, within five days thereof. The names of officers authorised to sign such records shall be held by the Treasurer together with specimen signatures and shall be amended on the occasion of any change.¶

## REGULATION 16 – HOSPITALITY AND GIFTS

- 16.1 All officers are required to abide by the guidelines on hospitality and gifts laid down in the Code of Conduct for Employees. No member of the Board or officer shall accept any material gift, favour or hospitality that is made to the individual member or officer personally.
- 16.2 The Harbour Master shall maintain a "hospitality and gifts register" to record all hospitality and gifts given and received by Harbour Board staff.
- 16.3 **Gifts & Hospitality**
- 16.3.1 The general rule is that staff should tactfully refuse all offers of gifts from organisations or persons who do or might provide work, goods or services to the Harbour Board or who need some decision from the Harbour Board. Further details are available in the Anti Bribery Policy: Gifts and Hospitality within the employee handbook.

**Deleted:** 16.3.2 Exceptions include modest gifts of a promotional character given to a wide range of people, such as calendars, diaries, articles for use in the office etc, or a small gift on the conclusion of courtesy visit to a factory or firm provided it is of a sort normally given by the firm to visitors. Such exceptions relate only to modest gifts and obviously an expensive gift should raise a question even if it would otherwise fall within one of the above categories. ¶

¶ 16.3.3 It is however, recognised that there are instances where to refuse a gift of small value, i.e. up to £10, would be hurtful to individual recipients of services. Acceptance, therefore, on an occasional basis, of such small personal gifts would not be seen as infringing the general rule. In such circumstances the member of staff should report the matter to his or her manager, who will consider the circumstances of the gift and if he/she is satisfied that no undue influence has been exercised in obtaining the gift, shall approve the acceptance of it and record the acceptance and circumstances leading to the acceptance in a log book to be retained in the manager's office. Reporting gifts is particularly important. ¶

¶ 16.3.5 Staff should not enter into any commercial transactions (including buying and selling properties or products or loaning or borrowing products) with any service user and should not act on a service user's behalf in such transactions unless the specific action forms part of the staff member's agreed duties. Any failure to report a gift or otherwise to fail to comply with this element of the code is a disciplinary action up to and including dismissal.¶

### **Deleted: 16.4 Hospitality¶**

16.4.1 When to accept hospitality is clearly a matter of judgment. It would be wrong to produce an atmosphere in which even those in a representative capacity for the Harbour Board, such as staff acting as a formal representative of the Harbour Board, refuse all invitations for social involvement with those who have, or may seek to have, business dealings with the Harbour Board. Contacts that are established in a social environment can often be helpful to the Harbour Board's interests. However, it is important to avoid any suggestion of improper influence or giving others the opportunity reasonably to impute improper influence.¶

¶ 16.5 A register of all gifts and hospitality is held at the Harbour Office. Checks should be made to ensure that the register is properly completed not less than once per year.¶

¶ 16.6 The following general guidelines are intended as examples only:¶

#### ¶ 16.6.1 Acceptable¶

¶ *A working lunch of a modest standard provided to allow the parties to discuss business or following/prior to business discussion.¶*

¶ -A useful test would be whether the Harbour Board would provide refreshments if the venues were reversed. If there is a series of meetings requiring hospitality, the Harbour Board should seek to act as host on an approximately alternate basis.¶

¶ *An invitation to a professional society dinner or one associated with a body with whom that member may have been working, e.g. a private architect's invitation to a RIBA dinner.¶*

¶ -An invitation to join other company guests as Harbour Board representatives at sponsored events, e.g. cultural, sporting or other public occasions in West Sussex or neighbouring counties. Non-reciprocal company invitations to events further afield, including London, should always be notified to the Chairman, as should any invitations to particularly costly or exclusive occasions.¶

¶ *An invitation to join other company guests in a company jubilee ... [1]*

## REGULATION 17 - INTERNAL CONTROL

- 17.1 The Treasurer and appointed Internal Auditor will assist the Harbour Board to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with law and regulations.
- 17.2 Harbour Board Officers shall manage processes to check that established controls are being adhered to and will evaluate their effectiveness, in order to be confident in the proper use of resources, achievements of objectives and management of risks.
- 17.3 Harbour Board Officers will promptly notify the Treasurer/appointed Internal Auditor of any areas where they believe internal controls to be deficient.
- 17.4 Harbour Board Officers will ensure staff under their control have a clear understanding of the purposes of the controls in operation and the consequence of lack of control.

### 17.5 Internal Audit

17.5.1 Internal Audit is an independent appraisal function established by the Harbour Board for the review of the internal control system. At least once a year an independent audit will be carried out by a suitably qualified accountant (Internal Auditor) retained by the Board. When called upon to do so, the Internal Auditor will where possible provide assurances to the Board's External Auditors.

Deleted: he can

17.5.2 The appointed Internal Auditor is responsible for the effective review of all aspects of internal control throughout the Board's activities and producing an annual Internal Audit Report, which will be submitted to the Audit Committee who will advise the Board on any recommended action with regard to non-compliance issues.

Deleted: Sub Committee

17.5.4 Internal Audit supports the Treasurer in the discharge of his statutory responsibilities. The Treasurer will carry out periodic checks to ensure himself that the Board's systems and procedures are functionally satisfactory. The Harbour Master and Clerk are to be vigilant and report any possible shortcomings in procedures to the Treasurer.

Deleted: 17.5.3 An Annual Internal Audit Report, produced by the Internal Auditor, will be submitted to the Audit Sub-Committee who will advise the Board on any recommended action with regard to non compliance issues.¶

Deleted: is

17.5.5 To ensure it is independent, the appointed Internal Auditor will operate within a framework that allows unrestricted access to the Harbour Board's Management Team including the Treasurer.

Deleted: and reporting in his own name.

17.5.6 To ensure the Internal Audit function may be properly fulfilled, the appointed Internal Auditor and his/her authorised representatives shall have:

- the authority to have unrestricted coverage of the Board's activities and unrestricted access to all records, assets, personnel and premises deemed necessary,
- the authority to have unrestricted access to all Board employees and members and the authority to obtain such information and explanations as considered necessary,

Deleted: <#>direct access to and freedom to the Harbour Board's Management Team including Treasurer. ¶

17.5.7 The appointed Internal Auditor is responsible for the determination and development of the internal audit plan in consultation with the Treasurer.

17.5.8 The appointed Internal Auditor will attend meetings of the Harbour Board or appropriate Committees, as necessary.

Deleted: Sub Committee

17.5.9 All Officers are responsible for considering and promptly responding to recommendations in audit reports. They will ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

17.5.10 All Harbour Board officers will notify the appointed Internal Auditor and the Chairman immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources. Following the reporting of such matters, the appointed Internal Auditor will take steps as he/she considers necessary by way of investigation and report.

17.5.11 The Accounting & Administration Officer will ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Treasurer who will advise the appointed Internal Auditor prior to implementation.

#### **REGULATION 18 – RISK MANAGEMENT AND INSURANCE**

- 18.1 The Treasurer, in consultation with the Harbour Master/Manager, shall arrange all insurance cover and negotiate all claims in consultation with other officers, where necessary.
- 18.2 The schedules of insurance are to be kept under continuous review by the Harbour Master and the Treasurer who is responsible for conducting a yearly review of the policies and their cost.
- 18.3 Harbour Board officers shall notify the Treasurer immediately of any loss, liability or damage that may lead to a claim against the Authority and inform the Police where appropriate.
- 18.4 All appropriate employees of the Harbour Board shall be included in a suitable fidelity guarantee insurance.
- 18.5 Harbour Board Officers shall notify the Treasurer promptly of all new risks, properties, vessels or vehicles that require insurance and of any alterations affecting existing insurance.
- 18.6 Harbour Board Officers shall consult the Treasurer in respect of any terms of any indemnity that the Authority is requested to give.
- 18.7 Harbour Board Officers shall ensure that the insurance implications are taken into account in all arrangements made with other parties (including voluntary arrangements such as the free hire of equipment) and that the insurance responsibilities of both parties are stated in writing in advance.

Deleted: and



## REGULATION 19 –DEBT COLLECTION

- 19.1 All debts are to be monitored to ensure adherence to the stated invoice terms.
- 19.2 Outstanding debts are to be aged by customer and a report of all outstanding **confirmed** debts is to be **made available by the** AAO or other appointed company or member of staff as soon as possible after the close of the current month. This outstanding debt list must be reconciled with **Harbour Assist**. The ageing of debts should be as follows: current: overdue up to 30 days: overdue up to 60 days: overdue up to 90 days: overdue up to 120 days and beyond. A copy of the aged debt reports will be **available to the Treasurer within the accounting system**.
- 19.3 Each month the Harbour Master **or the Deputy** will review the aged debts **with the AAO** and ensure the following action is taken:
- 19.3.1 All debts overdue up to 30 days:  
A reminder is to be sent **to all confirmed debtors**.
- 19.3.2 All Debts overdue up to 60 days:  
A formal notice is to be sent requesting immediate payment and clearly pointing out the penalties for non payment. This should include the rights given to the Harbour under its Act of Parliament and our stated intention to recover all debts plus interest and costs through the courts. Customers giving a reason for non payment are to be requested to place such reasons in writing.
- 19.3.3 All Debts overdue above 90 days:  
These are to be brought to the attention of the Treasurer who will discuss with the Harbour Master **and AAO** the appropriate action to be taken.
- 19.4 A full and comprehensive record is to be maintained of all debt collection activity. Such record, which should be by customer, will fully document the recovery process. The record will contain, in date order, the action taken, the type of action, any letters, faxes or other communications between the parties and a record of any conversations either face to face or over the telephone. These records are essential to ensure successful recovery of the debt should we be forced into litigation.
- 19.5 Debt write off requires Board approval **in accordance with the scheme of delegation (3.1.5)**.

**Deleted:** to requested from the

**Deleted:** the harbour's management system HMS. To this end the Deputy Harbour Master will produce a list of debts by customer from HMS after the close of the month and before any transactions for the following month have been entered. .

**Deleted:** given to the Treasurer by the AAO or other appointed company or member of staff .¶

**Deleted:** At the beginning of e

**Deleted:** At this stage the validity of the debt is to be clearly established and verified, it is not acceptable to have debts which at this stage are apparently collectable but subsequently turn out not to be so. ¶

**Deleted:** in excess of £150

**Deleted:** .

REGULATION 20: OFFICE TILL

20.1 Each item of cash income must be entered into the till. No cash may be taken or entered to the till without a valid HA invoice. A receipt for customer payments in cash must be provided at the point of sale.

20.2 The till shall contain a float the value of which must be agreed with the Treasurer.

Deleted: PROCEDURE

Deleted: 20.1 Un-invoiced income is to be processed through the till. Currently the income processed by this method is:¶ Harbour Dues and berthing fees for leisure craft. ¶ Overnight berthing fees for visitors. ¶ Electricity cards. ¶

Deleted: receipt

Formatted: Indent: Left: 1.3 cm, Hanging: 1.2 cm

Deleted: under the appropriate register

Deleted: ¶

Deleted: of £40.00. This can only be varied by agreement with the Treasurer to the Board....

Formatted: Indent: Hanging: 1.23 cm

Deleted: 20.3 Paper receipts are to be issued from the visitor receipt book when payment is received. ¶

¶

20.4 Prior to banking, the amount to be banked is to be reconciled with the aggregated totals of 'X' Reports. Once reconciled, the 'Z' report is run and stored with the year's accounts. ¶

Deleted: 20.5 A till invoice must be raised for the total of the 'Z' report on HMS and paid off in HMS before completing the banking process. ¶

#### **REGULATION 21: PETTY CASH**

- 21.1 A Petty Cash Float Facility with a float of £200 is to be operated on the imprest system to pay for miscellaneous expenses and purchases. Authorisation to change this float can only be given by the Harbour Master with the agreement of the Treasurer.
- 21.2 The petty cash is to be kept securely locked away whenever the main office is unmanned. ▼
- 21.3 The Petty Cash exists to cope with small miscellaneous cash transactions which do not warrant, on a cost basis alone, being processed through the Board's accounts payable system. Such transactions are not to exceed £50.00 in value.
- 21.4 All requests for Petty Cash are to be made by completing a Petty Cash Voucher which, (where appropriate), will have a receipt attached to justify the claim. Wherever possible, and where applicable, VAT receipts should be requested. The voucher must be signed by the individual requesting the reimbursement, and counter signed by a responsible officer.
- 21.5 All vouchers are to be recorded and analysed on the Petty Cash Expenditure and Coding Statement, (this serves as a Petty Cash Book), Each individual sheet will reference the Petty Cash Voucher number, will be dated and consecutively numbered.
- 21.6 At the point when the Petty Cash needs replenishment, a reconciliation is to be carried out. After the reconciliation process is completed the Harbour Master should top up by withdrawing cash from the bank using the designated card. ▼

**Deleted:** in the safe

**Deleted:** There are two keys to the safe which are kept on the person of the Deputy Harbour Master and Harbour Master/Manager. ¶

**Deleted:** or end of the financial month whichever is the earlier,

**Deleted:** to ensure that the opening float less the expenditure recorded is equal to the monies still held in the Petty Cash Tin. This reconciliation is to be recorded on an Excel spread Sheet signed and dated by the Harbour Master/Manager and retained within the Harbour Office. After the reconciliation process is

**Deleted:** a cheque will be required made out to 'cash' in order to replenish the Petty Cash. ¶

**Deleted:** 21.7 At regular intervals and not less than bi-monthly, the process will be checked by the Treasurer and the float verified. ¶

**REGULATION 22: PREVENTION OF CORRUPTION (see also Anti Bribery Policy)**

A detailed Anti Bribery Policy is available in the Employee Handbook.

22.5 Every Harbour Board issued contract will refer for the Prevention of Corruption Acts.

**Formatted:** Font: Not Bold

**Deleted:** 22.1 The Responsible Officer must comply with the Code of Conduct of the Harbour Board and must not invite or accept any gift or reward in respect of the award or performance of any contract.¶

¶  
22.2 It will be for the Officer to prove that anything received was not received corruptly. ¶

¶  
22.3 Where an officer is offered gifts or hospitality this must be declared on the Harbour Boards Gifts and Hospitality register which is maintained by the Harbour Master/Manager but should still comply with the clear guidance to officers on accepting Gifts or Hospitality.¶

¶  
22.4 High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime.¶

**Deleted:** The following clause must be put in every written Harbour Board contract:¶

"The Harbour Board may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things;¶  
offer, give or agree to give to anyone any inducement or reward in respect of this or any other Harbour Board contract (even if the Contractor does not know what has been done); or ¶  
commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972; or  
commit any fraud in connection with this or any other Harbour Board contract whether alone or in conjunction with Harbour Board members, contractors or employees. Any clause limiting the Contractor's liability shall not apply to this clause."...

**Formatted:** Indent: Left: 1 cm

### **REGULATION 23: COMPUTER AND IT SECURITY**

- 23.1 The network is to be administered under the direction of the Harbour Master. All access to individual computers is to be subject to password control. Passwords should be changed regularly.
- 23.2 The Harbour Master is to ensure that an up to date copy of all passwords are retained in sealed and signed envelopes and stored in the office safe.
- 23.3 Prime or shared data must not be confined to individual's C drives but must be uploaded to Office 365.
- 23.4 All files are backed up on the cloud in 365 or by J&R Computer services.
- 23.6 A record of all software owned by the Board is to be kept on the Asset List.
- 23.7 Free access is available to the Internet. Access to the internet is addressed in the Email, Internet and Licensing Policy in the employee handbook.
- 23.8 The Board holds a current Data Protection Registration Certificate and this must be renewed annually.

**Deleted:** File Server and its

**Deleted:** the server and

**Deleted:** at least monthly.

**Deleted:** regularly saved to the file server

**Deleted:** The File Server is backed up automatically on a daily basis. J & R Computer services carry out a check to ensure that the back-up process is working satisfactorily several times a week. ...

**Formatted:** Highlight

**Deleted:** ¶

23.5 The back-up is stored on a detachable hard drive and the Harbour Master/Manager is responsible for ensuring that this hard drive is swapped with a fresh one on a weekly basis. Two drives are used for this purpose recycled on a weekly basis, the removed drive is to be stored securely off site, (currently at the Harbour Workshop).¶

**Deleted:** but access levels are to be set by the Harbour Master/Manager.

**REGULATION 24: INVENTORY,**

- 24.1 Each Harbour Board Officer shall be responsible for the care and custody of the inventory and stores in his/her area of responsibility in consultation with the Treasurer who will ensure physical checks are carried out as necessary.
- 24.2 A maximum acceptable level (in volume and financial terms) shall be agreed with the Treasurer and shall not be exceeded except in approved circumstances.
- 24.3 Harbour Master shall arrange for periodical test examinations of inventory by persons other than those responsible and shall ensure that all items are checked at least once in every year. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- 24.4 Any surplus or obsolete items will be disposed of by competitive tenders or public auction unless the Harbour Master in consultation with the Treasurer decides otherwise.
- 24.6 Where, in the opinion of the Treasurer, the value of the items to be disposed of is material, prior Harbour Board approval must be obtained.

**Deleted:** STOCKS

**Deleted:** stocks

**Deleted:** make such

**Deleted:** s he/she considers necessary

**Deleted:** stock

**Deleted:** stocks

**Deleted:** stocks

**Deleted:** stocks or stores

**Deleted:** 24.5 Where the value of the stocks and stores to be disposed of exceeds £1,000 or 5% of the total store value (whichever is the lower), prior approval of the Chairman is also required. ¶

**Deleted:** stocks and stores

**Deleted:** 24.7 The value of such items for this purpose shall be determined by the current replacement cost where the item is to be replaced or substituted or the open market disposable value where no substitute of replacement is to be made.¶

**REGULATION 25: SECURITY**

- 25.1 Each Harbour Board Officer is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, records, documents, data, etc. under his/her control. He/she shall consult the Treasurer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed. Any incident arising that involves (or potentially involves) security of cash, computers, information or any of the Harbour Board's assets shall be reported to the Treasurer or appointed Internal Auditor immediately.
- 25.2 Maximum limits for cash holdings shall be agreed with the Treasurer and shall not be exceeded without his/her express permission.
- 25.3 Keys to safes and similar receptacles are to be carried on the person of those responsible at all times; the loss of any such keys must be reported to the Harbour Master, and/or Treasurer and immediately.
- 25.4 Keyholders to Harbour Board premises are responsible for the security of those keys at all times, unless they are either locked in a key safe at an alternative alarmed site, or a specific arrangement has been agreed with the Harbour Board's insurers. Under no circumstances should keys be left unattended in a vehicle. The loss of any keys must be reported to the Harbour Master, and/or Treasurer immediately.
- 25.5 The holders of passwords or pass numbers (either door entry or computer related) are responsible for maintaining the security of those passwords at all times. No one shall divulge a computer password to another person and no one should knowingly use the password and user identification of another person. A copy of each password shall be kept in a sealed envelope in the office safe and shall only be opened in exceptional circumstances in the presence of at least ~~one~~ officer.
- 25.6 Each Harbour Board Officer shall be responsible for the control and recording of all issues and returns of the Authority's equipment, property, identity cards and keys made to officers within their service. All issues shall be signed for on receipt by the officer.
- 25.7 The Harbour Master shall ensure that safe combinations are changed at frequent intervals and whenever there are changes in personnel with knowledge of the combinations.

Deleted: two

Deleted: s

#### REGULATION 26: USE OF THE SEAL

- 26.1 The Clerk holds the Harbour Board Seal. The Clerk shall only seal documents that are supported by the relevant formal written approvals i.e. Board minutes/signed waiving of standing order forms etc.
- 26.2 All contracts entered into must be under seal where;
- The Board wishes to enforce the contract for more than 6 years after its completion, or
  - The price paid or received under a contract is a nominal price and does not reflect the value of the goods or services, or where there is doubt about the authority of the person signing for the other contracting party,
  - Where the total value is expected ~~to~~ exceed £20,000.
- 26.3 Where contracts are completed by each side adding their formal seal, such contracts shall be signed, and the fixing of the Harbour Board's seal witnessed, by the Clerk to the Harbour Board or other authorised officer by him/her.
- 26.4 Every Harbour Board sealing will be consecutively numbered, recorded and signed by the Clerk to the Harbour Board witnessing the seal. The seal must not be affixed by the Clerk without the authority of the Harbour Board.

Deleted: 1



# APPENDIX 1

## LITTLEHAMPTON HARBOUR BOARD

### AUTHORISATION TO WAIVE STANDING ORDERS RELATING TO CONTRACTS OR OTHER PURCHASES

To be completed in advance for all contracts or other purchases, where standing orders require competitive quotations and/or the sanction of the Board but circumstances either make it impractical or the matter is so urgent that time constraints prevent it.

Goods/services required:	
Proposed supplier:	
Value of proposal:	
Justification for need to waive Standing Orders Relating to Contracts:	
Justification that a delay until the next meeting of the Board would not be in the interests of the Board:	
Originating Officer	Signed: ..... Date: ..... Print name: .....
Authorisation of Harbour <u>Master/</u> Manager	Signed: ..... Deleted: r Date: .....
Treasurer authorisation (where urgent decision is required)	In accordance with the provisions of Standing Order Relating to Contracts, I have been consulted on the proposed action and agree that a delay until the next Board Meeting would not be in the interests of the Board Signed: ..... Date: ..... Decision ref: .....
Treasurer authorisation to waive standing orders (for a specific contract)	In accordance with the provisions of Standing Order Relating to Contracts, I have been consulted on the proposed action and agree that in this instance it is justified to waive standing orders in the interests of the Board Signed: ..... Date: ..... Decision ref: .....

**APPENDIX 2****LITTLEHAMPTON HARBOUR BOARD****AUTHORISATION TO DISPOSE OF AN ASSET WITH A NET BOOK VALUE OF LESS THAN £5000**

To be completed prior to proceeding with disposal of any asset

Description of item: Asset Number	
Reason for disposal	
Proposed method of disposal:	
Current Net Book £ Value (as per Asset Register):	
Originating Officer	Signed: ..... Date: ..... Print name: .....
Authorising Officer	Signed: ..... Date: ..... Print name: .....
Treasurer	Signed: ..... Date: .....

### APPENDIX 3 - LITTLEHAMPTON HARBOUR BOARD EXPENDITURE COMMITMENT AUTHORITY LEVELS

		Budgeted <del>over</del> £5,000	Budgeted over £10,000	Unbudgeted over £5,000	Unbudgeted over £10,000	Unbudgeted over £20,000
<b>Operating Expenses</b>						
Board Approval						X
Harbour Master			X	X	X	
Treasurer			X		X	
Deputy Harbour Master		X				
Clerk (see 3)					X	

		Budgeted over £5,000	Budgeted over £10,000	Unbudgeted over £5,000	Unbudgeted over £10,000	
<b>Asset Write Offs/Disposal</b>						
Board Approval					X	
Harbour Master		X	X	X		
Treasurer				X		
Clerk (see 3)						

<b>Contractual Commitments</b> <del>clerk</del>		Up to one year	Over one year	Up to £10,000	Over £10,000	Over £25,000
Harbour Master		X	X	X	X	
Treasurer					X	X
Clerk			X			X
Notes	1	Except where qualified on the matrix, authority is required from ALL of the designated signatories where more than one signatory is indicated.				
	2	A report to the Board is required for capital purchases of <del>over</del> £20,000.				
	3	If the Treasurer or Harbour Master is unavailable or has a declarable interest the Clerk has authority to sign in his place				

Deleted: Budgeted up to £1,500
Deleted: up to
Deleted: Budgeted over £510
Deleted: under £105
Deleted: 5,000
Deleted: Unbudgeted over £20,0005,000
Formatted
Formatted Table
Deleted: Chairman
Deleted: X
Deleted: X
Deleted: X
Deleted: X
Deleted: X
Deleted: 4
Deleted: X
Deleted: X
Formatted Table
Formatted
Deleted: X
Deleted: X
Deleted: X
Deleted: X
Deleted: X
Deleted: 4
Deleted: X
Deleted: X
Formatted
Formatted Table
Formatted
Deleted: Chairman
Deleted: 2
Deleted: Payment must not be authorised by the signatory
Deleted: 3
Deleted: 5
Deleted: 4

#### **APPENDIX 4 - ANTI BRIBERY POLICY [NOW STAND ALONE BOARD POLICY TO BE REVIEWED]**

##### **1. Introduction**

- 1.1 Bribery is a criminal offence. The LHB does not, and will not, pay bribes or offer improper Inducements to anyone for any purpose nor does it or will it accept bribes or improper inducements.
- 1.2 To use a third party as a conduit to channel bribes to others is a criminal offence. The LHB does not, and will not, engage indirectly in or otherwise encourage bribery.
- 1.3 The LHB is committed to the prevention, deterrence and detection of bribery. We have zero-tolerance towards bribery. We aim to maintain anti-bribery compliance as business as usual rather than as a one-off exercise.

##### **2. Objective of this policy**

- 2.1 This policy provides a framework to enable employees and members to understand and implement arrangements enabling compliance. In conjunction with related policies referred to below it will enable employees and members to identify and report a potential breach.
- 2.2 We require all staff, including temporary agency staff and all contractors and their employees working on behalf of the LHB to:
  - act honestly and with integrity at all times and to safeguard the LHB's resources for which they are responsible
  - comply with the spirit, as well as the letter, of the laws and regulations in respect of the lawful and responsible conduct of activities.

##### **3. Scope of this policy**

- 3.1 This policy applies to all of the LHB's activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with this policy.
- 3.2 Within the LHB the responsibility to control the risk of bribery occurring rests at all levels. This policy covers all staff at all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, volunteers and consultants.
- 3.3 The LHB commits to:
  - Setting out a clear anti-bribery policy and keeping it up to date
  - Making all employees and members aware of their responsibilities to adhere strictly to this policy at all times
  - Enabling all employees and members to recognise and avoid the use of bribery by themselves and others
  - Encouraging its employees and members to be vigilant and to report any suspicion of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately
  - Rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution
  - Taking firm and vigorous action against any individual(s) involved in bribery
  - Providing information to all employees and members on how to report breaches and suspected breaches of this policy
  - Including appropriate clauses in contracts to prevent bribery.

##### **4. What is Bribery?**

- 4.1 Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

- 4.2 Bribery is a criminal offence. There are four criminal offences created by the Bribery Act 2010:
- bribery of another person (section 1) to induce or reward them to perform a function improperly
  - requesting or accepting a bribe (section 2) as a reward for performing a function improperly
  - bribing a foreign official (section 6) to gain a business advantage
  - failing to prevent bribery (section 7)
- 4.3 The last is a corporate offence of failure by a commercial organisation to prevent bribery intended to obtain or retain business, or an advantage in the conduct of business. An organisation will have a defence to this offence if it can show that it had in place adequate procedures (see below) designed to prevent bribery by or of persons associated with it.
- 5. Penalties**
- 5.1 An individual guilty of an offence under sections 1, 2 or 6 is liable:  
On conviction in a magistrates court, to imprisonment for a maximum term of 12 months or to a fine not exceeding £5,000, or to both  
On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both
- 5.2 Organisations are liable for these fines and if guilty of an offence under section 7 are liable to an unlimited fine.
- 6. Why does this apply to the LHB?**
- 6.1 The Act applies to any “commercial organisation”. That is any body formed in the United Kingdom and it does not matter if it pursues charitable or educational aims or purely public functions. It will be caught if it engages in commercial activities, irrespective of the purpose.
- 6.2 The Harbour Board is a commercial organisation in all of its financial and contractual activity including those activities or services undertaken on its behalf.
- 7. What are “adequate procedures”?**
- 7.1 Adequate procedures need to be applied proportionately, based on the level of risk guided by the six principles in the Government’s Guidance. These principles are not prescriptive. They are intended to be flexible and outcome focussed. They are:
- 7.2 Procedures to prevent bribery should be proportionate to the bribery risks faced and to the nature, scale and complexity of activities. They are also clear, practical, accessible, effectively implemented and enforced. This policy explains the procedures.
- 8. Top level commitment**
- 8.1 The top-level management should be committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable. The LHB endorse this policy.
- 9. Risk Assessment**
- 9.1 The LHB assesses the nature and extent of its exposure to potential external and internal risks of bribery routinely and as an integral part of its usual procedures. The assessment is periodic, informed and documented. It includes financial risks but also other risks such as reputational damage.

**10. Due Diligence**

- 10.1 The LHB applies due diligence taking a proportionate and risk based approach in respect of persons who perform or will perform services for or on behalf of the council, in order to mitigate identified bribery risks.

**11. Communication (including training)**

- 11.1 The LHB seeks to ensure that its bribery prevention policies and procedures are embedded and understood through communication, including training that is proportionate to the risks it faces.

**12. Monitoring and review**

- 12.1 The Harbour Board monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary
- 12.2 The LHB committed to the implementation of these principles.

**13. What is Not Accepted?**

- 13.1 Bribery is not tolerated.
- 13.2 The LHB's direction to staff and suppliers: It is unacceptable to:
- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given
  - give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure
  - accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
  - accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return
  - retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
  - engage in activity in breach of this policy.

**14. Facilitation Payments**

- 14.1 Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

**15. Gifts and hospitality**

- 15.1 This policy is not meant to change the requirements of our gifts and hospitality policy. This makes it clear that:
- gifts and hospitality should be declined or returned as a rule
  - nominal gifts and hospitality up to a financial value of £25 are acceptable
  - reasonable, proportionate gifts and hospitality made in good faith and that are not lavish are acceptable
  - All gifts and hospitality must be approved by a senior officer, must be recorded and will be published by the LHB.

**16. Public contracts and failure to prevent bribery**

- 16.1 Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. The LHB extends such automatic barring to any organisations convicted of an offence under the Bribery Act 2010.

**17. Staff and Member responsibilities to avoid or prevent breaches of the policy**

17.1 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those appointed as members, working for the council or under its control. All staff and members are required to avoid activity that breaches this policy. You must:

- ensure that you read, understand and comply with this policy
- raise concerns as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future. You should speak to your line manager.

17.2 As well as the possibility of civil and criminal prosecution, staff that breach this policy will face disciplinary action, which could result in dismissal for gross misconduct.

**18. Raising a Concern**

18.1 This organisation is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. We want each and every member of staff to know how they can raise concerns.

18.2 We all have a responsibility to help detect, prevent and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help. The sooner you act, the sooner it can be resolved.

18.3 Concerns can be anonymous. In the event that an incident of bribery, corruption, or wrongdoing is reported, we will act as soon as possible to evaluate the situation. We have clearly defined procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind. This is easier and quicker if concerns raised are not anonymous.

18.4 Staff who refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing can understandably be worried about the repercussions. We aim to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.

18.5 We are committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.

18.6 If you have any questions about these procedures, please contact the Clerk.

**APPENDIX 5 - EMAIL, INTERNET & LICENSING POLICY AND PROCEDURES (MOVED INTO HR HANDBOOK AS STAND ALONE ORGANISATIONAL POLICY AND SCHEDULED FOR REVIEW)**

**1. Policy**

- 1.1 The Littlehampton Harbour Board owns and operates various computer systems that are provided for use by employees in support of its activities. All users are responsible for ensuring that the Board's computer systems are used in a professional, ethical and lawful manner. Inappropriate use can cause many problems, ranging from minor distractions to legal claims against the Board.
- 1.2 The purpose of this policy is to set out the rules and guidelines that define acceptable use of the Board's email systems and Internet access. Unacceptable use is prohibited and is grounds for disciplinary or legal action, which may result in dismissal.
- 1.3 The scope of this policy covers all employees, volunteers, temporary staff and any other users of the Board's network. It relates to all computer and data communication systems owned by the Board where the actions of the employee adversely affect the reputation of the Board or cause offence to another employee.
- 1.4 The Board cannot control all the information available via the Internet or received electronically and therefore it is the responsibility of individuals to ensure that the quality and content of information that they access or distribute is appropriate.

**2. Authorised Use**

- 2.1 The e-mail system and the Internet are available for communication on matters directly concerned with the Board's business.
- 2.2 Employees should not send messages that are sexually or racially offensive or that could be considered offensive in any way by the recipient or others. Employees are asked to take care and give sufficient thought to what they send, as messages can be misconstrued and altered by the recipient before forwarding to other people.
- 2.3 A good guideline is not to say anything in an email that you would not be prepared to say to the recipient face-to-face or be prepared to write on Board headed paper.
- 2.4 Attaching obscene material to an email amounts to publication and can be deemed a criminal offence, as is the distribution, showing and possession of child pornography or any other material that is in breach of the Obscene Publications Act and The Protection of Children Act.
- 2.5 Employees should not send messages that are defamatory about other individuals or organisations as the employee will be legally liable for any damage it causes to the reputation of the individual(s) concerned. Liability also extends to the Conservancy in providing the equipment to publish the offending statement.
- 2.6 Employees are permitted, outside normal working hours, to send and receive occasional personal emails or to use the Internet for personal purposes, so long as it does not interfere with their job responsibilities.

**3. Reasonable personal use**

- 3.1 Reasonable personal use is acceptable as long as:
  - the messages are compiled and sent outside normal office hours;
  - the messages do not contain any inappropriate attachments of any nature whatsoever. It is the responsibility of each individual to caution colleagues and



- acquaintances against sending messages with attachments;
- the messages comply with this Policy.

3.2 The Board reserves the right to withdraw the personal use privilege.

#### **4. Standards of presentation and appropriateness of emails**

4.1 The style and content of an e-mail/Internet message is a matter of considerable importance. E-mail should not be used as a substitute for face-to-face communication. 'Flame-mails' (e-mails that are abusive or overtly critical) can be a source of stress and can damage work relationships. Hasty messages, sent without proper consideration, can cause unnecessary misunderstandings.

4.2 Employees' email messages, whether personal or work related, sent or received using the Board's systems are not guaranteed to be private. Employees should be aware that the sending of any message by email is the legal equivalent of writing a letter on Board headed paper. Inadvertent remarks sent by email are capable of leaving the Board and/or the individual open to complaints of harassment, discrimination and defamation.

4.3 Employees who have a personal web page or site may not use the Board's name or logo, or in any way identify or link the site or page to the Board.

4.4 Inappropriate use is defined as actions that might constitute offence, harassment or intimidation of individuals or other behaviour that might bring the Board into disrepute. These guidelines are therefore put in place to protect employees as well as the Board from a variety of legal claims.

#### **5. Internet**

5.1 The Board prohibits employees from knowingly downloading and circulating any inappropriate illegal material from the Internet. Using the Internet excessively for personal use or using it for accessing inappropriate material, such as pornography, will be treated as unauthorised use of an employee's time and misuse of Board equipment under the Computer Misuse Act 1990 and will be subject to dismissal. If the material accessed is regarded as obscene under the definition of the Obscene Publications Act or is material that is covered by the Protection of Children Act then such access will result in dismissal as well as criminal prosecution.

#### **6. Copyright**

6.1 Employees should take care when downloading material from the Internet, since it carries the risk of infringing copyright law, Copyright, Designs and Patents Act 1980. This applies both to documents and images. Employees should also ensure that copyright laws are not breached when forwarding information. Employees are not permitted to download any software or music data files from the Internet under any circumstances without prior authorisation from the Harbour Master/Manager. Copying software without permission of the copyright owner is an offence.

#### **7. Liability**

7.1 The Board will be liable for any defamatory information circulated either within the organisation, or to external users of the system.

#### **8. E-mail Contracts**

8.1 Offers or Contracts transmitted via e-mail are as legally binding as those sent on paper.

#### **9. Unauthorized Use**

9.1 The Board will not tolerate the use of the system for any of the following :

- any message that could constitute bullying or harassment, ie on the grounds of sex, race, disability, age, gender, religion, sexual orientation;
- any message harmful to the reputation and good standing of the Board;
- excessive personal use in the opinion of the Board, ie social invitations, personal messages, jokes, cartoons, or chain letters;
- on-line gambling;
- accessing and/or downloading and/or on forwarding pornographic material;
- unlawfully downloading and/or distributing copyright information;
- posting confidential information about employees, the organisation, customers, suppliers;
- selling or promoting goods or services unconnected to the Board;
- mass external distribution of unsolicited e-mail, or the solicitation of mail for any address other than your own, without the prior written consent of the intended recipient;
- for personal gain or any political activities.

9.2 Failure to follow these guidelines satisfactorily can result in disciplinary action, including dismissal.

#### **10. Implementation of the Policy**

10.1 Regular monitoring of e-mail messages and website access will be carried out on a random basis. This information will then be made available to the Harbour Master/Manager hard copies of e-mail messages may be used as evidence in disciplinary proceedings.

10.2 Access to another employee's email system, without prior authorisation, is likely to result in disciplinary action.

10.3 Employees who feel that they have cause for complaint as a result of e-mail communications should raise the matter initially with the Harbour Master/Manager. If necessary, the complaint can then be considered through the Grievance Procedure.

10.4 Users who are concerned about the receipt of any unsolicited e-mail should contact the Harbour Master/Manager immediately.

#### **11. Monitoring**

11.1 The Board is responsible for servicing and protecting its computer network. While the Board is committed to respecting the rights of its employees, including their reasonable expectation of privacy, it also has a responsibility to ensure that employees comply with Board policies.

11.2 To accomplish this, it is necessary to carry out spot checks or audits to monitor any material on its computer or files server space in order to determine the appropriateness of specific uses of the network.

11.3 The Board will also undertake monitoring on Internet usage to find out which web sites are being accessed and the time spent on-line. The contents of emails sent or received using the Board's email system may also be monitored when necessary.

11.4 The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations came into force on 24 October 2000. They set out the circumstances whereby employers may intercept communications without the consent of employees.

11.5 They are:

- recording evidence of business transactions;
- making sure employees comply with company policies;
- picking up messages if someone is off sick;
- preventing or detecting crime, fraud or corruption;
- monitoring standards;
- preventing computer viruses.

**12. Licensing: Policy & Procedures**

**12.1 Policy**

12.1.1 The Littlehampton Harbour Board provides all employees with the software needed to perform their jobs in an efficient and effective manner.

12.1.2 The software used is provided to the company under licence from a variety of third parties and the licence agreement tells us how and when the software may be used. It is the Board's policy to comply with these licence agreements.

12.1.3 The purpose of this policy is to prevent copyright infringement and to protect the integrity of the Board's computer environment from viruses.

12.1.4 The ease of copying software, coupled with misunderstandings of licence agreements, cause people to become 'pirates' without realising it. It is in the interests of both the Board and its employees that software compliance is maintained.

**12.2 Procedure**

12.2.1 Copyright law which governs the use of intellectual property, including software, is very straightforward. It is illegal to copy a piece of software for any reason unless expressly permitted by the copyright holder. Therefore the unauthorised installation, copying, downloading of software will be deemed to be in breach of this policy.

12.2.2 Purchasing a licence does no more than allow the Board right of use for the term of the licence, usually unlimited, and it is not transferable.

**12.3 Purchasing of Software**

12.3.1 All requests for new software should be made to the Harbour Master/Manager and it is the responsibility of the Harbour Master/Manager to enforce this policy.

12.3.2 Ordering of all software will be undertaken by authorised personnel only as this will ensure adherence to licence compliance and will also enable an accurate record to be kept of the Conservancy's software.

**12.4 Licence Retention**

12.4.1 All licenses will be retained by the Harbour Master/Manager to ensure proof of ownership, copies of which will be held in a secure area and at an off-site location.

**12.5 Software Installation and Downloads**

12.5.1 No software installation or downloads, other than that approved by the Harbour Master/Manager, must take place without an evaluation by the Board's appointed IT specialist(s) to ensure compliance with copyright and licensing regulations and also compatibility with existing software.

12.5.2 It is against company policy for any personnel to install any software, without prior authorisation, to include any of the following:

- screen savers
- games
- privately purchased
- borrowed
- pictures
- illicit material
- evaluation software
- shareware
- freeware

**12.6 Disposal**

12.6.1 All software will be removed when required by authorised personnel to ensure that successful licence management is achieved. Redundant software will be deleted but the licence retained for future use.

**12.7 Auditing**

12.7.1 Software application audits will be undertaken at regular intervals to ensure that unlicensed software has not been installed. The Board is liable for any data held on a hard drive.

12.7.2 If any unlicensed software is found or otherwise fails to meet the requirements of this Policy, the Harbour Master/Manager will be informed and the user will be subject to disciplinary action.

**13. Policy Breaches**

13.1 All breaches of the above policy will be passed to the Harbour Master/Manager for disciplinary action.

Page 23: [1] Deleted	Kerrie	16/12/2019 11:28:00
----------------------	--------	---------------------

Page 37: [2] Deleted	Kerrie	16/01/2020 10:12:00
----------------------	--------	---------------------

Page 37: [2] Deleted	Kerrie	16/01/2020 10:12:00
----------------------	--------	---------------------

Page 37: [3] Deleted	Kerrie	16/01/2020 10:13:00
----------------------	--------	---------------------

Page 37: [3] Deleted	Kerrie	16/01/2020 10:13:00
----------------------	--------	---------------------

Page 37: [4] Deleted	Kerrie	16/01/2020 10:13:00
----------------------	--------	---------------------

Page 37: [4] Deleted	Kerrie	16/01/2020 10:13:00
----------------------	--------	---------------------

Page 37: [5] Formatted	Kerrie	16/01/2020 09:47:00
------------------------	--------	---------------------

Font: Bold

Page 37: [6] Formatted Table	Kerrie	16/01/2020 10:35:00
------------------------------	--------	---------------------

Formatted Table

Page 37: [7] Formatted Table	Kerrie	16/01/2020 10:35:00
------------------------------	--------	---------------------

Formatted Table

Page 37: [8] Formatted	Kerrie	16/01/2020 09:47:00
------------------------	--------	---------------------

Font: Bold

Page 37: [9] Formatted	Kerrie	16/01/2020 10:26:00
------------------------	--------	---------------------

Font: Bold

Page 37: [10] Formatted Table	Kerrie	16/01/2020 10:35:00
-------------------------------	--------	---------------------

Formatted Table

Page 37: [11] Formatted	Kerrie	16/01/2020 10:26:00
-------------------------	--------	---------------------

Font: Bold

Page 37: [12] Deleted	Jen Brooker	20/01/2020 09:49:00
-----------------------	-------------	---------------------

Page 37: [13] Deleted	Kerrie	16/01/2020 10:31:00
-----------------------	--------	---------------------



**AGENDA ITEM                    7**

**MEETING:                        LITTLEHAMPTON HARBOUR BOARD**

**DATE:                             17 FEBRUARY 2020**

**REPORT BY:                     BILLY JOHNSON, HARBOUR MASTER**

**SUBJECT:                        PORT MARINE SAFETY CODE ANNUAL COMPLIANCE REVIEW**

**1.        Summary**

- 1.1        As required under the Port Marine Safety Code ("The Code"), an annual review of compliance within the harbour is conducted.
- 1.2        The LHBs Designated Person is Peter Nicholson, of Nicholson Risk management.
- 1.3        The outcome of the review was a certificate of compliance.

**2.        Background**

- 2.1        The Port Marine Safety Code ("the Code") sets out a national standard of every aspect of port marine safety. The Code is not mandatory but there is a strong expectation that all harbour authorities will comply including implementing several measures key to the successful implementation of the Code.
- 2.2        A review of compliance with the Code was conducted by the Designated Person in November 2019 and concluded that the "Littlehampton Harbour Board have complied with the Marine Safety Code".
- 2.3        In order to make continual improvement to the quality of the harbour management system and to provide customer satisfaction, the following improvements were proposed for implementation:

Governance

- The proposed Harbour Revision Order to be formally consulted; then adopted and implemented. Meanwhile where possible modernise governance in anticipation of the Revision Order.
- Draw up a Business Plan
- Review staffing levels to achieve the necessary blend of skills and competence

#### Risk Control

- Implement the new procedure for completing a Tool Box Talks Record Form before a particular task is started. This will include reference to the relevant Standard Operating Procedures (SOPs).
- The SOPs to be reviewed progressively with staff and consider including each SOP as a subject in the training spreadsheet
- Maintain the programme for allocating each specific control to a particular manager and specifying when he is to check that the control is in place.
- Ask the harbour office tenant for their risk fire assessment.

#### Records

- Record in a box on each accident report the relevant risk assessment
- Make a record of when staff are made aware of each of the risk assessments relevant to their jobs; perhaps in the training records
- Publish mooring plan
- Check that all minutes of board and stakeholder meetings are posted on the website and that they are easy to find

#### Policy

- Revise Enforcement Policy to include provisions for its regular review
- Review Pilotage Directions to include administrative instructions and changes, such as maximum LOA.

### **3. Recommendation**

**3.1 That the Board note the report of PMSC compliance issued by Nicholson's Risk management, dated 19 November 2019, following the annual audit;**

**3.2 That the Board note the contents of the Compliance Audit Letter to the HM;**

### **4. Annexes**

Compliance Statement  
Compliance Report



## REPORT

To the Littlehampton Harbour Board.

We have reviewed compliance with the Safety Management System during the past year and conclude that in our opinion the Littlehampton Harbour Board have complied with the Port Marine Safety Code.

Some minor updates and changes in documentation and a fresh list of planned improvements have led to the drawing up of a revised issue of the Safety Management System.

We have reviewed this updated Safety Management System (version 12), to be dated 1 January 2020. In our opinion the Safety Management System then in place complies with the requirements of the Port Marine Safety Code in enabling the Littlehampton Harbour Board to continue to set out its safety policies, the organisation for putting these policies into practice and the procedures for a planned and systematic approach to policy implementation.

Nicholsons Management Ltd

19 November 2019



THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK

ISSUE 12, 1<sup>st</sup> January 2020



LITTLEHAMPTON HARBOUR BOARD  
SAFETY MANAGEMENT SYSTEM

In Compliance With

THE PORT MARINE SAFETY CODE

**Prepared By:**

The Harbour Master with Nicholson's Risk Management Ltd

## **HARBOUR BOARD MEMBERS**

<b>Philip Bush (Chairman)</b>	recruited by the Board as representative of recreational user's
<b>Roger Elkins (Vice Chair)</b>	local Councillor appointed by Arun District Council
<b>Shirley Haywood</b>	local Councillor appointed by Arun District Council
<b>Karl Roberts</b>	appointed by Arun District Council (ADC Director of Place)
<b>Roger Spencer</b>	appointed by Arun District Council (ADC Engineering Services Manager)
<b>Bryan Turner</b>	local Councillor appointed by West Sussex County Council
<b>Dr James Walsh</b>	local Councillor appointed by West Sussex County Council
<b>Captain Tom Drennan</b>	appointed by West Sussex County Council
<b>Janet Mockridge</b>	appointed by West Sussex County Council
<b>Barry Goodhew</b>	recruited by the Board as representative commercial user's
<b>Richard O'Callaghan</b>	appointed by the Environment Agency (Area Environment Manager)

# **LITTLEHAMPTON HARBOUR BOARD SAFETY MANAGEMENT SYSTEM**

## **IN COMPLIANCE WITH THE PORT MARINE SAFETY CODE**

### **SUMMARY AND INDEX**

#### **Purpose:**

**To have a Safety Management System that is structured, cohesive and auditable.**

#### **Introduction**

Littlehampton Harbour Board's constitution, powers and procedures comply with the Port Marine Safety Code (PMSC) 2016.

This document describes how the Littlehampton Harbour Board has a Safety Management System (SMS) comprising the 7 essential elements of policy, organisation, plan, measure, review, record and continuous improvement.

#### **Outline Chart of Safety Management System**

##### **1) Policy**

- 1.1** Adopting health and safety policies which contribute to business performance whilst meeting responsibilities to people and the environment in a way which fulfils both the spirit and the letter of the law.

##### **2) Organisation**

- 2.1** Establishing a positive organisation or culture which puts the policies into effective practice.
- 2.2** Organisation Chart, "Family Tree"
- 2.3** Training will also be an inherent part of the organisation

##### **3) Planning**

- 3.1** Chart of Planning System, for planning, implementation, standards and procedures
- 3.2** Consultation with Harbour Users
- 3.3** Assessing risk and then adopting a planned and systematic approach to policy implementation. Risk assessments are the key for judging what safety plans are needed.
- 3.4** Risk Assessments
- 3.5** Remove Any Unacceptable Risks
- 3.6** Management of Safety Controls
  - 3.6.1** Check List
  - 3.6.2** Emergency Plans
  - 3.6.3** Conservancy Policy
  - 3.6.4** Environment Policy
  - 3.6.5** Navigation Safety Policy
  - 3.6.6** Pilotage Directions
  - 3.6.7** Marine Services

##### **4) Measuring**

- 4.1** Measuring health and safety performance against predetermined standards.

##### **5) Reviewing**

- 5.1** Auditing, monitoring and reviewing the performance so that lessons are learnt from all the relevant experience and are effectively applied.  
Training and education are implicit as part of good safety management.

##### **6) Recording and publishing what has been done**

- 6.1** Maintaining a record of due diligence.

##### **7) Continuous Improvement**

- 7.1** The Board is responsible for policy.
- 7.2** The Harbour Master is responsible for the organisation and the facilities.
- 7.3** The Staff implement the policy.

Together these three categories form the system that puts policy into effective practice.

# **THE LITTLEHAMPTON HARBOUR SAFETY MANAGEMENT SYSTEM**

## **INTRODUCTION**

### **Background.**

The Port Marine Safety Code (PMSC) was first published in March 2000 and periodically revised by the Department of Transport with a new edition in 2016. It aims to establish an agreed national standard for port marine safety and a measure by which harbour authorities can be held accountable for the legal powers and duties that they have to run their harbours safely. The format is that of the International Standards Organisation, ISO, for Quality Management Systems. The aim of this document is to describe and direct how the Littlehampton Harbour Board (LHB) complies with the PMSC and how it will continue to do so.

### **Littlehampton Harbour Board**

The plans and policies for the harbour discharge the roles and statutory duties which are placed on the Harbour by the Littlehampton Harbour and Arun Drainage Outfall Act 1927 as modified by the Littlehampton Harbour Revision Orders of 1986, 1988 and 2015, and Part II of the West Sussex County Council Act, 1972.

The Board's responsibility and authority extends to "the River Arun and the estuary thereof below the line of high water mark of ordinary spring tides from the south side of Arundel Bridge, the seaward limits being defined by point A (North 50 degrees 48.014 minutes West 0 degrees 32.844 minutes), point B (North 50 degrees 47.865 minutes West 0 degrees 32.849 minutes), point C (North 50 degrees 47.858 minutes West 0 degrees 32.069 minutes) and point D (North 50 degrees 48.135 minutes West 0 degrees 32.055 minutes); and ... the quays, piers, landing places and all other works, land and buildings for the time being vested in or occupied or administered by the Board as part of the harbour undertaking, whether or not within the area described." (Littlehampton Harbour Revision Order 2015).

For the purposes of pilotage under Part I of the Pilotage Act 1987 the area is extended "three nautical miles on the west by an imaginary line joining Halnaker Mill and Middleton Church and on the east by an imaginary line joining Chanctonbury Ring and Goring Church" (Littlehampton (Pilotage) Harbour Revision Order 1988.)

The Statutory Harbour Authority for Littlehampton Harbour is the Littlehampton Harbour Board, which includes 4 Members appointed by West Sussex County Council, 4 Members appointed by Arun District Council, 1 by the Environment Agency, 1 by the Board to represent Recreational Users of the Port and 1 by the Board to represent Commercial Users of the Port.

The terms of reference of the LHB are to administer Littlehampton Harbour in accordance with the Littlehampton Harbour Acts and Orders, 1927 to 2015 and the principles of governance promoted in the Ports Good Governance document published in March 2018 by the Department for Transport (DfT).

The 1927 Act incorporates certain sections of the 1847 Harbours, Docks and Piers Clauses Act that give the Harbour Master statutory powers concerning the management of the Harbour. The LHB is also a Competent Harbour Authority (CHA) under the Pilotage Act, 1987.

### **Managing Littlehampton Harbour - The Safety Management System.**

The LHB is committed to safety and accountable to both its stakeholders and the DfT. It is committed to undertaking and regulating marine operations in a way that safeguards the harbour, its users, the public and the environment.

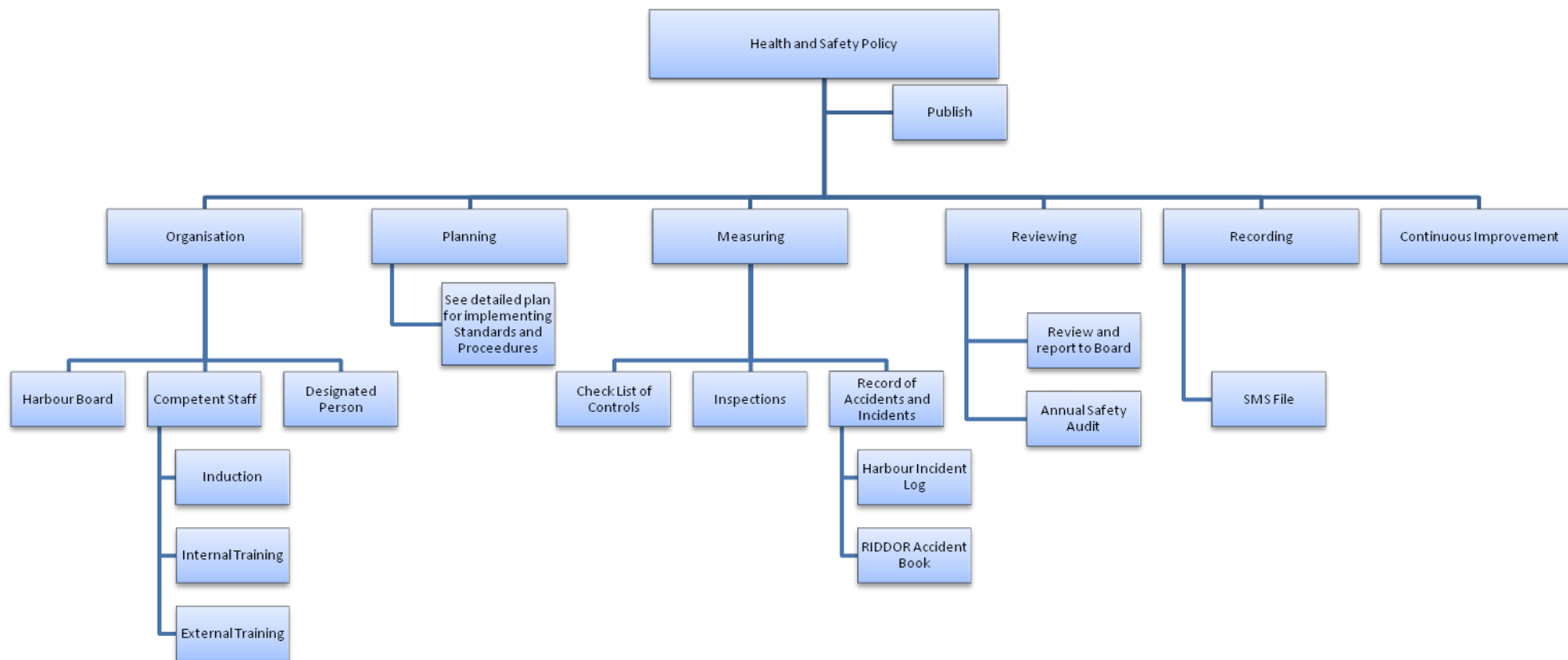
The safety procedures that form the Plan to implement the Safety Management System are on the diagram on page 13.

## **Public Documents**

Management of these safety controls and procedures are set out in existing public documents, which, together, form a cohesive web of management. As appropriate, relevant sections of these documents are cross-referenced to PMSC standards:

1. Littlehampton Harbour and Arun Drainage Outfall Act 1927  
West Sussex County Council Act, 1972
2. Harbour Revision Orders 1986, 1988 and 2015  
Littlehampton Harbour General Directions 2015  
Pilotage Directions and Pilotage Training Plan (2014)  
Admiralty Charts 1991 (Ed. 8 published March 2017) and 1652 (Ed. 11 published September 2019)
3. Port Marine Safety Code (November 2016)  
Guide to Good Practice on Port Marine Operations (February 2016)  
Managing Trust Ports (2<sup>nd</sup> Ed.)  
National Policy Statement for Ports (2011)  
HSE Safety in Docks – Approved Code of Practice and Guidance (April 2014)
4. Littlehampton Harbour Board Constitution (2013)  
Littlehampton Harbour Board Standing Instructions (SIs) (2012)  
Littlehampton Harbour Board Staff Handbook
5. Littlehampton Harbour Board Safety Management System (SMS – revised annually)  
Littlehampton Harbour Emergency Plan - 2018  
Littlehampton Harbour Oil Spill and Contingency Plan, ARUNSPIL (February 2017)  
Littlehampton Harbour Waste Management Plan (2017)  
The LHB Business Plan (January 2016)  
Littlehampton Harbour Health & Safety and PMSC Risk Assessments (reviewed annually)  
Littlehampton Harbour Standard Operating Procedures [SOPS] (reviewed annually)
6. Local Notices to Mariners (LNtMs)  
Littlehampton Harbour Guide (revised annually)

# OUTLINE CHART OF SAFETY MANAGEMENT SYSTEM



# **1. POLICY - SETTING A STANDARD**

## **Mission Statement;**

The Littlehampton Harbour Board will manage the safety and sustainable development of an effectively run public corporation trust port and provide a friendly and efficient customer focussed service to all harbour users.

The six core principles that underpin all the activities of the Harbour Board are safety, stakeholder involvement, value for money, environmental stewardship, a commitment to act as a catalyst for substantial economic development and support for local employment.

The LHB shall identify, quantify and manage the significant marine risks associated with Littlehampton Harbour. This will ensure there is proper control of movements of all vessels by regulating safe arrival, departure and movement within the harbour.

Existing powers shall be reviewed on a periodic basis, to avoid a failure in discharging duties or any risk exceeding powers of control.

Plans and reports shall also be published as a means of improving the transparency and accountability of harbour authorities, as well as providing reassurance to the users of port facilities. The LHB shall consider past events and incidents to recognise potential dangers and the means of avoiding them.

The LHB will provide a safe port within the limits of their jurisdiction, which is open to the public for the transportation of passengers and goods. They will ensure the safety of their harbour by exercising their statutory conservancy functions to a high standard. They will regulate the use of the harbour by maintaining the necessary General Directions and ensuring that these and other statutory regulations are appropriately enforced. The Board will ensure such marine services as are required for the safe use of their harbour are available and are maintained and operated to a high standard.

The Board will ensure that current plans are available to deal with emergency situations and that the resources required to implement these plans are maintained and exercised. The LHB marine policy incorporates input from officers, from staff and from harbour users as high standards of safety can only be achieved through dialogue and co-operation.

## **Business Plan - a shared vision;**

To maintain an open port and to act in capacity as a Competent Harbour Authority (CHA). LHB will use all reasonable endeavours to maintain the port as a viable commercial operation for the major commercial tenant, Tarmac.

To transform the harbour and seafront into a thriving leisure destination, creating a variety of new skills, development and business opportunities that are economically sustainable as one part of a holistic approach to regeneration in Littlehampton. The harbour will have attractive and accessible waterfronts that are well connected with the town, supporting a harbour that is extensively used by local people and attracts visitors to the area with a range of marine, cultural, heritage and recreational activities.

The harbour will be managed cost-effectively, safely and sustainably as a Trust Port in the interest of all its beneficiaries. We will encourage active use of the harbour by all stakeholders including the leisure, commercial, and fishing sectors.



## **Strategic Business Aims;**

Manage the harbour's infrastructure for safe navigation of Littlehampton Harbour and improve the financial and operational efficiency of the Harbour Board including its consultation with stakeholders.

Work towards a business-as-usual state where precepting powers can be relinquished in favour of a long-term management plan for the harbour and its assets as a Trust Port.

## **Littlehampton Harbour Board is committed to Port Safety;**

- To ensure that the best channels for navigation are determined, marked and monitored;
- To monitor lights and marks used for navigation within their jurisdiction;
- To provide hydrographic surveys of the harbour when required for the maintenance of up-to-date charts (including diagrammatic charts of all mooring areas);
- To have an effective system for promulgating navigation warnings affecting the Harbour;
- To consider the effect of weather on harbour safety and promulgate warnings as required;
- To consider the effects on harbour safety of proposed changes in use or harbour works;
- To maintain up to date secondary legislation (byelaws and general directions as appropriate) in consultation with port users and enforce them so as to effectively regulate harbour use;
- To enforce all relevant statutory Harbour legislation, Health and Safety regulations, the Merchant Shipping Act and Harbour byelaws as necessary;
- To provide suitable resources to deliver effective marine services such as the provision of the pilot boat and harbour workboats;
- To carry out all its functions with special regard to the possible environmental impact, protecting the character of Littlehampton Harbour;
- To operate efficiently and safely the Harbour workshops, machinery, plant, equipment, Harbour vessels, pontoons and boat storage compound;
- To ensure that suitable plans for emergency situations are maintained and regularly updated and exercised;
- To keep the duties and powers under review;
- To confirm the roles and responsibilities of key personnel at the harbour authority;
- To outline present procedures for marine safety within the harbour and its approaches, Standard Operating Procedures, (See Appendix 2);
- To measure performance against targets, after building a database recording incidents, including near misses;
- Refer to emergency plans that would need to be exercised; and
- Be audited on an annual basis.

**All employees have a duty to;**

- Take reasonable care regarding their own health and safety and that of other harbour users who may be affected by their acts or omissions;
- Comply with all harbour safety procedures laid down by Littlehampton Harbour Board;
- Report hazard, risk, accident, incident or near miss to the Harbour Master.

**Harbour users operating both commercially and for pleasure are responsible for;**

- Their own health and safety and that of other harbour users insofar as they may be affected by their acts or omissions;
- Complying with special and general directions and any other regulations aimed at ensuring the safe use of the Harbour.

**Health and Safety Management System;**

The Littlehampton Harbour Board has adopted a health and safety management system in compliance with the principles set out in the Port Marine Safety Code.

The health and safety management system arising out of risk assessments, Appendix 1, includes policies for emergency plans, conservancy, the environment, management of navigation, pilotage and marine services.

**Nominated Harbour Safety Officer;**

The Deputy Harbour Master is the Safety Officer and competent person responsible for fire safety. In his absence urgent harbour safety matters should be referred to the Harbour Master.

**Emergencies in the Harbour;**

Emergencies where life is in danger must be notified at once to the Coastguard by dialling 999 or through VHF channel 16. Other emergencies should be notified to the duty Harbour Master by the quickest available means. The nearest A&E unit is at Worthing.

**Reporting of Accidents, Incidents and Near Misses;**

The public are asked to bring matters of safety - all accidents, incidents and near misses – promptly to the attention of the Harbour Master at the Harbour Office, telephone 01903 721215 or 07775 743 078. Alternatively there is an online Accident or Incident Reporting Form available on the LHB website.



Mr Philip Bush (Chairman)  
Littlehampton Harbour Board

## **2. ORGANISATION**

### **Accountability and Responsibility - The Duty Holder**

In accordance with the PMSC, members of the Littlehampton Harbour Board are, jointly, the Duty Holder for the harbour. They are collectively and individually responsible and they cannot assign or delegate their accountability for compliance with the Code on the grounds they do not have particular skills.

The Board has an established Safety Management System, the components of which are shown diagrammatically on Page 6.

The Littlehampton Harbour Board sets the policy and the strategy. The Harbour Master and staff provide the means of implementing the Policy.

Any decisions taken or policy set must take into account any issues related to harbour safety. The consideration of such issues is to be minuted. The Board is responsible for deciding where risks are to be insured, disclaimers issued and notices displayed.

The delegation of responsibility is contained in the detailed job descriptions for all harbour staff. The organisation of the harbour staff is shown in the Organisation Plan on Page 11.

The “Designated Person” as described in the PMSC is Nicholson’s Risk Management Limited. The Designated Person has direct access to the Harbour Board.

### **Competence Standards.**

The LHB shall assess the fitness and competence of all persons appointed to positions with responsibility for safe navigation. Employees of the Harbour are recruited and selected on their suitability to fill their job descriptions. They shall be appropriately trained, experienced and qualified.

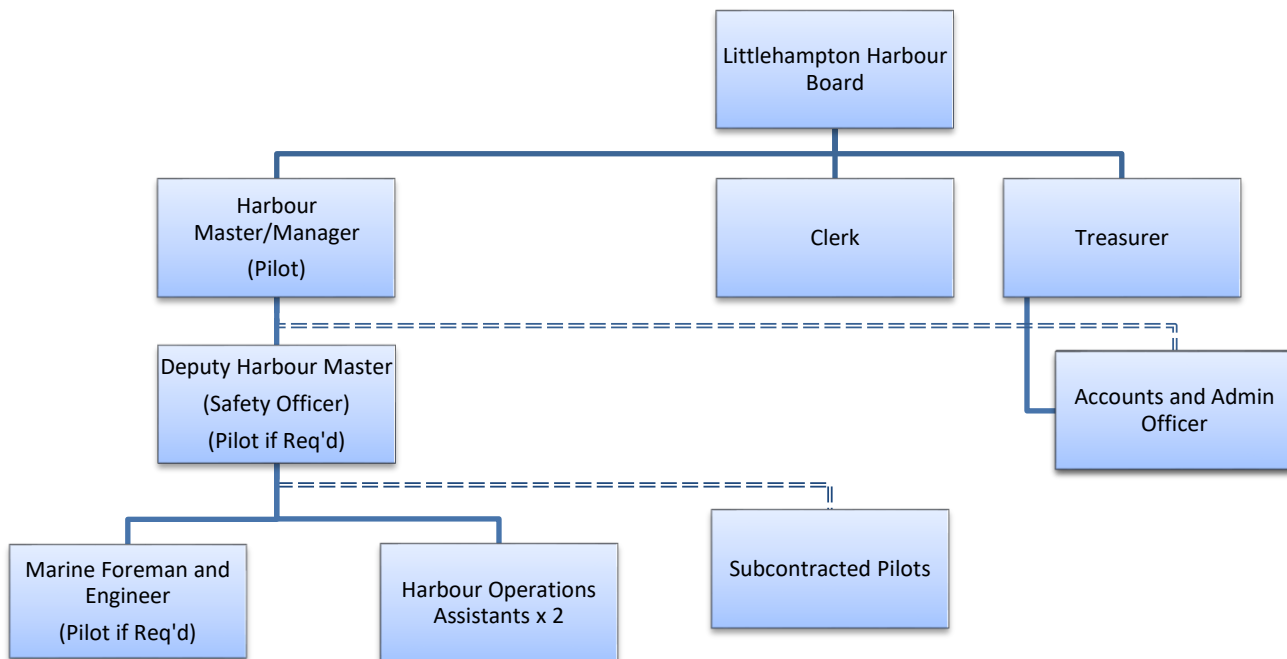
Employees are appraised annually and, at that time, their job description, performance and training requirements are reviewed. They are reminded of their safety duties set out in the Safety Policy and responsibilities and shown diagrammatically in the chart below.

Reports on harbour office staff are held in confidential personnel files in the harbour office.

### **Recruitment**

The Harbour Master recruits suitably qualified staff within his reporting chain to fill the roles set out in the following Organisation Plan. Other positions are recruited by the Board.

## **2.2 LITTLEHAMPTON HARBOUR BOARD – ORGANISATION PLAN**



## **2.3 TRAINING POLICY**

**It is recognised that the successful implementation of the Harbour's Safety Management System can only be achieved through a policy of continuous training, with regular reviews of specific training requirements.**

The training policy is to undertake training where appropriate for all members of staff in order to provide the services required by the Board and to meet the required standards. Officers and staff are to be suitably trained to be competent and qualified up to a minimum national standard to fulfil their roles within the organisation.

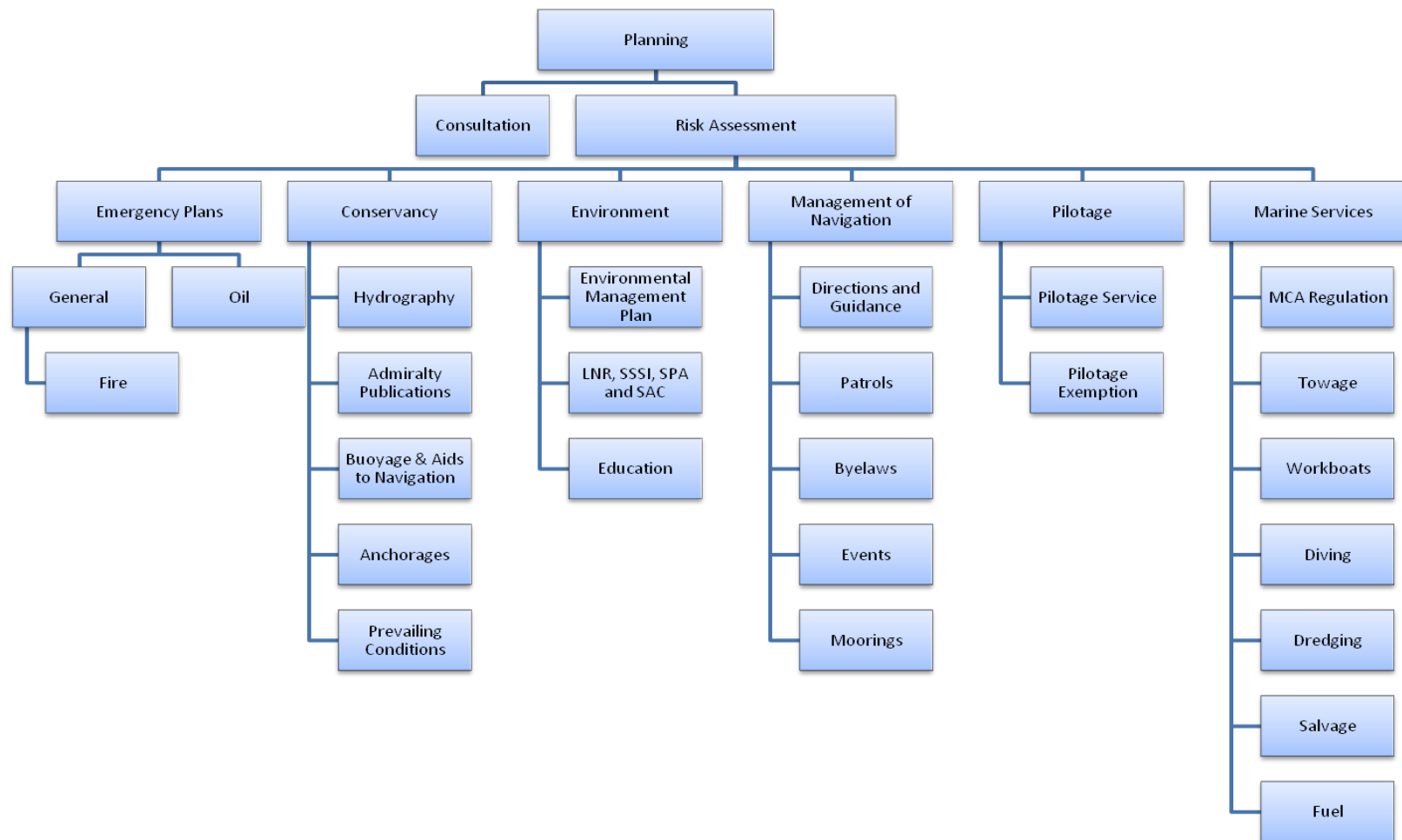
- Safety training is regarded as an indispensable ingredient of an effective Port Marine Safety Management System and programme, as it is with Health and Safety matters. It is essential that all involved in the management and operation of the port are trained to perform their roles safely.
- The main training profile for the Harbour Board is to ensure that all members of staff are qualified to operate the Harbour launches and the many items of equipment used in the daily operation of the Harbour. This includes the re-validation of these qualifications where necessary. Training is seen as continuous to meet the ever-increasing demands made on the Harbour staff.
- All permanent members of staff working afloat as a minimum have undertaken and qualified for the RYA Power Boat Level 2 (or equivalent). Harbour Staff skippering the ERICA or taking vessels outside the SHA have STCW II/1, BML or an Advanced Powerboat qualification with a commercial endorsement. Casual staff hold RYA Power Boat Level 2, RYA Safety Boat qualifications or similar experience in which case local endorsement is carried out following an assessment of competency.
- There will be induction training for any seasonal staff prior to commencing their duties, in line with the requirements of the Port Marine Safety Code.
- It is vital that new members of staff are promptly qualified in those areas where deficiencies are recognised. Staff will not be permitted to undertake tasks without supervision unless they are adequately trained.
- Members of staff are trained both internally and externally to achieve the requisite level of competence. The importance of "on the job" training in the workplace (on the Standard Operating Procedures (listed on Appendix 2) is not underestimated. In house training forms an invaluable part in achieving high standards of safety and of quality.
- Records of training will show clearly the type and the date of training received and a schedule of future training requirements.

Regular staff meetings are held to ensure good communications and quality, both in service and in delivering health and safety.

### 3. PLANNING

#### 3.1 PLANNING - RISK ASSESSMENTS AND SAFETY MANAGEMENT

Diagram of the various procedures for putting the safety policy into practice.



## **3.2 - CONSULTATION**

**Consultation is a continuous and wide-ranging process. It includes meetings with all users and service providers so there is a consensus, as far as possible, about safe navigation.**

The main vehicle for consultation with harbour users, in line with the Guide to Good Governance, is the LHB Stakeholder Group meeting that sits four times a year, with representatives invited from:

- Littlehampton Harbour Board
- Littlehampton Police
- Maritime & Coastguard Agency
- Arun District Council Foreshore Officer
- West Sussex Fire and Rescue
- Arun Yacht Club
- Osborne Boatyard
- Littlehampton Marina
- Ship & Anchor Marina Ford
- Littlehampton Marina Berth Holders Association
- Arun Youth Aqua
- Littlehampton Sailing Club
- The Shipyard
- Harbour Park
- Sea Cadets
- Nautical Training Corps
- Littlehampton Angling Club
- Charter Fishermen's Representative
- RNLI
- Environment Agency
- Commercial Fishermen Representative
- Angmering Park Estate Representative
- Bairds Farm

### **3.3 RISK ASSESSMENT**

**It is the policy of the LHB to have powers, policies, plans and procedures based on a formal assessment of hazards and risks, and to have a formal marine safety management system. The marine safety management system shall be in place to ensure that all risks are controlled – the more severe ones must either be eliminated or kept “as low as reasonably practicable” (ALARP).**

#### **Detailed Risk Assessments.**

The activities and the responsibilities of the LHB are covered in the specified areas (listed on Appendix 1) for each of which there has been drawn up a detailed risk assessment following the principles laid down by the Health and Safety Executive and PMSC as appropriate for the risk being controlled. Further specific Risk Assessments are conducted as and when necessary for specific events or activity.

The aim of this process is to eliminate the risk or, failing that, to reduce risks to “as low as reasonably practicable”. This means what it says and any activity for which control of the risk might be regarded as too expensive is prohibited.

Formal risk assessments shall be used to:

- identify hazards and analyse risks;
- assess those risks against an appropriate standard of acceptability; and where appropriate, consider a cost-benefit assessment of risk reducing measures.

The level of marine risk determined in line with the principles laid down in the PMSC, considering the risk to ‘people’, ‘property’, ‘planet’ and ‘port’.

Each potential hazard is considered in terms of a most likely and a worst credible scenario and impacts on the areas outlined above scored in terms of frequency and consequence on a scale of 0 and 4; 4 being the most significant or frequent.

Against each hazard the severity of harm has then been assessed, both in terms of direct injury to people, property, environmental damage and port operations, and given an overall risk score (between 1.5 and 4.5). Risks can then be ranked in likelihood and severity.

Other risk to employees and staff is managed under the H&SaWA (as opposed to the PMSC). Risk Assessments are carried out to reduce or remove risk wherever possible using best practice (SOPs), training, and PPE as required.

#### **Significant Marine Risks**

The frequency and consequence of hazards are factored to establish significant marine risks. These are identified by those activities that produce a score of 3 or more on each Risk Assessment. These risks must be mitigated by the implementation of specific control measures.

If for any reason the Safety Management System identifies a control measure that is not effective the activity is to cease until suitable control measures are in place and the risk mitigated to as low as reasonably practical.

There is a list ranking the most significant risks down to the lowest risks.



### **Risk Controls**

The safety controls for the risks identified, listed on pages 18 to 22, are to be reviewed periodically as well as part of accident and incident reviews and amended where necessary.

### **Further Controls**

The further measures necessary to bring the risks as low as reasonably practical, and in line with the policy to seek continuous improvement, are listed on page 35.

### **3.5 - REMOVE UNACCEPTABLE RISKS**

#### **THE GREATEST RISKS ARE IDENTIFIED IN THE RISK ASSESSMENTS**

There is a preferred hierarchy of risk control principles

- eliminate risks - by avoiding a hazardous procedure, or substituting a less dangerous one;
- combat risks - by taking protective measures to prevent risk;
- minimise risk - by suitable systems of working.

No risk was assessed both as frequently occurring and the consequence being either a serious injury or a pollution incident requiring national assistance.

### **3.6 - MANAGEMENT OF SAFETY CONTROLS - CHECK LIST**

<b>Marnis list</b>	<b>Existing Controls</b>	<b>SOP</b>	<b>Notes</b>	<b>HM</b>	<b>When Checked and Frequency</b>
1	Accurate tidal information		Tide Boards available at Entrance/Narrows/Scrubbing Piles and Bridge. Channel Coast Observatory Tide gauge at Arun Platform available online. Predictions made available on harbour website. Predictions from UKHO received as part of bi-lateral agreement.	HM	Monthly + Annual Review
2	Availability Emergency Services / Equipment			HM	Liaison with Sussex Police/WSFRS/H MCG
3	Availability of pollution response equipment		Tier 1 response equipment held at workshop incl. 2 x Grab bags and 50m of floating boom. Tier 2 contract in place with Adler and Allan 17 October 2019 for 3 years.	DHM	Annual
4	Availability of suitably qualified boatmen		Annual training programme, including training for seasonal staff and staff likely to be used in tying up commercial vessels.	DHM	Annual
5	Bunkering/Refuelling areas restricted		Bunkering checklist supplied to commercial vessels at Tarmac berths.	Pilot	Pilot
6	Contingency plan exercises		LHB Emergency Plan	DHM	Annual review
7	Guard/patrol vessels	SOP 6	The Harbour is patrolled during the day 7 days a week in the summer season and with less frequent security patrols in the winter. Patrols are undertaken as per LHB Standard Operating Procedures (SOP 6).	DHM	Pre-season meet
8	Oil spill contingency plans	SOP 2	Littlehampton Harbour Oil Spill and Contingency Plan (Arunspill), with regular staff training exercises and reviews. Supported by National Contingency Plan. Tier 2 contract in place. Waste Management Plan, MCA approved. See staff training records in OSCP.	HM	Annual MCA review. Annual exercise. Three yearly incident management ex. 5 year OSCP
9	Standard Operating Procedures (SOPs)		Littlehampton Harbour Standard Operating Procedures (SOPs) provided for key tasks and reviewed at Team Meetings.	HM	Team meetings and annually signed off by staff
10	Suitably qualified Marine Staff		The MCA require evidence of Certificate of Competence (CoC), first aid, fire fighting and sea survival and for these to be revalidated every five years. Recorded in MARNIS	HM DHM	Annually and as required
11	Suitably trained Marine Staff	SOP 2	Responsible Harbour Staff manage the harbour operations, with job descriptions and procedures (SOPs). SOPs signed off annually by staff. The MCA require evidence of CoC, first aid, fire fighting and sea survival and for these to be revalidated every 5 years. Recorded in MARNIS. Experienced, trained Littlehampton Harbour staff. Commercially endorsed SCV/pilot boat Cox'ns. Annual training programme, including training for seasonal staff at start of season.	HM DHM	Annually and as required

12	Communications - Stakeholder		Promulgate safety advice through Harbour Safety Group. Signs and warnings, e.g. "Speed Limit 6.5 knots". Notices directing no swimming at Fisherman's Quay & footbridge. Harbour Office displays weather forecasts and tidal information in-season on the public notice board. Real time weather reports available on the Harbour website. Weather at Harbour Office available on LHB Website. Admiralty and other charts. Admiralty Pilot and Reeds Almanac. Annual Harbour Guide. Accurate Tidal Information, tide boards throughout the harbour. Reporting CQS and other incidents at stakeholder meetings	HM DHM, Duty Officer	Annual Quarterly & As required
13	General directions		Powers of General Direction in place. No boat to race within 5metres of a berthed boat. Web site, <a href="http://www.littlehampton.org.uk">http://www.littlehampton.org.uk</a> with General Directions, weather links, real-time weather observations and safety advice. General Direction forbids amateurs from diving. Professional diving requires permit managed by Harbour Master.	HM	As required and annually
14	Guidance for small craft		PWC required to receive safety brief and register details with the Harbour Office. Standing Local Notice for small craft in place and renewed annually.	HM	As required and annually
15	LPS broadcast (navigation and safety info))		VHF Broadcasts, e.g. announcing commercial traffic movements conducted under pilotage.	Pilot	Per act as required
16	Notices to mariners (Standing)		Number 04 of 2004 – Shoal Bank in Harbour Entrance Number 08 of 2010 – Automatic bilge-pumps Number 05 of 2013 – Controlling Depth at Entrance Number 08 of 2016 - LHB General Directions Number 13 of 2016 - Notice to Small Craft Number 3 of 2019 - Laying of Fishing Gear Off Number 14 of 2019 Use of CCTV and Video Images Jet Skis and Personal Watercraft (PWCs) Management Policy (PWC required to receive safety brief and register details with the harbour office). Small Commercial Vessel Policy (required to register and provide details of training and insurance).	HM	As required and annually
17	Notices to mariners (Temporary)		Local Notices to Mariners, published on web site and by e-mail to distribution list managed iaw GDPR via web hosted campaign manager software	HM/DH M, Duty Officer	As req'd

18	Fire Emergency Plan		Fire Plans for Office and Workshop include annual internal inspection. Fire Afloat Plan. Premises are provided with appropriate FFE in each working space. Regular maintenance contract for the servicing and inspection of FFE and alarms. Premises are signed to indicate escape routes. Premises are fitted with a smoke/fire alarm system which is serviced and tested regularly. Procedure when faced with a boat on fire in place.	DHM	Annual internal inspection. Annual review of Plan
19	Availability of latest hydrographic information		Chart BA1991 Ed. 8 2017 incl. multibeam coverage from spring 2016. Published in Port Information booklet and on web site.	HM	As required
20	Controlled vessel movements	SOP 8	Harbour closed for merchant vessel movements and escorts for commercial shipping to prevent conflict with small craft.	Pilot	During pilotage
21	Escort Towage		ERICA available during pilotage within CHA area.	Engineer	Weekly
22	Operational pilot launch		ERICA available during pilotage within CHA area.	Engineer	Weekly
23	Pilotage directions		Pilotage Directions (last updated October 2016) and procedures, including CERS. Pilotage compulsory for all vessels over 60 gt., over 20m and carrying more than 12 passengers or with defects. Erica available to assist Pilotage - Pilot requires advance notice of arrival. Restricted to tidal window. Passage planning on board vessel. Guidance Notes from MCA. Full appraisal of weather conditions. Entry not permitted when visibility dangerously low or wind over Force 5 Southerly. Vessels entering in ballast above F4 at discretion of HM and/or pilot. Max length 79m. PECs issued according to Littlehampton Harbour Pilotage Direction. Additional seasonal controls by patrol boats in the harbour to mitigate conflict with other vessels.	HM/Pilot	As req'd
24	Passage planning (Pilot as per National Standard)		Pilotage Record form and Passage Planning chartlet available. Pilotage Directions s.9 – Passage Planning.	Pilot	As req'd
25	Towage guidelines		Considered but not yet in place.	HM	Under review
26	Training & Authorisation of pilots		Pilotage Training Programme approved by Board.	HM	As req'd
27	Aids to navigation, Provision & maintenance of		LHB Duties, with PANAR reports as required, implemented in compliance with guidelines of Trinity House, who inspect and audit annually. Navigation marks regularly checked. Vessel reports followed up. Lit navigation marks in harbour approaches. Retro reflective tape / reflective plates Siting of channel marks. Temporary buoys ready for deployment.	DHM	Quarterly by DHM, Daily by Workshop Staff
28	C.C.T.V. coverage		Good CCTV coverage.	DHM	As req'd

29	Safe allocation of berths, depth, available, suitable)		Emergency berth at Old Quay Wharf	HM	As req'd
30	Passenger numbers declared		For vessel with >12pax. Under consideration for other vessels and inland coded services.	HM	Under review
31	Protective fendering		Tyre fendering offered to charter fishing vessels.	DHM	As req'd
32	Harbour/Dock Masters powers		As authorised by: Littlehampton Harbour and Arun Drainage Outfall Act 1927 (as amended), Merchant Shipping Acts (as amended), Harbour, Docks & Piers Clauses Act 1847, Harbours Act 1964 and Pilotage Act 1987. Local licensing for marine works: - Littlehampton Harbour consent required, after method statement and specific risk assessment drawn up by approved Contractor, environmental impact study, EA and MMO consent. The conditions of the licence will require safe working.	HM/Board	Currently being modified by HRO
33	Operational communications equipment,		Littlehampton Harbour Office monitors channels 71 and 16, during the working day and is on call to the HMCG 24 hours a day. Duty Officer carries the duty mobile phone. VHF available at Workshop and Harbour Office. Portable units available for all staff.	HM	As req'd
34	Byelaws		Littlehampton Harbour Board bye-laws now removed in favour of General Directions now in place.	HM/Board	As req'd. Currently being modified by HRO
35	COLREGS 1972 (as amended)		International Regulations for the Prevention of Collisions at Sea [IRPCS].		
36	Port Operational Guidelines		Fuelling berth subject to Local Authority licence. MCA Certificate requirements for seagoing trip and angling boats. Skippers are responsible and hold MCA certificate of competence. Small Commercial Vessel Management Policy. PWC Management policy. LHB and ADC (as inland passenger Licensing Authority) have adopted Inland Waters Small Passenger Boat Code and SASHMA guidelines.	HM	Annually and as required
37	Hydrographic surveying program		Survey regime as required by Harbour Master.	HM	Annually
38	Communications dock/jetty and traffic		Linesmen and Pilot to carry VHF.	Pilot	As req'd
39	Mooring plans		Plans circulated to Stakeholder Group	HM	To be published
40	AIS coverage		Available by mobile phone (HM and DHM receive allowance), work ipad and onboard ERICA.	HM	As req'd
41	Hazardous cargoes, vessel defects notification		Notification requirements for hazardous cargo.	HM/Pilot	As req'd
42	Requirement for notification of vessel defects		Notification requirements for vessel defects contained in MPX and Pilotage Directions.	HM/Pilot	As req'd

43	HSE legislation and guidance		Health and safety at Work Act 1974	HM DHM	
44	PMSC compliance - SMS			HM	Annual review with the Designated Person
45	HSE - Safety in docks. Approved Code of practice and guidance		H & S Policy for Harbour staff and PMSC Policy for Port Operations. Risk Assessments carried out and staff to work to SOPs Plant to be operated only by personnel not judged to be competent in its use. LHB to inform divers of underwater hazards, e.g. by the bridge. HSE qualifications and practices. Provide Risk Assessment and Method Statement to HA	HM	Annual review with the Designated Person
46	Hot work	SOP 3	See MarNIS control	DHM	Annually and as required post incident
47	Lone Working and Staff security	SOP 4	See MarNIS control	DHM	Annually and as required post incident
48	Smoking, Alcohol & substance abuse	SOP 7	See MarNIS control	DHM	Annually and as required post incident
49	Bridge	SOP 9	See MarNIS control	DHM	Annually and as required post incident
50	Crane	SOP 10	See MarNIS control	DHM	Annually and as required post incident
51	Fuel dispensing	SOP 17	See MarNIS control	DHM	Annually and as required post incident
52	Fresh water for merchant vessels	SOP 18	See MarNIS control	DHM	Annually and as required post incident
53	Enforcement & Prosecution	SOP 21	See MarNIS control	HM	Annually and as required post incident

## **3.6.2 EMERGENCY PLANS**

### **Emergency Policy of the LHB:**

**The safety management system will include preparations for emergencies – and these should be identified as far as practicable from the formal risk assessment.**

**Emergency plans need to be published and exercised.**

### **Emergency Organisation and Management Responsibility**

The Littlehampton Harbour Emergency Plans detail the immediate action to be taken by harbour staff and the emergency services in the event of most foreseeable emergencies.

The emergency response relies on the regulated VHF procedures and channel allocation.

They are held by all emergency services and local authorities.

The various emergency plans, in addition to the general Littlehampton Harbour Emergency Plan, comprise:-

#### **Tier 1**

HM Coastguard and RNLI emergency plans and resources with two inshore lifeboats.  
National Contingency Plan

#### **Tier 2**

Littlehampton Harbour Fire Policy and Procedures;  
Littlehampton Harbour Oil Spill and Contingency Plan (Arunspill);  
Littlehampton Tier 2 Oil Spill Response contract (Adler and Allan);

#### **Tier 3**

Life saving apparatus on pontoons, Harbour Office and Harbour Workshop;  
Fire drill and fire practices  
First aiders and first aid boxes.  
First response oil spill equipment including spill bags and 50m floating boom.

### **Training for Emergencies**

- Oil Spill Response Exercises
- Fire Practices
- Staff are shown reports published by MAIB

The MAIB Accident Reports and the Small Craft Digest are discussed at periodic staff meetings. Electronic copies are also distributed to stakeholder organisations.



### **3.6.3 - CONSERVANCY POLICY**

#### **Conservancy Policy of the LHB**

- A. LHB recognises its duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it.**
- B. LHB will aim to provide users with adequate information about conditions in the harbour.**
- C. LHB recognises the extent of its duty and powers as a Local Lighthouse Authority; and specific powers in relation to wrecks.**

#### **Conservancy Organisation and Management Responsibility**

##### **Hydrography**

LHB complies with the Hydrographic Office Code of Practice (2011) on the Provision of Hydrographic Information. Hydrographic records of channels in the harbour are maintained by the harbour office.

The authority has not yet undertaken maintenance dredging that required a Marine Licence from the Marine Management Organisation. The navigation channels are monitored by echo sounder and other methods as appropriate and surveyed as required.

The Hydrographic Office receives all hydrographic information and Local Notices to Mariners produced by the Harbour.

Admiralty Charts of Littlehampton Harbour are kept up to date, BA 1991 (Ed. 8 published March 2017) and BA 1652 (Ed. 8 published February 2016) .

##### **Works and Dredging Licences**

Licences for dredging, if required, will be obtained from the Marine Management Organisation.

##### **Buoyage and Navigation Aids**

The harbour has a comprehensive, well maintained and modern system of aids to navigation based on risk assessment and installed in consultation with Trinity House.

The Board inspects navigation marks under its jurisdiction in accordance with availability criteria laid down by the General Lighthouse Authority and effects maintenance and repairs as necessary. The alteration of existing marks and establishment of new marks is kept under review by the Board.

As Local Lighthouse Authority the Board communicates its requirements and the requirements of Trinity House to other bodies with responsibilities for maintenance of navigation marks in the harbour.

Aids to navigation under its jurisdiction are variously maintained by:

- a) Littlehampton Harbour Board
- b) West Sussex County Council
- c) Littlehampton Yacht Club
- d) Arun Yacht Club
- e) Southern Water

## **Anchorage**

The Littlehampton Harbour Board has authority under the 1847 Act and 2015 HRO to regulate anchoring, should that be necessary. With the exception of the areas either side of the harbour entrance and north of the A259 road bridge, anchoring is not permitted within the harbour. The anchorage for commercial vessel awaiting a pilot is marked on chart BA1652 – Selsey Bill to Beachy Head

## **Prevailing Conditions**

Wind data for the Harbour Office is available online via the Harbour website along with links to a number of remote local monitoring stations for prevailing wind and wave conditions locally and to forecasts.

A printed weather forecast is displayed at the Harbour Office in-season on the public notice board along with daily tidal curve. Tide times are provided throughout the year. The RNLI also displays weather forecasts and tidal predictions by the public slipway, as does the Foreshore Office of Arun District Council at the Foreshore Office by the coastguard tower.

Further information is available on request from the Harbour Office and information is readily available in the media and on the web.

### **3.6.4 - ENVIRONMENT POLICY**

#### **Environment Policy of LHB**

**The LHB recognises its duty to exercise its functions with regard to nature conservation and other related environmental considerations.**

**The Board will undertake and regulate all harbour activities in a manner sympathetic to the environment and in accordance with the best principles and practice of conservation.**

#### **Environmental Management Plan**

The policy and functional objectives for managing Littlehampton Harbour are contained in the Littlehampton Harbour Business Plan. It sets out how the harbour will be managed in an environmentally responsible and sustainable way to take account of its close proximity to the West Beach Local Nature Reserve (LNR) which is part of the West Beach Site of Special Scientific Interest (SSSI); and to the Kingmere Marine Conservation Zone (MCZ) 6nm offshore.

The Harbour Master maintains good working links with Natural England and the Environment Agency, who are consulted on potentially damaging operations (PDO's).

The risk assessments identify environmental consequences of accidents and the controls to reduce the risks to as low as reasonably practical.

Emergency plans have been drawn up to deal with accidents that might potentially threaten the environment.

The Board regulates all harbour operations in accordance with local, national and international requirements for nature conservation.

Environmental works undertaken by the Board are subject to risk assessment and training needs will be identified by performance appraisal.

#### **Waste Management**

The Board maintains a Waste Management Plan which is reviewed every four years.

Waste transfer records are maintained by the wharf operators.

Five separate bins are provided for visitors; paper, plastic, glass, household waste and international food.

The Board complies with regulations controlling the disposal of certain wastes.

#### **Education**

The Harbour Master and the Deputy Harbour Master give talks to local interest groups.

All known educational activities in the harbour are subject to risk assessments and are led by competent staff.

#### **Pollution Response**

The LHB retains first response oil spill materials and 50m of floating boom at the LHB Workshop. A Tier 2 contract with Adler and Allan (commencing 17<sup>th</sup> October 2019 and valid for 36 months is in place.)

### **3.6.5 - NAVIGATION SAFETY POLICY**

#### **Policy for Management of Navigation**

- A. The LHB has made a set of General Directions, rules which every user must obey as a condition of his or her right to use the harbour. All byelaws have now been rescinded.**
- B. The LHB recognises its duty to make proper use of powers to give Directions and to regulate all vessel movements in its waters, and if necessary it's powers to make byelaws as required.**
- C. These powers shall be exercised in support of the policies and procedures developed in the LHB's Safety Management System, and should be used to manage the navigation of all vessels.**
- D. The LHB has developed clear policies on the enforcement of Directions, and would monitor compliance.**
- E. If they were appropriate in a particular case, the powers of Direction would be used to require the use of a port passage plan.**

#### **Management of Navigation Organisation and Management Responsibility**

LHB's risk assessments showed that VTS would be inappropriate and excessive; instead a Local Port Service is provided. The Board endeavours to provide a fair and balanced opportunity for all recreational sectors to enjoy the harbour in safety through the application of local rules and Directions, zoning and, where applicable, permits and licences. The Board will apply restrictions and controls in accordance with risk assessments for specific activities and will in so far as this is practicable consult with user groups in identifying and imposing control measures.

#### **General and Special Directions**

The LHB was granted powers of General Direction in the HRO of 2015 to manage the hazards identified in the risk assessments. A set of General Directions (GDs) were made in March 2016. All byelaws remaining extant have now been cancelled. Special Directions may also be given as laid down in the HRO of 2015.

#### **Port Operational Guidelines**

The LHB has implemented management policies for specific groups of vessels in response to incidents and after consultation with stakeholders. The Personal Watercraft (PWC) Management Policy was amended in 2019 re-introducing the PWC permit scheme; and the Small Commercial Vessel (SCV) Management Policy was implemented in 2019 introducing the requirement to register SCV operating from the harbour.

#### **Events**

The Board requires full information on all harbour events including risk assessments where applicable. The Harbour Master works closely with all sailing clubs and organisations that use the harbour. Where necessary, special arrangements are made to promote the safety of the events they run.

#### **Marina and Yacht Clubs**

The Board through the Harbour Master liaises on safety issues with Littlehampton Marina and the two yacht clubs. The PMSC applies to all organisations that own or manage harbour and port facilities such as terminal and marina operators.

### **Plan: Directions and Port Passage Guidance**

There is no standing requirement for any vessel in Littlehampton Harbour to file a port passage plan. The Board has a power of Special Direction under the Pilotage Act, 1987 and the 2015 HRO.

### **Patrols**

The Harbour maintains a patrol presence on the Harbour to enforce byelaws and other directions during the day in the summer season and with security patrols in the winter.

Procedures for the conduct of patrols are in place while procedure for enforcement in accordance with Police and Criminal Evidence Code is incorporated into the GDs Enforcement policy published in April 2017.

### **Byelaws**

The Littlehampton Harbour Board has now rescinded all extant byelaws. The power for the board to make byelaws is however retained.

### **Incident Investigation**

See section 5 for policy for on SMS review and incident investigation.

### **3.6.6 - PILOTAGE DIRECTIONS**

#### **Policy for Pilotage**

The LHB has a duty to keep the need for pilotage and any service provided under constant and formal review, including the issue of Pilotage Directions.

#### **Organisation and Management Responsibility**

The Littlehampton Harbour Board's Local Port Service as set out in the Admiralty List of Radio Signals and as published on the web. The LHB is fully Consolidated European Regulatory System [CERS] compliant. It provides a safe and efficient pilotage service and has powers to conduct or require pilotage, as both a Competent Harbour Authority (CHA) and a Statutory Harbour Authority (SHA).

There is a Pilotage Direction for Littlehampton Harbour where pilotage is compulsory for all vessels:

- over 60GT;
- over 20m and carrying more than 12 passengers;
- any vessel engaged in towing or pushing another where the combined tonnage exceeds 60GT;
- any vessel greater or equal to 20m suffering a defect or deficiency that effects its normal ability to navigate and/or manoeuvre or its ability to comply with the requirements of the COLREGS and/or STCW.

Ship reports are logged for each arrival and information passed, via CERS, to the relevant authorities.

The Board has set out pilotage arrangements, regulations, procedures, directions and records to ensure operating procedures keep the risks as low as reasonably practical.

Pilotage Directions were last reviewed in July 2016.

#### **Pilot Training**

The Board has adopted a Pilotage Training Programme.

#### **Pilotage Exemption Certificates (PECs)**

Pilotage Exemption Certificates are issued in accordance with the Board's Regulations for Pilotage.

### **3.6.7 MARINE SERVICES**

#### **Policy for Marine Services**

- A. The LHB safety management system shall cover the use of harbour craft and the provision of pontoons.
- B. The formal safety assessment shall be used to identify the need for, and potential benefits for safety management of harbour craft.
- C. The LHB shall ensure that Board vessels or craft which are used in the harbour are fit for purpose and that crew are appropriately trained and qualified for the tasks they are likely to perform.
- D. The LHB shall ensure that byelaws and the power to give directions are available for these purposes.

#### **Marine Services Organisation and Management Responsibility**

##### **Commercial Craft Regulation**

MCA or Local Authority Certification is required for commercial vessels, including trip boats, venturing outside the Harbour Limits.

Vessels and Skippers of chartered boats or passenger vessels operating for commercial gain and venturing outside the Harbour are regulated according to MCA Codes of Practice.

##### **Towage**

Only those staff that have successfully completed suitable in-house towage training are permitted to take vessels in tow.

##### **Workboats.**

There are Risk Assessments, controls and mandatory training requirements for the safe operation of the Board's workboat and pilot boat, based on risk assessments for these operations.

##### **Diving**

Diving within the harbour requires the Harbour Master's written consent. HSE Commercial Diving standards and practices must be complied with.

##### **Dredging**

Dredging is subject to MMO licensing. A Maintenance Dredge Baseline document has been compiled and published by the LHB to outline current practices along with licensable and exempt activity.

##### **Salvage**

Only experienced staff would be authorised, following risk assessment, to get involved in a salvage operation.

##### **Fuel**

There is bunkering of berthed commercial vessels by road tanker and with formal check list. Smaller commercial boats are generally fuelled by hand from containers brought to their pontoons.

The Littlehampton Marina supplies fuel to the public. The harbour supplies diesel to commercial operators from its bunded tank at the Workshop, and a small amount of petrol is stored in a fire resistant cabinet outside the workshop.

## **4. MEASURE COMPLIANCE**

### **Measuring Policy**

- A. The LHB will measure health and safety performance against predetermined standards.**
- B. Performance in complying with the LHB safety management system will be required to meet the national standards as laid down in the Port Marine Safety Code.**
- C. Appropriate performance indicators will be set.**
- D. All accidents, incidents and near misses will be recorded and used to assist in assessment of the effectiveness of the Harbour Safety Management System.**

### **Recording accidents and incidents**

Major incidents are subject to immediate investigation to establish cause and to validate control measures. The reporting requirements of RIDDOR and of the MAIB are followed.

Incidents, accidents, complaints and near misses are recorded in the MarNIS software tool incident log with contemporaneous information. This log records follow-up action where appropriate and is used to generate yearly KPIs and identify trends.

### **Safety Inspections and Checklist of Controls**

There is also a checklist of control measures (Page 18 to 22). Each control is where possible allocated a person responsible (within MarNIS) and regular maintenance and inspection controls are carried over to the Planned Maintenance Schedule.



## **5. REVIEW**

**The LHB will monitor, review and audit the marine Safety Management System on a regular basis. Performance of the system shall be assessed against internal performance indicators and where appropriate, by benchmarking against other ports that have adopted good practice.**

### **Procedure for Reviews**

The Harbour Master will include both in his staff meetings and in the Board Meetings a review of any accidents, incidents or near misses.

Investigations by the Harbour Master of marine incidents have two essential purposes:

- a) to determine the cause of the incident, with a view to preventing a recurrence of that incident (or similar); and
- b) to determine if an offence has been committed: if so, there may be the need on the part of a harbour authority to initiate enforcement action that may lead to prosecution in their own right or through an agency of another authority such as the Police or the MCA.

By ensuring that a robust, rigorous, independent investigation has been carried out, the LHB as the duty holder can be assured that their obligations for compliance have been addressed.

Any conclusions from investigations or lessons learned will be included in the minutes together with measures being taken to prevent a recurrence. If appropriate a more detailed report will be submitted to the Harbour Board, Arun District Council's Health and Safety Officer and/or the MAIB, to the chief inspector and any other appropriate authorities, by the quickest means available.

Every three years the MCA will be given a letter confirming compliance with the Port Marine Safety Code. Where necessary the MCA may undertake a verification visit. These verification visits are usually arranged following an MAIB investigation into an incident, but could also be triggered by other indicators of non-compliance.

### **Annual Review and Report**

Every year Nicholson's Risk Management Limited will conduct an audit of the Safety Management System. A report will be given to the Board each year giving an overview of accidents and failures during the year, with recommendations for addressing shortcomings.

Notwithstanding this report, the system will be kept under continuous appraisal and immediate action taken where necessary. Such appraisals will include

- Safety inspections;
- Continuous appraisal;
- On-going Hazard Identification;
- Evaluation of Standard Operating Procedures and their effectiveness;
- Assessment of incident/accident reports;
- Re-evaluation of risks;
- Input of informal observations and reports.

In addition to the continuous management of the system described above, the SMS will be subject to annual review against the background of staff appraisals and performance monitoring. For this purpose the Board will:

- Review job descriptions in accordance with the changing needs of the Board;
- Provide advice and training where necessary to meet objectives;
- Ensure that reporting and recording procedures are sufficient to meet the needs of the SMS;
- Provide resources to ensure that the SMS is effective and evolutionary. Resources will be made available to enable an external audit of the SMS when appropriate.

## **6. RECORD AND PUBLISH**

**The Harbour is careful to maintain due diligence records. This Safety Management System is itself clear evidence of care and commitment. The risk assessments provide considerable further examples of how the safety policy has been put into practice.**

### **Publication of Plans and Reports**

To demonstrate LHB's commitment to maritime safety and ensure the involvement of harbour users, the safety plan for marine operations (SMS) shall be published every year at an LHB meeting open to the press and the public and be available to be read and downloaded from the LHB website.

This plan shall illustrate how the policies and procedures will be developed to satisfy the requirements under the Code. It shall commit the authority to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment.

It shall refer to commercial activities in the harbour; the efficient provision of specified services and the effective regulation of vessels. It shall also explain how commercial pressures would be managed without undermining the safe provision of services and the efficient discharge of its duties.

The LHB, as Duty Holder, will also publish in the Annual Report an assessment of the harbour authority's performance against the plan. Information gathered from the monitoring and auditing of the marine safety management system, shall be used to support the analysis and conclusions

## **7. CONTINUOUS IMPROVEMENT**

**The object is to make continual improvement to the quality of the harbour management system and to provide customer satisfaction, which will be measured.**

The specific improvements proposed for 2020 are as follows,

- **Governance**

The proposed Revision Order to be formally consulted; then adopted and implemented. Meanwhile where possible modernise governance in anticipation of the Revision Order.

Draw up a Business Plan.

Review staffing levels to achieve the necessary blend of skills and competence.

- **Risk control**

Implement the new procedure for completing a Tool Box Talks Record Form before a particular task is started. This will include reference to the relevant Standard Operating Procedures.

The Standard Operating Procedures to be reviewed progressively with staff. Consider including each SOP as a subject in the training spreadsheet.

Maintain the programme for allocating each specific control to a particular manager and specifying when he is to check that the control is in place.

Ask the harbour office tenant for their fire risk assessment.

- **Records**

Record in a box on each accident report the relevant risk assessment.

Make a record of when staff are made aware of each of the risk assessments relevant to their jobs; perhaps in the training records.

Publish mooring plan.

Check that all minutes of board and of stakeholder meetings are posted on the web site and that they are easy to find.

- **Policy**

Revise Enforcement Policy to include provisions for its regular review.

Review Pilotage Directions to include administrative instructions and changes, such as maximum LOA.

## APPENDIX 1

### RISK ASSESSMENTS

Marine Ops	Sinking/capsizing	Merchant Shipping alongside Small Leisure/Fishing or Other Vessel on Mooring Leisure/Fishing Vessel underway Dinghies/Rowing Boats/Tenders/Kayaks/Paddle Boards in River
	Collision both underway	Merchant Shipping - Smaller Vessel Small Leisure/Fishing or Other Vessel - Small Leisure/Fishing or Other Vessel PWC - Any Other Vessel
	Collision not underway	Merchant Shipping - Smaller Vessel Small Leisure/Fishing or Other Vessel - Small Leisure/Fishing or Other Vessel PWC - Other Vessel
	Contact floating object	Small Vessel or PWC and Debris Any Vessel or PWC and Swimmer
	Contact Fixed object	Merchant Shipping - Entrance Merchant Shipping - Docks Leisure/Fishing Vessel
	Grounding/stranding	Merchant Shipping - Entrance Merchant Shipping - Docks Leisure/Fishing Vessel
	Fire/explosion	Fire afloat
	Non-accidental Event	Vandalism
	Environmental	Fuelling Ops - Bunkering Fuelling Ops - Commercial/Leisure at Marina or Workshop
	Members of the Public	Casualty Afloat brought into Harbour
Public Access	Public ashore	Public Access to LHB Pontoons Public Slipway Other Supervised Slipways (LM,AYC,LYC) Use of Ferry Berth
Employee Activity	Work afloat	Patrolling Ops Workboat Ops Salvage and Rescue Ops Maintenance Ops (incl AtN) Pilotage Ops Diving ERICA - Bed Levelling ERICA - Towing ERICA - Craning and Slings ERICA - Inland Passenger Code
	Shore based ops	Craning and Slings Ops Chainsaw/Petrol Cutter Driving Workshop Office Bridge Working on Commercial Wharf
Fuel	Fuel Spill	LHB Fuelling Ops Other Independent Fuelling Ops
Fire	Fire ashore	Workshop Office
Events	Event Planning	Regatta Other non LHB Events

**STANDARD OPERATING PROCEDURES**

- 1 Office Daily Tasks
- 2 Training\*
- 3 Hot Work Permit
- 4 Banking and Accounts – TO BE UPDATED
- 5 Lone Working and Staff Security\*
- 6 Patrols\*
- 7 Smoking, Alcohol and Substance Misuse
- 8 Shipping\*
- 9 Bridge\*
- 10 Crane\*
- 11 Removal of Vessels
- 12 Section 43 Applications
- 13 Till Operation
- 14 Harbour Assist Software
- 15 Streamline Card Machine
- 16 Credit and Debit Card Accounting Procedures
- 17 Fuel Dispensing\*
- 18 Fresh Water for Merchant Vessels.
- 19 Maintenance in Asset HQ
- 20 In-house Surveying
- 21 Enforcement Process for Patrol Staff
- 22 Prosecution Process for HM

\*Associated with HSE Ram or with PMSC RA

See also Standing Instructions (SIs) for: Use of Private Cars (8), Lone Working (11) and Hot Work (23)

THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK

## AGENDA ITEM 08

**MEETING:** LITTLEHAMPTON HARBOUR BOARD

**DATE:** 17 FEBRUARY 2020

**REPORT BY:** HARBOUR MASTER

**SUBJECT:** HARBOUR OPERATIONAL REPORT

### 1. Commercial Activity

#### 1.1 Pilotage/Commercial Shipping Trade

<u>UMA Wharf</u>		<u>Railway Wharf</u>		
Nov	2	Nov	0	Used for EA mobilisation in
Dec	0	Dec	0	Arundel
Jan	0	Jan	0	

Pilots also engaged on 5 separate shifts of barges and the jack up rig associated with flood defence works in Arundel. EA contracted rock placement and shingle deliveries within the CHA continue to be charged pilotage rates where applicable.

#### 1.2 Leisure Trade – Overnight Stays

<u>Town Quay</u>	
Nov	1
Dec	2
Jan	8

#### 1.3 Workboats

Nov	ERICA – Jack up barge move. WINDSONG – Workboat ops Arundel.
Dec	ERICA – Jack up barge move. Barge ops support of Elmer.
Jan	ERICA barge ops support of Elmer and towage support for contract tow.

### 2. PMSC and Conservancy Duty

#### 2.1 Survey

Bar	last conducted	29 Oct 19
Town Quay	last conducted	30 Jun 19
Complete Port survey (incl Bar)	last conducted	3 Jun 16

#### 2.2 Aids to Navigation

Temporary lateral marker pole erected at Ballast Island following removal of timber piles. TH permission for new lit lateral pole received.

#### 2.3 Dredging

Emergency shoal bank removal ops commenced 28<sup>th</sup> Jan 20.

#### 2.4 Local Notices to Mariners Published

01 of 2020 – Local Notices In Force	Issued	17 Jan 20
02 of 2020 – Shingle Recharge Operations at Elmer	Issued	17 Oct 20
03 of 2020 – Arun Divers Charity Bridge Leap	Issued	17 Oct 20

#### 2.5 Consents/Consultations

##### Section 43 Consents

Osborne of Arun Removal and re-installation of piles at Timber Docks	Not granted – further detail required
--	---------------------------------------



## MMO/Trinity House Consultations





Nil.

### 2.6 Environment

Following storms effecting sea defences at Climping, emergency dredge ops have been commenced at West Beach. The EA have advised that shingle recycling in the area will no longer be carried out. Current operations at West Beach (SSSI) being conducted in accordance with Natural England conditions but without EA involvement. Longer term solution likely to be required to address increase supply volume of shingle to River Arun at West Beach..

### 2.7 Safety

#### MarNIS Report

	Date	ID Code	Category	Name			
	05/12/2019	LHP4126REP	Lifting and handling injuries	011 of 2019 - Workshop Staff Back Injury			

### 2.8 Staffing/Training

DHM booked onto 4P Oil Spill Commander Course Feb 20.

### 2.9 Maintenance

General maintenance being undertaken by harbour staff including debris removal following rough weather.

## 3. News and Activity on the River

### 3.1 Enforcement

Four cases from the summer will go to Worthing Magistrate's Court for prosecution on 7<sup>th</sup> Feb 20.

### 3.2 Removal of dilapidated West Bank timber piling

Now completed.

### 3.3 Arundel flood defence works

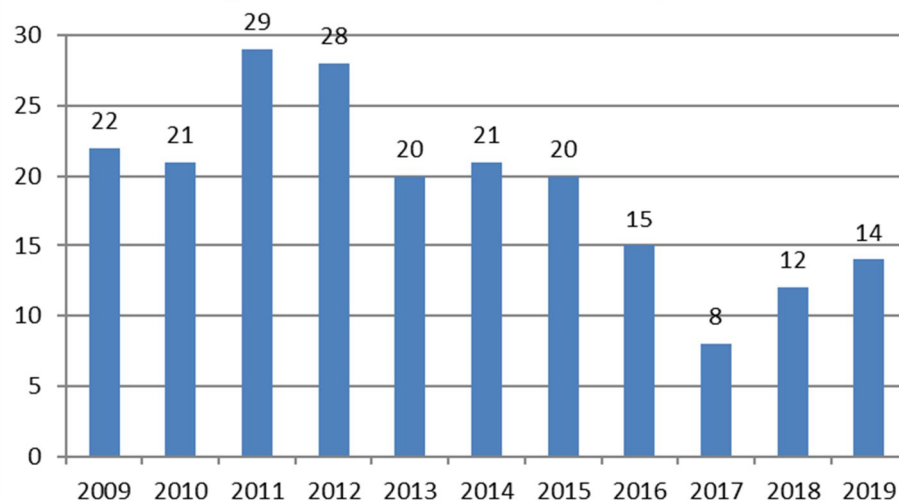
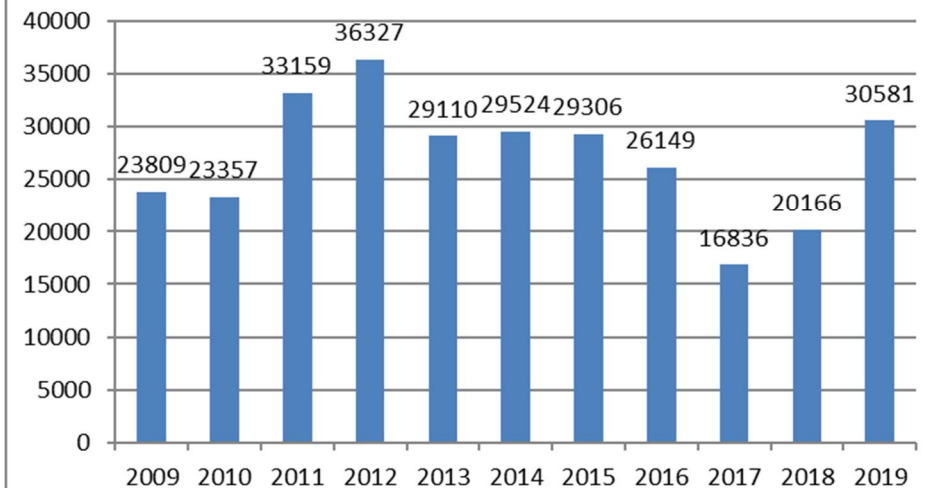
Ground conditions have forced a re-consideration of design solution. Works are on hold following additional borehole investigation and pending submission of revised design and costings.

## 4. Recommendation

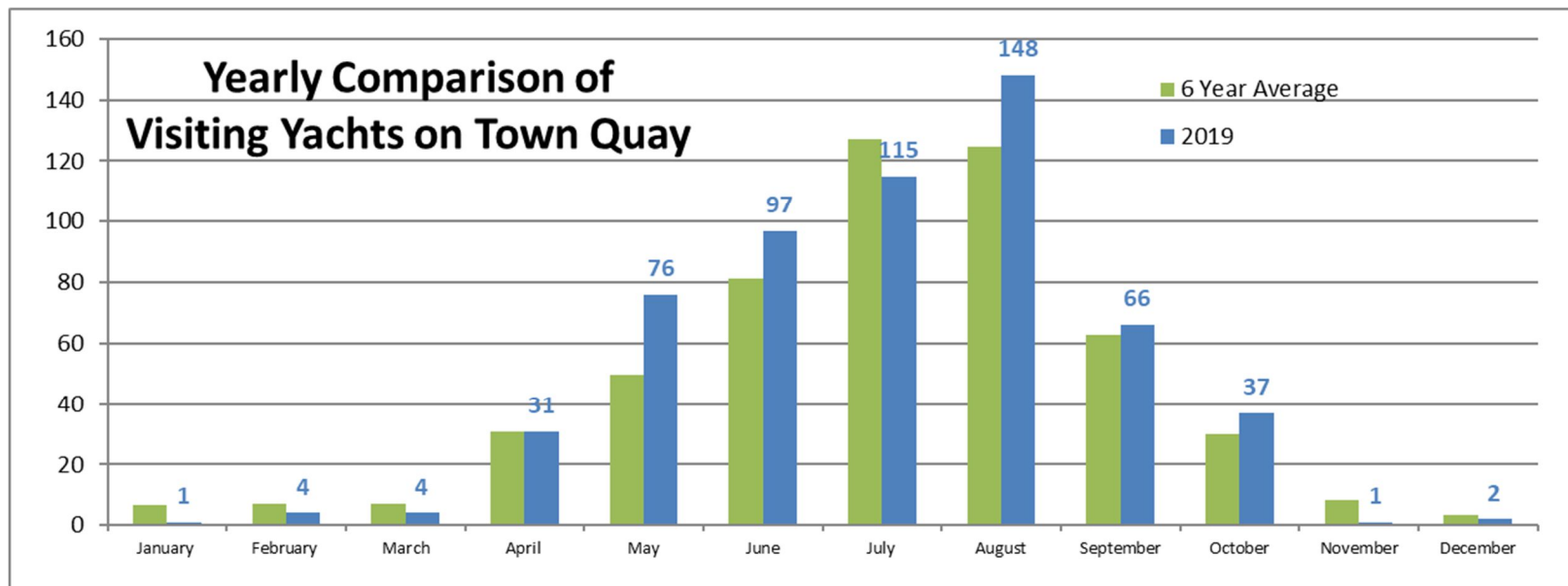
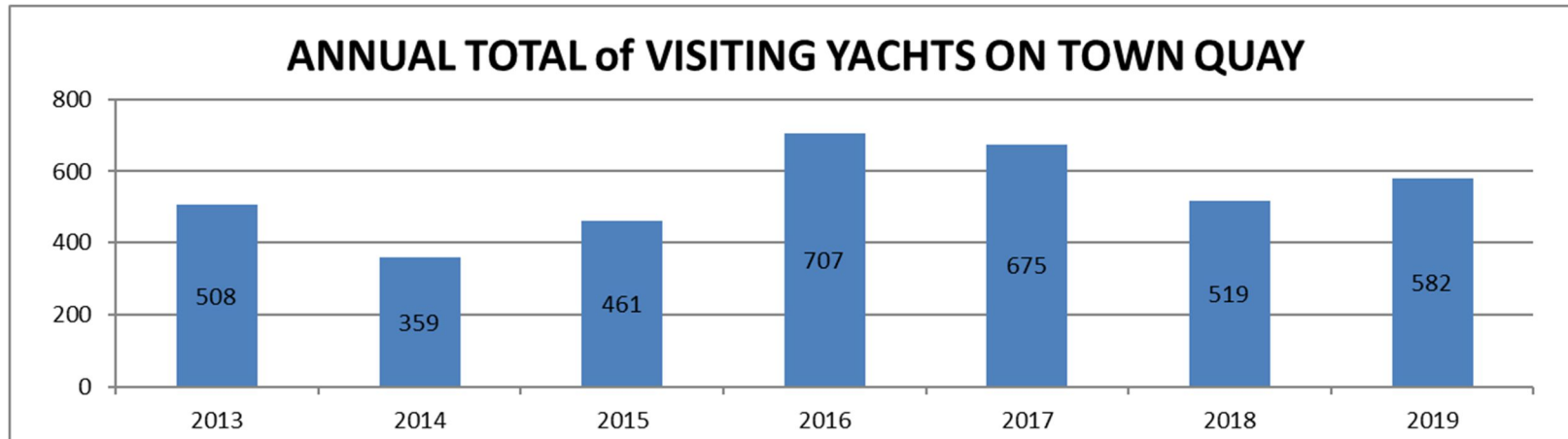
### 4.1 It is recommended that the report is noted.

**Commercial Shipping**

Ship #	Ship Name	Arrivals					Departures					Bill of Lading				
		Date	Pilot	H / L	Start Time	Finish Time	Date	Pilot	H / L	Start Time	Finish Time	Cargo Tonnage (IN)	Cargo Type (IN)	Invoice Number	Cargo Tonnage (OUT)	Cargo Type (Out)
1	ELISE	05/04/2019	BJ	H	2330	245	07/04/2019	BJ	H	1230	1415	2255	Bestone			
2	LIANNE	04/06/2019	LH	L	1130	1330	05/06/2019	LH	L	1245	1430	2350	Bestone			
3	SYLVIA	05/07/2019	BJ	H	10	230	06/07/2019	BJ	H	130	330	2400	Bestone			
4	SYLVIA	01/08/2019	LH	L	1115	1305	03/08/2019	LH	H	30	230	2500	Bestone			
5	ARCO DEE	03/08/2019	BJ	L	1300	1600	04/08/2019	BJ	H	100	345	1204	Sand			
6	SYLVIA	05/08/2019	BJ	L	1430	1630	07/08/2019	BJ	H	345	515	2550	Bestone			
7	LIANE	31/08/2019	LH	H	2300	115	01/09/2019	LH	H	15	230	2836	Bestone			
8	ELISE	31/10/2019	BJ		1230	1420	03/11/2019	BJ		1400	1515	2775.54	Bestone			
9	ELISE	29/11/2019	LH		1200	1400	02/12/2019	LH		200	315	2409.9	Bestone			

**Large Commercial Calls by Year****Total Cargo Handled**

## Leisure Visitors



## LITTLEHAMPTON HARBOUR BOARD

Agenda item 9

MEETING: LITTLEHAMPTON HARBOUR BOARD

DATE: 17th FEBRUARY 2020

REPORT BY: TREASURER TO THE BOARD

SUBJECT: TREASURER'S REPORT

### 1.0 Financial Results to the end of December 2019

#### 1.1 Summary

##### Income and Expense to the end of December 2019

Included in this report are the Income and Expenditure Statement and the Income analysis both to the end of December 2019.

### 2.0 Performance against Budget

2.1 At the end of December favourable variances in income and adverse variances in expense combined to produce a favourable above budget result of £58,000.

	To Dec 2019 £	Budget YTD £	2019/20 Budget £	This time last year £
Operational Income	394,514	345,082	412,717	364,352
Interest	672	300	400	397
Operational expense	(409,935)	(398,199)	(512,765)	(373,439)
Capital	(0)	(20,000)	(20,000)	(0)
Loan repayments	(138,575)	(138,576)	(162,364)	(140,686)
Precept Income	282,012	282,012	282,012	292,852
Surplus/(deficit)	128,688	70,619	0	143,476

**2.2 Operational income-** Operational income at £394,514 was above budget by £49,432. **Commercial shipping** was above budget by £19,364 the real gain here coming from the pilotage service which was above budget by £15,707. At the end of December there had been 9 ship visits as opposed to a budget of 11 although the average tonnage has on balance been higher than that budgeted. With regards to pilotage however, a number of acts for non-cargo carrying vessels and barges relating to works at Elmer and Arundel have greatly enhanced the pilotage income. The pilotage income from the aggregate trade included in the accounts is based on the sliding scale for 9 trips, these charges will be retrospectively reduced once and if the numbers of trips rise. **Work Boat income** is to date £10,897 ahead of budget expectations.

**Leisure income** was marginally ahead of budget by £4,648 and unbudgeted fuel sales contributed a further £9,175 gain. It should be noted that mooring income which in previous months was blighted by tardy payment by some berth holders, has now moved ahead of budget by £3,547.

**2.3 Operating expense** i.e. before loan repayments and capital expense amounted to £409,935 above budget by £11,736. Whilst there were a number of relatively small variances both up and down, of significance were **employee costs** which as predicted are currently above budget by £7,685 driven primarily by the continued absence of one member of the marine staff who is currently awaiting surgery.

**2.4 Capital Expense** The capital budget of £20,000 was to cover the purchase of a new vehicle. A suitable second hand replacement vehicle has been purchased and after sign writing and the fitting of additional equipment to cope with off road working, the cost will be in the region of £12,000. It is hoped that the sale of the existing vehicle will raise between £2,500 and £3,000.

### 3.0 Comparison with this time last year

3.1 **Income** was ahead of last year by £30,000 ; **commercial shipping** was ahead by £18,000 and **work boat income** by £10,000, a further £10,000 came from **chargeable services, rental income** in 2018/19 however was higher, impacted by the Tarmac rent settlement where back rent from 2017/18 amounted to £10,250.

**Expense** on the other hand was higher this year by a net £37,000.

Items in advance of last year; **Employee costs** £28,000 up, (salaries £9,745, (last year we had gaps whilst recruiting the Clerk and the Deputy), Pilotage £2,332, Casual Labour £4,325, NI and Pension £6,560, overtime £2,494, inflationary salary increases £2,361), **Harbour Structures** £34,000 in advance of last year, (charging of £40,000 infrastructure reserve monthly)

Items lower than last year; **Premises** down by £21,000, (Old Customs House damp issues), **Training** down by £10,000, (Pilotage simulator and equipment operating courses).

### 4.0 Outlook for the remainder of the Financial Year

4.1 Members will already be aware of a pending emergency with regard to shoal bank clearance which is estimated to cost at least £30,000. In addition, at the time of writing, we still urgently await a cost for the replacement of the west works pile currently estimated at £20,000. Legal and professional will continue to rise especially now that we know that the DfT require a public enquiry to address the section 31 challenge lodged with respect to the 18/19 harbour due increases. At the time of setting the 2019/20 budget the Board voted for a £40,000 charge to the precept to build an infrastructure repair and maintenance reserve. Half of this is now earmarked for the pile replacement and given the totally unplanned cost of clearing the shoal bank; members may feel now that the remaining 50% should be put towards this cost. However that would of course put us back to square one, i.e. no reserves to cover future costs.

At the December 2019 meeting the Treasurer gave members a warning that it was highly likely that expense for the year would exceed income by some £29,000 thus triggering an additional 2019/20 precept demand. Both local authorities were alerted to this at the time. Given the uncertainty as to how much the shoal bank clearance and the replacement of the pile will actually cost, it is difficult to accurately revise this estimate at this point, but it seems highly likely that this figure will inevitably rise.

### 5.0 Recommendation

5.1 **That this report be noted**

<b>Littlehampton Harbour Income and Expenditure Statement to the end of December 2019</b>						
			December	December	Total Year	This time
			Actual	Budget	Budget	Last
						Year
			£	£	£	£
<b>Income</b>						
Commercial Income			232,880	202,618	264,653	201,562
Leisure Income			143,695	139,047	141,464	143,472
Chargeable Services			6,874	1,917	4,600	2,612
Fuel Dispensing			9,175	0	0	3,469
Misc Income			1,890	1,500	2,000	2,987
Investment Income			672	300	400	397
Prior Year's rental						10,250
<b>Total Income</b>			<b>395,186</b>	<b>345,382</b>	<b>413,117</b>	<b>364,749</b>
<b>Expenses</b>						
Employee Costs			222,708	215,023	285,195	194,891
Services to the Board			12,614	14,504	19,138	12,389
Legal and Professional Services			26,402	23,905	30,540	21,244
Repairs and Maintenance						
Premises			10,501	8,097	10,796	31,185
Mooring			197	938	1,250	561
Harbour Structures			34,721	32,475	43,300	531
Navigational			10,277	11,551	12,900	19,048
Boats and Vehicles			16,569	11,373	15,163	11,153
Equipment Hire			1,287	2,625	3,500	1,035
Administration						
Rent and Rates			6,448	6,718	9,418	6,331
Utilities			1,916	2,325	3,100	1,904
Printing, Postage and Stationery			4,137	2,705	5,105	3,688
Insurance			34,824	35,000	35,000	32,976
IT			11,200	13,541	16,488	11,578
Telephone			999	1,013	1,350	938
Training			1,620	3,810	5,080	12,140
Bank and Credit Card Charges			3,695	3,494	4,325	3,571
Other Administrative			7,594	9,102	11,117	7,379
Recoverable costs			2,226	0	0	897
<b>Total Expenses</b>			<b>409,935</b>	<b>398,199</b>	<b>512,765</b>	<b>373,439</b>
Loan and interest payments- PWLB			118,750	118,751	142,539	120,861
Loan and interest payments- WSCC			19,825	19,825	19,825	19,825
Capital			0	20,000	20,000	0
<b>Total Expense</b>			<b>548,510</b>	<b>556,775</b>	<b>695,129</b>	<b>514,125</b>
Precept			282,012	282,012	282,012	292,852
<b>(Deficit)/Surplus</b>			<b>128,688</b>	<b>70,619</b>	<b>0</b>	<b>143,476</b>

LITTLEHAMPTON HARBOUR BOARD						
<b>2019/20 Financial Year</b>			December	December	Total Year	This Time
			Actual	Budget	Budget	Last Year
			£	£	£	£
INCOME	Description		£	£	£	£
Commercial Vessels	Harbour Dues		8,657	7,286	9,714	7,033
	Cargo Dues		9,939	7,653	10,204	7,811
	Pilotage Service		26,382	12,632	14,094	14,940
	Pilot Boat and Mooring Service		12,033	10,076	10,680	9,240
<b>Commercial Shipping</b>			57,011	37,647	44,692	39,024
Commercial Rents	Railway Wharf (Tarmac)		78,375	78,375	104,500	78,375
	UMA Wharf		15,750	15,750	21,000	15,750
	The Old Customs House		18,750	18,750	25,000	15,625
	Workshop		5,888	5,888	7,850	5,888
	Office Rent		5,381	5,381	7,175	5,381
			124,144	124,144	165,525	121,019
Footbridge	Footbridge WSCC		20,203	20,202	26,936	20,203
Work Boats			31,522	20,625	27,500	21,316
<b>TOTAL COMMERCIAL INCOME</b>			232,880	202,618	264,653	201,562
Leisure	Harbour Dues Leisure Craft		56,687	56,320	56,320	55,333
	Visitor Harbour Dues		8,409	6,144	6,144	6,088
	Commission Look and Sea		0	0	0	(163)
			65,096	62,464	62,464	61,258
Chargeable Services	Crane		1,462	2,625	3,500	1,287
	Labour		1,522	750	1,000	831
	Electricity Cards		95	75	100	311
	Office Services		0	0	0	0
	Supplies		3,795	0	0	183
	Fuel Sales		9,175	0	0	3,469
			16,049	3,450	4,600	6,081
Moorings & storage	Moorings		68,852	66,500	70,000	71,201
	Visitors Berths		6,924	7,200	7,200	6,848
	Boat Storage		2,821	1,350	1,800	4,164
			78,597	75,050	79,000	82,213
<b>Income from Investments</b>						
	Investment Interest		672	300	400	397
Misc Income			1,892	1,500	2,000	2,988
Prior Years Rental			0	0	0	10,250
<b>TOTAL INCOME</b>			395,186	345,382	413,117	364,749

**AGENDA ITEM**                    **10**

**MEETING:**                    **LITTLEHAMPTON HARBOUR BOARD**

**DATE:**                        **17 FEBRUARY 2020**

**REPORT BY:**                **CLERK**

**SUBJECT:**                    **STAKEHOLDER ENGAGEMENT**

**1.        Summary**

- 1.1       This report provides progress on the implementation of resolutions agreed by the Board on 2 December 2019 to improve stakeholder engagement.

**2.        Background**

- 2.1       As requested at the Board Away Day on 8 October 2019, a report on stakeholder engagement was submitted to the Board for consideration at its December meeting. The report assessed existing stakeholder engagement arrangements against best practice and the Board resolved the implementation of several recommendations.
- 2.2       This report provides a progress report on the implementation of the resolutions of the Board with regard to stakeholder engagement. Set out below is each resolution and progress against it.

***Resolution 1:***

***That the existing stakeholder meeting arrangement is replaced with a stakeholder advisory body comprising a diverse range of stakeholders appointed by the Board.***

***Resolution 2:***

***That the Board shall consult the advisory body on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of Littlehampton Harbour and its navigation (9 votes in agreement)***

***Resolution 3:***

***That any user groups are encouraged to feed into this advisory body (9 votes in agreement)***

***Resolution 4:***

***That the Senior Management Team develop proposed Terms of Reference for the advisory body***

In response to resolutions one to four, draft terms of reference for a stakeholder advisory body have been established and are provided at Annex 1. These were developed taking



account of best practice within the sector. The document was shared with the 'Littlehampton Harbour Stakeholder Consultation Group' at its meeting on 14 January 2020 with feedback requested by 3 February 2020. At the time of writing this report feedback has kindly been provided by Arun Yacht Club. In response to this feedback the following amendments were made:

- Governance rules and procedures -updated to state that the Chairman of the Advisory Body will be notified on the publication of non confidential Board papers.
- Membership – the Harbour Master can be requested to attend the Advisory Body meetings.
- Membership – the Board will consult with the Chairman of the Advisory Body before suspending an Advisory Body member.
- Membership scheme – Environment groups altered to 'Harbour related environment groups'. Addition of 'Any Other Harbour Related User Group'

Other proposed amendments proposed but not taken forward:

- Membership - That the Advisory Body perform the functions of a Port User Group
- Membership - The Advisory Body having a greater role in selecting its Members than the Board
- Membership - The inclusion of an undischarged bankrupt as being eligible for membership
- Membership - Vacancies shall be filled by the appointment of a new Member representative of the same group as the Member in whose place they are appointed
- Scope - To give practical guidance and feedback to the Board relating to finance, legal and governance issues that affect the relationship between the Board and its stakeholders
- Reporting - the Board shall include a standing item on its meeting agendas to discuss any matters raised by the Advisory Body.
- Reporting - The Board shall allow one nominee from the Advisory Board to attend all Board meetings (with the exception of confidential business) and participate in all debates, but such representative will have no voting rights at such meetings.
- Membership scheme – removal of emergency services/search and rescue organisations

**Resolution 5:**

***To reflect the existing Precept arrangement. In addition, the Senior Management Team investigate the feasibility of having regular meetings with representatives from the local authorities***

The Harbour Master met with the Chief Executive of Arun District Council, Nigel Lynn, on 13 January 2020. It was identified that communication improvements were required and dates for three meetings a year between the two organisations have been agreed. It is hoped that regular meetings can also be organised with WSCC.

**Resolution 6:**

***That Board meetings are no longer open to the public but non confidential and non-exempt minutes continue to be published on the Harbour Board Website***

**Resolution 7:**

***An annual general meeting of stakeholders is widely publicised, attended by Board Members and Offices for stakeholders to ask questions of and at which the annual report and accounts are scrutinised***

**Resolution 8:**

***That, although not subject to the Freedom of Information Act, a process remains in place for stakeholders to ask questions of the Harbour Board***

In response to resolutions six to seven, the existing Articles, Meeting Rules and Procedures and Committee Terms of Reference have been amended with recommendations provided at agenda item 5 for consideration. For ease of reference the revised wording of the documentation to reflect the Board resolutions includes the following:

- Article 3: Removal of right of public to attend meetings and removal of public question times (Board resolution of 2 December 2019)
- Article 6: Committee Terms of Reference – requirement for Committee Chairman to attend an annual stakeholders meeting
- Meeting Rules and Procedures: Removal of public question time, new section on public accountability (including what information will be readily available on the internet, what information is available on request and what will be provided routinely to the legal teams of both precepting authorities. Also detail on how to submit any questions to the Harbour Board).
- Access to Information Policy: Renamed Access to Information Procedure as stand-alone document. Removal of right of public to attend Board meetings. Amendment to state only non-confidential reports will be made available to the public (to reflect existing practice). Clarity that non confidential minutes are made available to the public for a period of six years following the meeting.

**4. Recommendation**

- 4.1
- (i) The proposed Terms of Reference for the Stakeholder Advisory Body are approved.***
  - (ii) The Stakeholder Advisory Body replaces the ‘Littlehampton Harbour Stakeholder Consultation Group’ as the primary channel for communicating with stakeholders.***
  - (iii) A process commences for the recruitment of individuals to the new Body with recommendations submitted to the Board at its meeting on 18 May 2020.***

**5. Annexes**

- 5.1 Proposed Terms of Reference for the Stakeholder Advisory Body.
- 5.2 Minutes of the 14 January 2020 Littlehampton Harbour Stakeholder Consultation Group

## ANNEX 1

# LITTLEHAMPTON HARBOUR ADVISORY BODY TERMS OF REFERENCE

### 1.0 Membership

- 1.1 In line with the Ports Good Governance Guidance, the Membership of the Group will comprise a wide range of stakeholders with an interest in the Harbour. A full list of organisations represented on the Advisory Body is provided at Annex 1 and will be kept under review by the Board.
- 1.2 The Advisory Body shall comprise not less than 8 and not more than 16 members who are appointed on the nomination of the organisations listed at Annex 1. The quorum for the Advisory Body shall be forty percent of Members.
- 1.3 The Board shall consider the nomination of any suitable candidate taking into consideration their skills and experience and if they are representative of persons having an interest in the functioning of the harbour. The precepting authorities will each be entitled to a position on the body. Individuals will be required to demonstrate a thorough understanding of the user groups they represent and must have a mandate to speak on behalf of those groups. The following are ineligible to serve as Members: a. anyone who has an unspent criminal conviction; b. anyone who is an undischarged bankrupt.
- 1.4 If it appears to the Board that an organisation asked to nominate a representative has refused or failed to do so, or if the organisation has ceased, the appointment in question may be made by the Board after consultation with such persons (if any) appearing to them to be representative of the interests represented, or formerly represented by the organisation.
- 1.5 Each stakeholder organisation will be asked to nominate a representative to the Advisory Body for a three-year term of office. At the end of that period they will be eligible for reappointment for a maximum of two further three-year terms of office (i.e. 9 years in total).
- 1.6 Members may resign from office at any time by notice in writing given to the Board via the Clerk. Should a casual vacancy occur on the Advisory Body by reason of resignation or otherwise, a vacancy shall be filled by the appointment of a new Member in the same manner as the Member in whose place he is appointed and he shall hold office during the remainder of the term of office of the member in whose place he is appointed.
- 1.7 Members are permitted, on giving notice in writing to the Chairman of the Body and the Board, to send a substitute to any meeting of the Body. That substitute may not attend more than one such meeting (whether on behalf of the same member or a different member), unless that substitute is approved by the Board in respect of each additional meeting.
- 1.8 If at any time the Board is satisfied that it is not in the best interests of the Board for an Advisory Body Member to continue their role (including but not limited to pending the outcome of an investigation, whether internal or external) the Board may, after consultation

with the Chairman of the Advisory Body, suspend that Member until further notice by giving notice in writing or end the appointment of the Member concerned.

- 1.9 The Advisory Body shall annually appoint a Chairman and Vice Chairman from amongst its Membership. If the Chairman and Vice Chairman are both unable to attend a meeting, the members present shall agree that one of their number shall chair the meeting.
- 1.10 To aid communication the harbour master or board members can be requested to attend the Advisory Body when considered appropriate, and at the discretion of the Advisory Body chairman.

## **2. Frequency of Meetings**

- 2.1 The Group shall meet a minimum of twice a year.

## **3. Scope**

- 3.1 The remit of the Advisory Body will be:
- To act as the main consultative body for all matters substantially affecting Littlehampton Harbour
  - To satisfy the requirements of the Port Marine Safety Code and the Harbour Authority's Safety Management System in communicating and consulting with the maritime related stakeholders and port users
  - To ensure that an effective mechanism exists whereby information can be relayed between the Harbour Authority and its users, and vice versa and to act as a forum for discussion
  - To independently determine issues they wish to address in relation to the governance, sustainability and management of safety within the Harbour;
  - To respond to requests from the Board or any of its committees for advice and guidance;
  - To make recommendations based on their discussions for the consideration of the Board;
  - To assist with the organisation of consultations, surveys and questionnaires to identify stakeholder opinion concerning the services delivered by the Board;
  - To provide feedback to the Board as to the effectiveness of its stakeholder consultations and the quality of its communications.

## **4. Co-operative working**

- 4.1 The Advisory Body shall promote positive and approachable attitudes amongst all users to create a better sense of community and understanding within Littlehampton Harbour.
- 4.2 The Advisory Body shall annually review its performance against its terms of reference to ensure it is operating at maximum effectiveness and recommend any changes it considers necessary to the board for approval.
- 4.3 Except in a case of special urgency where it is not reasonably practicable to do so, the Board will consult the Advisory Body on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of the harbour and its navigation.

**5. Authority**

5.1 The Advisory Body is authorised by the Board to consider any activity within its terms of reference.

**6. Reporting**

6.1 The Advisory Body will report its discussions as follows:

- The Advisory Body will make arrangements for the minuting of its meetings; Minutes are to be available to the public and clearly show matters that are referred to the Board for consideration
- The Advisory Body will report to the Littlehampton Harbour Board through its Minutes. Any urgent issues should be reported to the Chair of the Board, via the Clerk
- Littlehampton Harbour Board are required to consider any recommendations made to them by the Advisory Body whether or not the Advisory Body has been consulted by the Board but are not compelled to implement any advice or guidance. They are however expected to provide the Advisory Body with feedback on any advice not implemented.

**Membership Scheme**

Members to be drawn from the local community with reference to representation of the following groups:

- Emergency services, permanent search and rescue organisations and civil contingency partners
- Seasonal safety staff
- Representatives of the Precepting Authorities
- Local community and/or business and enterprise groups
- Harbour related environment groups
- Local mooring providers
- Youth Training Organisations
- Commercial Fishermen
- Passenger carrying operations
- Larger commercial traffic
- Harbour landowners
- Leisure marine sailors and user groups
- Any other harbour related user group

## ANNEX 2

### **MINUTES OF A MEETING OF THE LITTLEHAMPTON HARBOUR STAKEHOLDER CONSULTATION GROUP HELD IN THE ARUN YACHT CLUB ON TUESDAY 14<sup>th</sup> JANUARY 2020**

---

Present: Philip Bush (LHB) – Chairman  
Jen Brooker (LHB) – Clerk  
Bill Chapman (Chairman Littlehampton Angling Club)  
Nigel Draffan (Angmering Park Estate)  
Tom Drennan (LHB)  
Brian Flook (Littlehampton Jet Ski Club)  
Alex Garrod (HM Coastguard)  
Joe Gibbs (Arun Shipyard)  
Phil Hetherington (RNLI)  
Mike Ingle (Shipyard)  
Billy Johnson (Harbour Master – HM)  
Gerry McGeehan (Arun Rivertalk)  
David Moore (Littlehampton Sea Cadets)  
Daniel Parker (Littlehampton Charter Fisherman – OURJOY)  
Vernon Parker (Littlehampton Charter Fisherman – OURJOY)  
Bruce Rampton (Littlehampton Fishing Club)  
David Robinson (AYC)  
Ivan Warren (RNLI)

#### **ITEM 1 – INTRODUCTION AND APOLOGIES**

The Chairman welcomed those present to the meeting. Apologies had been received from:  
Robert Boyce  
Helen Bryant  
Stuart Fairweather  
Nick White

#### **ITEM 2 – MINUTES OF PREVIOUS MEETING and MATTERS ARISING**

The Minutes of the stakeholder consultation group meeting held on 15 October 2019 were noted. The Harbour Master advised that all actions from the meeting had been implemented.

##### **Harbour Revision Order**

David Robinson stated that following its meeting with Littlehampton Harbour Board (LHB) to discuss the Harbour Revision Order (HRO), Arun Yacht Club awaited a letter from the Board's legal advisor which confirmed the definition of a mooring. The HM advised that this would be provided once the Marine Management Organisation (MMO) had agreed the final draft of the HRO. The HM confirmed that there would be a formal 42-day consultation period for the proposed HRO.

##### **Risk Assessments**

In response to a query on the effectiveness of risk assessments, the HM advised that the risk assessment process looked at impact of risk, likelihood of risk and mitigating measures in place. The HM welcomed any suggestions for procedural improvements.

***Resolved: Gerry McGeehan to email the Harbour Master with suggested amendments to the frequency of incidents being assessed. [Complete]***

### **ITEM 3 – UPDATE FROM OUTSIDE ORGANISATIONS**

HM Coastguard. Alex Garrod reported that the local HM Coastguard team currently comprised 11 people with one vacancy being recruited to. There had been approximately 100 incidents in 2019 which was an increase to the prior year and in line with an areas and national trend of increasing incidents. Work had primarily involved searching for missing persons but had also included management of explosive ordinance disposal and supporting the Shoreham lifeboat team. The Coastguard would be investigating a reported concern that VHF signals around the Rampion Windfarm were weak.

Meeting attendees were encouraged to continue to carry life jacks, safety equipment and when going to sea to use a new safety app called 'RYA SAFETRX' which sent an automatic notification to HM Coastguard if you failed to arrive at your intended destination.

RNLI Lifeboat Station. Ivan Warren reported that the RNLI Lifeboats had responded to three service call since the last meeting of the Group. These were reported as follows:

1. 9 November 2019  
Atlantic tasked to a young lady who had entered the water near Coastguard station. Both boats launched. Before boats could reach location, casualty with coastguard and handed to ambulance. Both boats returned.
2. 10 November 2019  
Atlantic tasked to shoreline search between Ferring and Worthing pier for 48 year old male in navy rain coat and jeans. Sufficient crew to launch D class. Coastguard requested launch. D class launched at 01.37. At 02.20 the casualty was confirmed with police. Both boats stood down.
3. 13 November 2019  
Atlantic launched to eight metre motor vessel with engine failure. Towed to Harbour Masters mooring.

RNLI Community Safety. Phil Hetherington reported that the Community Safety Plan was currently under review and the HM Coastguard would be consulted on its content.

Police. The Chairman recorded his disappointment that there was no Police representative at this meeting and no report had been received. The HM advised that a standing invite was provided to them.

### **ITEM 4 –ACCIDENT AND INCIDENT REPORTS REVIEW**

Review of Incidents. The Harbour Master reported that a technical fault meant he had been unable to access the accident reporting software but that all incidents that had taken place since the last meeting would be reported in the Minutes (these are set out in the table below):



Date	Accident Category	Reference	Name
5/12/19	Back injury incident of marine staff.		Staff member injured while lifting a pallet in the workshop yard

## **ITEM 5 – CONSERVANCY ACTIVITY**

The HM provided an update on conservancy activity.

### **a. Dredging.**

The Shoal bank had been dredged but the extent of the works had been restricted by the equipment being used and was limited to the period where work by the Environment Agency was taking place. The bank had now built back up and would be dredged again once Natural England permitted.

There followed discussion as to whether the Environment Agency should be improving the management of the shingle on the West beach to prevent it moving into the river and the drainage responsibilities of the Environment Agency. The HM advised that the Harbour Board dredged the Shoal bank twice a year but a revised longer-term solution to the issue would be needed and further dialogue with the Environment Agency, Natural England and the District Council Coastal Engineer would be required.

### **b. Aids to Navigation.**

The HM could not foresee any problem with a proposal by Arun Yacht club to move three seasonal race buoys closer to the harbour. A new licence application was likely to be required for it and a local notice would be published for the movement of them.

On behalf of Arun Yacht Club, David Robinson welcomed the removal of the dilapidated piles on the West Bank and requested consideration be given to installation of intermediate markers. The HM advised he would monitor the situation in the area.

### **c. Environmental Protection.**

No issues to report.

### **d. Maintenance Activity.**

The HM reported that general sea safety maintenance activity had been carried out before Christmas and that maintenance work had taken place on the town quay pontoons. In addition, a good deal of time had been spent recovering swimming and PWC area marker buoys at Worthing that had been displaced by storms. A full inspection of the West Works had resulted in an updated list of maintenance jobs to commence from Spring and that, due to its technical nature, some of the work would be outsourced.

## **ITEM 6 – PLANT AND EQUIPMENT EXPECTED IN THE RIVER JAN 20 TO APRIL 20**

The Littlehampton Sea Cadets were planning to use the 'Walcon Wizard' self-propelled barge in April. In an effort to share the hire costs, members were asked to contact the Sea Cadets should they require the use of the equipment.

**For phase two of the coastal defence works at Elmer, Westminster Dredging's 80 metre dredger 'Sospan Dau' had been commissioned to recharge shingle onto the beach using the rainbowning dredging process.** The HM had queried if shingle from the

river could be utilised for the project but had been advised that its composition was not suitable.

The equipment for the flood defence works at Arundel was in place. Following the drilling of additional boreholes, it was thought that sheet piling would commence soon.

## **ITEM 7 – CHANGES TO STAKEHOLDER ENGAGEMENT**

The Board had agreed that an independent advisory group be established, in line with the Ports Good Governance Guidance, for the Harbour Board to consult with on key issues. Members were provided with draft Terms of Reference for the group to consider in advance of it being circulated to the Board.

The HM advised that the Group would comprise representatives of various user groups, such as chartered fisherman and landowners and would appoint its own Chairman.

Some dissatisfaction was expressed at a reduction in the number of members comprising the Board's formal stakeholder group and it was perceived there would be less opportunity to speak to the HM and the Board under the proposals. It was also suggested that stakeholder relationships would improve if the Harbour Boards decision making process included consultation at an earlier stage.

The HM advised that he hoped the new advisory group would result in improved dialogue with a wide cross section of harbour users and a clearer, more effective channel of communication between stakeholders and the Board. It was identified that it would be beneficial for the HM to attend advisory group meetings and for there to be clear reporting lines between the advisory group and the Harbour Board.

Tom Drennan advised that he had undertaken some recent consultancy work on UK Trust Ports and that the proposed stakeholder engagement structure was now commonplace across the sector and the proposals would enable Littlehampton to catch up with governance best practice.

Objections were made to the recent decision of the Harbour Board to no longer permit the public at its meetings. In response to Jo Gibbs, the HM advised that he was not aware of any press statement that the public had been stopped from attending meetings due to the nature of public questions.

***Resolved: The draft terms of reference to be circulated to Stakeholder Group Members (including those not in attendance at the meeting).***

***Feedback on the draft Terms of Reference for the Advisory Group be provided to [clerk@littlehampton.org.uk](mailto:clerk@littlehampton.org.uk) by 3 February 2020.***

## **ITEM 8 – UPDATE ON DSC MAYDAY RELAY PROCEDURES**

A revised protocol had been issued by the RYA on marine radio distress. Details of this would be circulated with the minutes.

## **ITEM 9 - COMMUNICATIONS**

### **a. Local Notices in Force**

The following standing Notices to Mariners remain in force:

04/2004	Shoal Bank in Harbour
08/2010	Automatic Bilge Pumps
05/2013	Controlling Depth at Entrance
08/2016	Publication of Littlehampton General Directions
13/2018	Notice to Small Craft
03/2019	Laying of Fishing Gear off Littlehampton
14/2019	Use of CCTV and Video images for Safety and Security

The following temporary Notices to Mariners remain in force:

01/2019	Local Notices in Force
11/2019	Rock Placement Coastal Defence works at Elmer
12/2019	River Traffic restrictions during piling works at Arundel
13/2019	Littlehampton Outfall Buoy Unit

The HM advised that an additional local notice would be issued to warn Mariners of shingle recharge operations to be carried out by the **‘Sospan Dau’ at Elmer**.

#### b. 2020 Port Info and Tide timetable booklet

The 2020 tide timetable and port information booklet had been published with copies now available.

#### c. Rivertalk

There had been a recent spate in vandalism over the Christmas period including a boat being broken into a public bench thrown into the river. HM Coastguard advised that they were available via 999 if ever needed.

### **ITEM 10 – ANY OTHER BUSINESS**

#### Weather Station

In response to Ivan Warren the HM advised that it was hoped that maintenance/repair of the Arun Platform weather station would be carried out on Monday or Tuesday.

#### CCTV Equipment

In response to Ivan Warren the HM advised that there were currently no plans to replace the Harbour Board CCTV system, but the performance of the equipment would continue to be monitored.

#### West Bank Groynes

Bruce Rampton reported that two groynes at the West Bank required repair. The HM advised he would investigate this.

#### Distribution of Meeting Minutes

Following a request by David Robinson, it was agreed that the minutes of the meeting would be circulated to Members by email in addition to being placed on the website along with the draft ToRs for the advisory Body and the revised RYA procedure for DSC Relay.

### **ITEM 11 – ARRANGEMENTS FOR NEXT MEETING**

To be confirmed pending the potential establishment of the new Advisory Body.

The meeting closed at 7.30pm



**AGENDA ITEM**                    **11**

**MEETING:**                    **LITTLEHAMPTON HARBOUR BOARD**

**DATE:**                        **17 FEBRUARY 2020**

**REPORT BY:**                **HARBOUR MASTER**

**SUBJECT:**                    **APPEAL AGAINST CONSENT FOR WORKS DECISION**

**1. Summary**

- 1.1 An application was received to extend a consent for works licence, previously granted by the Harbour Board, in line with the duration of a licence for works granted by the Marine Management Organisation. The application was considered under the Harbour Master's delegated powers and approved in part.
- 1.2 Part of the works (the installation of new piles) was not approved on the grounds that there was no clear work methodology for the installation and the impact on navigational safety could therefore not be assessed. The applicant has appealed the decision to the Board.

**2. Background**

- 2.1 Under legislation, the carrying out of all works within the harbour, including the erection of pontoons, bridges and other like structures, below Mean High Water Springs requires the prior written approval of the Littlehampton Harbour Board, the Marine Management Organisation, the Environment Agency and the owners of the foreshore or seabed where the works are proposed.
- 2.2 Applications to the Harbour Board are considered by the Harbour Master. Any proposal should be considered primarily in terms of its impact on navigational safety and on certain elements of the environment. Under Schedule 43 of the Littlehampton Harbour and Arun Drainage Outfall Act, 1927, information required by the Harbour Board for consent to be considered are construction plans including materials and a method statement for the works.
- 2.3 If consent for works is refused then the applicant can appeal the decision. Any appeal must be made within 28 days. Appeals are submitted to the full Board for consideration. If an appeal is not upheld then the applicant has the option of escalating the appeal to the Department for Transport.

**3. Licence Application - Arun Timber Docs**

- 3.1 On 7 June 2018 LHB provided consent for Osborne of Arun Group to drive three piles and install 55m of pontoons to extend the run of Arun Timber Docks. The duration of the licence was for one year expiring on 6 June 2018.

- 3.2 On 19 November 2019, an application was received for the expired consent for works to be extended to 27 September 2022 (the date the Marine Management Organisation licence for the works expired).
- 3.3 Given that the works had been extended previously, the applicant was asked to outline the works that they were requiring consent for and provide an accompanying works methodology. The applicant responded with a 52 page document on the works being requested. (An electronic copy of this has been circulated and hard copies are available to members on request).
- 3.5 The Harbour Master considered the application and concluded that there was a clear plan for the removal of timber piles but no concrete plan for the installation of new piles (just an indication of the contractor that may carry out the works). As such on 9 December 2019 consent was issued under delegated powers (with a 10 day appeal provision) for the removal of piles only. The applicant was advised that a separate local consent would be given for the remainder of the project (i.e. the installation of three new piles) once a concrete plan had been provided.
- 3.6 On 19 December the applicant appealed against the decision stating their objection to the partial consent (Littlehampton 02/19) and the failure to issue consent to application 26/11/19. To remedy the situation, the application wants consent to be re-granted for the installation of three piles and pontoons in the terms applied for an in line with the earlier consent given on 7 June 2018 (Ref Littlehampton 05/17/1)
- 3.7 The applicant indicated they would escalate the appeal to the Department for Transport if it was not upheld and also suggested that by refusing to reissue the consent in the terms sought, the Littlehampton Harbour Board had terminated a prior adverse possession settlement agreement.

#### **4. Recommendation**

- 4.1 The appeal is not upheld and the applicant is advised that the decision has no impact on the adverse possession settlement agreement.

#### **5. Annexes**

- 5.1 Annex 1 - Appeal email received from applicant  
Annex 2 - Partial consent given  
Annex 3 - 52 page submission available from the Clerk on request

## ANNEX 1

### Appeal email from applicant dated 19 December 2019

**From:** R M Boyce

**Sent:** 19 December 2019 16:34

**To:** Jen Brooker <[clerk@littlehampton.org.uk](mailto:clerk@littlehampton.org.uk)>

**Subject:** Littlehampton Harbour Board - Consideration of consent for works Ref s43 02/2019.  
application 26/11/19 RAIL (2)

Dear Jen

Thanks very much for the partial consent Littlehampton/02/19

#### **S43 chronology**

We originally submitted an email application under S43 to bring the local consent into line with the MMO Licence. This application was sent to you on 19 November 2019 at 15:34

On 26 November 20, 1913: 33 you confirmed that you were happy to “consider extending the local consent” but required us to outline the works we were requiring consent for.

Later that day at 16:48 we confirmed that we wanted you to simply "extend the existing consent date" - this on the basis that neither your Section 43 regulations had changed nor had the works themselves.

You referred us to your earlier email (26 November 2019 13:33 ) and asked us to “outline the works that you are requiring consent for, i.e. just the removal of the timber piling or the full installation of new moorings and provide an accompanying works methodology.”

Approximately 2 ½ hours later at 16:01 we once again try politely and with respect to have the existing licence extended and for the sake of absolute crystal clarity state that, “I am not seeking to amend or change anything, both the Local consent and the MMO consent are perfected”.

We then go on to offer to prepare and issue a new Section 43 application.

On 27 November at 12:03 you write to us in the following terms “please provide the works methodology including details of the contractor. We can then assess whether the licence can be extended to 27 September 2022”.

An hour later we send you an email confirming that we have submitted a formal 52 page document “detailing **the full extent of the works** as you have requested”. Our now new section 43 application reference is 26/11/19 RAIL (2).

#### **Littlehampton Harbour Board decision notice Littlehampton/02/19**

This decision notice dated 9 December 2019 has been issued under delegated powers with a 10 day appeal provision.

The notice does not provide consent for the works applied for in our application 26/11/19 RAIL (2), it provides partial consent for the removal of certain vertical piles.

The application 26/11/19 RAIL (2) provides the works methodology you have required us to provide you with on page 2 and 11 and in the further detailed MMO application and license.

**Appeals and objections.**

Accordingly please take this email as:

1. Our appeal against your partial decision under delegated powers.
2. In accordance with section 43 we note that we have 28 days from a refusal or the imposition of a condition or modification, to register our objection to your response.
3. Please take this email as our formal notice that we object to and are dissatisfied with:
  - (a) the partial consent, Littlehampton/02/19
  - (b) the failure to issue the consent to our application 26/11/19 RAIL (2)

**Remedy**

Please provide your consent for the installation of the 3 piles and pontoons in the terms applied for and in line with the earlier consent.

The 28 day appeal expires on 6 January 2020 following which, unless you have issued the consent sought, we will make an application to the Secretary of State to appoint an arbitrator in compliance with the 1927 Act.

**Adverse possession settlement.**

The works are part of the adverse possession settlement and have been fully assessed by the Littlehampton Harbour Board itself. We should be grateful if you would agree that by refusing to reissue the consent in the terms sought, the Littlehampton harbour Board have terminated the adverse possession settlement agreement?

We look forward to hearing from you.

Yours sincerely

Robert M Boyce

Osborne of Arun Group Mgt Ltd

# LITTLEHAMPTON HARBOUR AND ARUN DRAINAGE OUTFALL ACT 1927 S43

## LITTLEHAMPTON HARBOUR BOARD



Harbour Office  
Pier Road  
Littlehampton  
West Sussex BN17 5LR  
Telephone: 01903 721215  
Facsimile: 01903 739472

### DECISION NOTICE

**Application Reference: Littlehampton/02/19**

**To Addressee:**

Robert Boyce  
[redacted]

---

**Site Address:**

[redacted]

Contact: Mr R Boyce

---

### Description and Development

Cutting down and removal of timber piles and supports adjacent to Arun Timber Docks associated with Marine Licence L/2017/00367/1. Piles to be cut as close to the mud bed as practicable, while supported by crane and removed from site.

### Specific Conditions

1. The Harbour Master's office is to be notified at least 10 days prior to the installation of units.

**Reason: To allow the Harbour Master to issue a Local Notice to Mariners if required and deconflict with other operations in the harbour.**

2. The Licence Holder shall ensure a suitable site for landing piles is agreed with the Harbour Office in advance and if necessary landowners permission is sought.

**Reason: To ensure that structures once removed do not obstruct or interfere with the use of quaysides or slipways in the harbour.**



# **LITTLEHAMPTON HARBOUR AND ARUN DRAINAGE OUTFALL ACT 1927 S43**

## **General Conditions**

1. This consent in no way affects, removes, or alters the responsibility of the applicant, licensee, or contractor to ensure that his works are constructed in such a way so as not to affect, or obstruct, or cause siltation, or cause any other let or hindrance to any channel, berth, quay, mooring, or other works in the vicinity. Littlehampton Harbour Board as Harbour Authority will not accept any liability in such matters.
2. All or any other necessary statutory consents to be obtained including those of the Marine Management Organisation (under the Marine and Coastal Access Act 2009), Environment Agency (in respect of dredging or piling). The LHB as Harbour Authority accepts no responsibility or liability for any environmental impacts associated with any works carried out.
3. The applicant remains solely responsible for ensuring that any works undertaken under an exemption to marine licencing requirements continue to meet the criteria for such an exemption at the time the works take place and are completed. The issue of a local consent by the LHB as Harbour Authority in no way confers such an exemption, nor does the LHB as Harbour Authority accept any responsibility or liability for any matters associated with any works carried out under such an exemption.
4. All works piles and pontoons are approved in the positions as per the annexed drawing(s). The works or any part thereof are not to be moved from the approved position once installed without further consent by the Littlehampton Harbour Board as Harbour Authority.
5. Permission of landowners or controllers must be sought where land is not in the direct ownership or control of the applicant. Planning Permission should be sought if required.

**This consent has been issued under the Harbour Masters delegated powers. If you wish to appeal this decision or any part of it to the Littlehampton Harbour Board please do so in writing within 10 calendar days of date of issue.**

Date of Decision: 6<sup>th</sup> December 2019

Date Decision

Issued: 9<sup>th</sup> December 2019

Licence Expires: 8<sup>th</sup> December 2020

Billy Johnson  
Harbour Master, Littlehampton  
For and on behalf of Littlehampton Harbour Board

**AGENDA ITEM:** 12

**MEETING:** LITTLEHAMPTON HARBOUR BOARD

**DATE:** 17 FEBRUARY 2019

**REPORT BY:** CLERK TO THE BOARD

**SUBJECT:** BOARD MEETING DATES 2020 - 21

**1. Summary**

- 1.1 This report submits the proposed meeting dates for the Board in 2020/21. The report also includes proposed dates for Committee meetings.

**2. Background**

- 2.1 The dates include a Board Away Day and an annual stakeholder meeting event which it is anticipated Board Members will attend.
- 2.2 The proposed dates have endeavoured to avoid principal meetings at the County, District and Town Councils.
- 2.3 The 2020 Annual meeting of the Board will be held on the 18 May 2020. Included in the timetable is the date for the Annual meeting in 2021.

**3. Financial Implications**

- 3.1 There will be a financial cost to the Away Day being held off site and in hiring a room for the Annual Stakeholder Meeting. All other meetings are held at Arun District Council Offices.

**4. Recommendation**

- 4.1 It is recommended the dates for meetings of the Board as presented in this report are approved.

**5. Appendix**

- 5.1 2020-21 Proposed Meeting Dates

## **Annex 2020-21 Calendar of Board and Committee Meetings**

### **BOARD MEETINGS**

Mon 18 May 2020 at 10am – Arun District Council Pink Room  
Mon 22 June 2020 at 10am – Arun District Council Pink Room  
Mon 21 Sep 2020 at 10am – Arun District Council Pink Room  
Mon 14 Dec 2020 at 10am – Arun District Council Pink Room  
Mon 22 Feb 2021 at 10am – Arun District Council Pink Room  
Mon 17 May 2021 at 10am – Arun District Council Pink Room

### **AUDIT COMMITTEE**

Mon 1 June 2020 at 10am – Arun District Council Green Room  
Mon 23 Nov 2020 at 10am – Arun District Council Green Room

### **STAT AND GOVERNANCE COMMITTEE**

Mon 15 June 2020 at 10am – Arun District Council Green Room

### **PERSONNEL COMMITTEE**

Mon 9 Nov 2020 at 10am – Arun District Council Green Room

### **ANNUAL STAKEHOLDER MEETING (Including Presentation of Annual Report & Accounts)**

Mon 13 July 2020 at 6pm – venue to be confirmed

### **BOARD AWAY DAY**

Mon 12 Oct 9.30 – 4pm – venue to be confirmed