

HAMPSHIRE COUNTY COUNCIL

Report

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| Committee | River Hamble Harbour Board |
| Date: | 8 April 2011 |
| Title: | Progress towards achieving Select Committee recommendations |
| Reference: | 2770 |
| Report From: | Director of Culture, Communities and Business Services |

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1. Summary

1.1. Following the recommendations of the River Hamble Select Committee in late 2009, the Harbour Board made some amendments before giving approval in March 2010. This report sets out progress towards achieving the amended recommendations since then.

2. Detail

2.1. The full list of actions approved by the Harbour Board is at Appendix 1, together with comments on progress towards implementation, noted in italics.

3. Recommendation

It is recommended that this report be noted

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

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|--|-----|
| Hampshire safer and more secure for all: | no |
| Corporate Improvement plan link number (if appropriate): | |
| Maximising well-being: | yes |
| Corporate Improvement plan link number (if appropriate): | |
| Enhancing our quality of place: | no |
| Corporate Improvement plan link number (if appropriate): | |

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

Progress on implementation of Select Committee recommendations, as approved by the Harbour Board

Details of the recommendations of the River Hamble Select committee, as amended and approved by the Harbour Board, are set out below. Comments on progress towards implementation are in italics after each recommendation:

- 1. All craft using the River Hamble should pay harbour dues, although the following categories of vessel shall be zero rated.**
 - a.
 - Sailing dinghies (but not craft with keels), of less than 6m LOA; *Implemented, although the zero-rated category has been extended (with Board approval) to all craft below 6 metres LOA, with or without keels (except those normally kept afloat), providing they have an engine of less than 10hp or no engine at all.*
 - All craft primarily intended to be powered by oars or paddles, including rowing boats, canoes and kayaks, unless also fitted with an engine of 10hp or more; *Implemented*
 - Windsurfers; *Implemented*
 - Tenders up to 4m LOA, with engines less than 10hp, providing that their 'mother ship' has paid appropriate dues; *No longer relevant, because all vessels under 6 metres LOA with engines of less than 10hp are zero-rated. Stickers for tenders will not be issued in 2012.*
 - Craft either wholly or primarily used in a safety role operated by sailing clubs and/or established maritime protection and prevention agencies, e.g. the Police, Fire Service and RNLI; *Implemented.*
 - b. These zero ratings do not apply to craft primarily intended to be mechanically-powered, including RIB's and personal water craft (PWC). *Implemented, except where engines are less than 10hp.*
 - c. All craft that are subject to harbour dues are required to display a clearly visible sticker on or near the port quarter to confirm payment before launching from anywhere on the river or as soon as is practical after entering the river as a visitor and using a Harbour Authority, commercial operator or other facility, whereupon they will be issued with a sticker or tag, as appropriate, which is to be prominently displayed. *Implemented.*
 - d. Payment of dues by river users will be rigorously enforced. Those who evade payment will be subject, through action in the County Court, under Section 43 of the Harbours, Docks & Piers Clauses Act 1847 to triple penalty of the amount due if unpaid within 7 days of a served enforcement notice. Non-payers' craft can be impounded under Section 44 of the Act. *Implemented.*
- 2. Equalisation of Harbour Dues for all collective and individual payers will continue and will be fully implemented by 1st January 2012.**

- a. The current and planned equalisation of harbour dues rates for all payers will be published each year by the Harbour Authority and maintained on its website together with payment forms and information. *Implemented as far as possible at this stage. A project is underway to facilitate on-line payment of Harbour Dues.*
- b. Harbour dues for periods of less than one year will be determined by the Harbour Authority. Details will be published on the Harbour Authority website with payments being collected by the Harbour Authority, or collective payers as appropriate, on a weekly basis. *Implemented*
- c. Collective payers, be they sailing clubs, associations, commercial operators or deemed similar, will continue to pay a total invoice cost at the standard rate. The rate paid by collective payers will, on completion of the planned equalisation, be approximately 10% lower than that paid by mid-stream mooring holders to reflect the cost, risk and database management associated with collecting harbour dues on behalf of the Harbour Authority. *Implemented.*
- d. Individual payers will pay in advance of the commencing year and will be invoiced in October for settlement within 28 days. This assists a timely change of surrendered moorings to those on the waiting list. The feasibility of introducing a direct debit payment option should be explored to minimise the costs associated with payment and collection of dues. *The first part of this was already the case prior to the establishment of the Select Committee. The feasibility of Direct Debit payments has been explored but would not reduce the costs of collection because the Crown Estate still require printed invoices and payment by cheque for mooring licence fees, which are despatched at the same time.*
- e. Collective payers will be invoiced in January for settlement, within 28 days, for the current year. *Implemented*
- f. No settlement discount will be permitted for any Harbour Authority invoice. Any extended settlement period will incur an agreed premium. (While it may be only a nominal premium it provides consistency and accommodates smaller commercial operators who may be unable to settle their invoices until April.). *Implemented for 2012 (1.5% premium for commercial operators; £30 late payment administration charge for individual mooring holders).*
- g. Harbour dues for midstream mooring holders will continue to be calculated on the basis of the maximum LOA available for the allocated mooring (for either individual or collective payers). *Implemented.*
- h. Harbour dues for pontoon berth holders managed by sailing clubs, associations or commercial operators will continue to be calculated on the overall capacity of the pontoon meterage using the currently agreed and established TYHA/BMF formula. *Implemented.*
- i. Harbour dues for dry-stacked craft will be based on the overall capacity of the facility and an agreed formula applied. *Not possible because the dry-stacks lie outside the jurisdiction of the Harbour Authority. However, Harbour Dues for*

vessels in dry stacks are currently collected by the dry-stack operators on behalf of the Harbour Authority and the compliance rate is over 90%.

- j. Harbour dues for dry-sailed craft will be based on the individual LOA and the collective dues agreed with the Harbour Authority (enforcement to be clarified). *Implemented. Enforcement is based on the principle that yards will not launch a dry-sailed boat unless it displays a valid Harbour Dues sticker.*
- k. Sailing clubs, associations, commercial operators and Councils who provide dedicated storage areas for dry-sailed boats (other than i. and j. above) and charge for the facility will be responsible for collecting harbour dues on an agreed basis (to be determined and transparent) other than for zero rated craft. *Implemented.*
- l. Sailing clubs and associations that host visiting boats using the river and or its facilities (primarily regattas and included in entry fee or as and when arrangements agreed).will collect harbour dues on an agreed basis, other than for zero rated craft. *Implemented.*
- m. Individual visiting craft or craft launched anywhere in the river (other than zero rated craft) are expected to make themselves known to the Harbour Authority and pay the agreed harbour dues (Harbour Authority patrol boats to intercept and validate such craft). *Implemented, although implementation relies heavily on those boats which have paid Harbour Dues displaying a sticker, so that those which have not paid can be easily identified.*

3. The current activities of the Harbour Authority to fulfil its Mission Statement as set out in its Strategic Plan are acceptable, providing:

- a. These activities are clearly necessary, defined and measured wherever practical and their effectiveness is reviewed as part of an annual review of the strategic plan. *Annual review complete.*
- b. The mission statement is amended to include the 'enhancement of access and facilities for river users and the well-being, enjoyment and economic benefit of the river for all'. *Implemented.*
- c. The strategic plan is reviewed and published annually setting out the need, cost and benefit of repairs, maintenance and improvements and capital investment schemes necessary in fulfilling its mission statement. *Incorporated in a revised and expanded Action Plan, approved by the Harbour Board.*
- d. It continues to seek ways to mitigate operating costs and optimise income to improve its overall efficiency and effectiveness. *Ongoing.*
- e. Hampshire County Council and the other local authorities recognise their wider environmental and amenity responsibility for the River Hamble and its surrounding shoreline and actively work with the Harbour Authority for the greater good, wider recreational use and enjoyment and/or consider funding to support the Harbour Authority in its delegated roles and responsibilities on their behalf. *Incorporated in the revised Strategic Plan.*

4. **The Board's support for the principle of a wholly independent Designated Person (DP) be reaffirmed, in the belief that it would be inappropriate for the role of DP to be carried out by a member of the Harbour Authority staff. When the current DP contract becomes due for renewal (and to ensure that the Harbour Authority continues to receives value for money) the Board will undertake a re-tendering exercise which will include the possibility of a joint arrangement with another Harbour. *The re-tendering exercise is included in the new Action Plan.***
 - a. The appointee to the role of the designated person will report to the Harbour Board. *Implemented.*
 - b. The role and responsibility of the designated person and the twice annual audit reports required by the Port Marine Safety Code will be published on the Harbour Authority website. *Audit reports are routinely included in reports to the Management Committee and Harbour Board which can be accessed via the website.*
 - c. In the event of legal advice or enforcement action being required the Harbour Authority will first seek the support of Hampshire County Council's (HCC) legal team or in turn its nominated advisors. *Implemented, although there have been occasions when the specialist advice of the Designated Person has been required.*
5. **A review of the implications (resource, environmental, legislative etc.) of removing or modifying the current cap on mooring capacity should be carried out. Dependent upon the detail of the implications identified in such a review, the Harbour Authority will determine whether, in consultation with local planning authorities (LPA's), the Crown Estate and other appropriate consultees/agencies, it should seek to remove or modify the current cap on the mooring capacity. Irrespective of the outcome of the mooring capacity review, the Board will use its best endeavours to enhance the access and facilities for all users of the river. (The Board notes, however, the key role of the LPA's in relation to the specific impacts of any mooring limits). *Review complete – no further action at this time. Enhancements to accessibility form part of the ongoing Asset Enhancement programme.***
 - a. The Harbour Authority, in conjunction with The Crown Estate and other interested parties, will examine the scope to provide additional moorings and/or ways to improve the capacity and/or utilisation of existing moorings while having due regard for navigational safety and possible environmental impact. *Ongoing, within existing capacity limit.*
 - b. The Harbour Authority, in conjunction with other interested parties, will, at an appropriate time, agree with The Crown Estate on what basis they would permit new and replacement private pontoons to be installed on mid-stream moorings but balancing the additional cost, if any, that may be attributed to additional wear caused by the pontoons against the gain in safer boarding and disembarking from vessels. *Agreed in principle with The Crown Estate. Details of terms and conditions awaited prior to formal announcement.*

- c. The Harbour Authority in conjunction with The Crown Estate and other interested parties will examine ways to provide additional facilities for the storage of tenders on and/or moored to 'walk-on' pontoons. *Under investigation as part of the Asset Enhancement programme.*
 - d. The Harbour Authority in conjunction with LPA's and other interested parties will examine the scope to provide better access and adequate parking facilities for all river users, including overflow facilities for peak-user occasions bearing in mind that car parking is primarily the responsibility of the borough councils. *Scoping meetings complete.*
 - e. Examination of all of the above should commence forthwith. *Implemented.*
- 6. Having received and considered a report from the (Acting) Harbour Master at its meeting on 29 Jan 2010, the Harbour Board notes that the current terms of the Crown Estate mid-stream management agreement, in relation to the financial and resource requirements required in respect of that agreement, are of considerable benefit to the Harbour Authority.**
- a. The Harbour Board will, however, ensure that the implications of continuing with the current arrangement (operational, financial and the required level of resources etc.) will be analysed and reviewed sufficiently far in advance of the renewal date to ensure that if a decision to assign the management contract to others is approved, it will permit a seamless transition. *Review and analysis complete and reported to the Harbour Board. Board approval granted for officers to negotiate terms with The Crown Estate prior to renewal date.*
- 7. The Board accepts that Harbour Authority personnel issues need to be addressed and the management organisational structure reviewed. The following aspects and/or principles should be incorporated within a detailed review.**
- a. There should be only one senior management post, to be designated 'Marine Director and Harbour Master', with the duties for that post being an appropriate combination of the duties of the existing Marine Director and the statutory duties undertaken by the current River Hamble Harbour Master post. *Implemented.*
 - b. Reporting to the Marine Director and Harbour Master (i.e. the post combining the current Marine Director and Harbour Master positions) should be two Assistant/Deputy Harbour Masters (specific titles of these posts to be confirmed at a later date) responsible for operational duties, environment and/or administration, and the personnel supporting those roles. *Implemented. Deputy Harbour Master/Harbour Operations Manager and Environment and Development Manager appointed.*
 - c. The Marine Director and Harbour Master and the Assistant/Deputy Harbour Masters (when required) would report directly to the River Hamble Harbour Board and be responsible to it in relation to strategic direction and operational implementation. *Implemented.*

- d. The Marine Director and Harbour Master's responsibility should include the engagement, reward and termination of all Harbour Authority employees, as determined by HCC employment terms and conditions. *Implemented as far as possible, within the constraints imposed by HCC employment terms and conditions.*
 - e. The Marine Director and Harbour Master would consult with the Hampshire County Council Assistant Director for Culture, Communities and Rural Affairs in respect of those matters relating to countryside responsibilities. *As a result of departmental management changes, the Harbour Office staff no longer fall under the direct management of the Countryside Service, although a close liaison is maintained.*
 - f. The roles and responsibilities of the Marine Director and Harbour Master, officers and other personnel, along with information on their working regimes should be reviewed and their roles published. *Roles and responsibilities published (by virtue of inclusion in reports on the re-structuring of the management of the Harbour Office). Working regimes are routinely reported to the Management Committee and Board under the Harbour Master's report.*
- 8. The Board does not accept that Board recommendations are required to, or should, be made only through the Management Committee. However the Board did recognise that improved synchronisation of meetings would enable Board requests for Management Committee comments to be received and considered in a timely manner.**
- a. Suitable training should be undertaken, on an ongoing basis, to ensure that Board and Management Committee members are capable of fully discharging their responsibilities. Members should be encouraged to attend whenever training opportunities are made available to them. *Ongoing, as and when required.*
 - b. The person specification and basis for the appointment of non-councillor members of the Harbour Board should continue to be published and widely advertised whenever there is a vacancy. Details of the person specification for non-councillor members of the Board should be advertised on the Harbour Authority website as a matter of course. *Person specification and adverts for appointment of two Harbour Board members are currently awaiting approval prior to publication.*
- 9. Other than where included above, the additional recommendations of the recent Operating Review should be accepted, with minor amendments as appropriate, i.e. as follows:**
- a. The Management Accounts structure and reporting should clearly show sources of income and separate operating and support services costs. This would make the need, cost and benefit more self-evident. *Separation of operating and support service costs to be further analysed in future years' budgets.*
 - b. The Board accepts that more detailed analysis of the source of harbour due incomes will aid the reporting process in lieu of being able to align the fiscal and calendar years. *Breakdown of Harbour Dues income now shown in more detail.*

- c. The Board accepts the underlying principle of the cost of providing dedicated facilities and specific services being recovered at commercial rates, wherever practicable. *No specific action required.*
 - d. The policy for capitalising costs, corresponding depreciation and accruing and allocating reserves should be clarified and the reserve funds re-stated if necessary. *Implemented.*
 - e. A business case should be prepared for capital expenditure proposals to aid the consultation, planning and budgeting process. *To be completed on a case-by-case basis.*
 - f. The asset register should be reviewed to clarify ownership and responsibility for funding repairs, maintenance and improvements. *Complete.*
 - g. The Board accepts that some supplies, services and discretionary costs may have scope for reduction and that this should be reviewed but noted that there are proposed savings for supplies and services within the 2010/2011 budget. *Ongoing – savings will be identified wherever possible.*
 - h. Ongoing cost and income efficiencies should be encouraged. Resulting surpluses should be considered in deliberations on pricing levels. *Ongoing.*
- 10. The Operating Review Sub-Committee should be asked to work with the Marine Director and Harbour Master, the Hampshire County Council Head of Finance for Culture, Communities and Rural Affairs, and the Assistant Director of Culture, Communities and Rural Affairs to review the effectiveness with which relevant recommendations contained within this report have been implemented, after a period of at least six months has elapsed.** *Meetings have been held with members of the Operating Review Sub-Committee, primarily to consider the Action Plan and to consider further amendments to the Strategic Plan and Vision. This report forms a comprehensive review of progress towards implementation of the Select Committee recommendations.*

Further Recommendations

- 1. In order to address potential concerns at the cost of support services, the next budget report should include details of the basis of charging for support services. *Now included in reports.*
- 2. The Complaints Policy should be publicised so that it can be followed by anyone having issues with the running or governance of the Harbour Authority. *Implemented.*