AT A MEETING of the RIVER HAMBLE HARBOUR BOARD held at the Royal Air Force Yacht Club, Rope Walk, Hamble on Friday 16 July 2010.

PRESENT:

Hampshire County Council

Councillors:
p Keith Evans (Chairman)
p Geoff Hockley
p Keith House

Independent Members

p Mr Tony Lovell
p Mr Chris Moody
p Dr Susie Tomson

Marine Director

p Mr David Evans

Also present:

John Tickle, Assistant Director, Culture, Community and Rural Affairs
Ron Meekings, Head of Finance, Culture, Community and Rural Affairs
Amanda Clark, Solicitor
Wendy Stowe, Acting Deputy Harbour Master
Alison Fowler, Assistant Harbour Master (Environment)
Dr Steve Fletcher, Chairman, Hamble Estuary Partnership (HEP)
Captain Mark Capon, Managing Director, Marine Enforcement (Designated Person)

56. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

57. **DECLARATIONS OF INTEREST**

Members were mindful that, where they believed they had a personal or personal prejudicial interest in any matter to be considered at the meeting, they should normally at the time of the debate declare their interest, and having regard to the circumstances described in paragraphs 9, 10, 11 and 12 of the County Council's Code of Conduct, consider whether to leave the meeting whilst the matter was discussed save for exercising any right to speak in accordance with Paragraph 12 of the Code.

Dr S Tomson, Mr T Lovell and Mr D Evans declared personal interests by reason of their being mooring or berth holders on the River Hamble. Dr S Tomson declared a personal interest as a member of the Royal Southern Yacht Club. Mr. D Evans declared a personal interest as a member of Warsash Sailing Club and the Royal Air Force Yacht Club.

In respect of agenda item 11, proposed Harbour Office Staffing Structure, Mr. D. Evans declared a personal, prejudicial interest by virtue of his current employment as Marine Director. Mr. Evans indicated that he would make representations in respect of this item prior to the Board considering the report in detail, but that he would then leave the room.

58. **MINUTES - 23 MARCH 2010**

The Minutes of the meeting of the Board held on 23 March were confirmed as a correct record and signed by the Chairman.

59. **RIVER HAMBLE HARBOUR MANAGEMENT COMMITTEE - 25 JUNE 2010**

The minutes of the meeting of the River Hamble Harbour Management Committee held on 25 June 2010 were noted.

60. **HARBOUR MASTER'S REPORT**

The Board considered the report of the Director of Culture, Communities and Rural Affairs (Item 7 in the Minute Book) and a supplementary report from the acting Deputy Harbour Master (DHM), which outlined incidents from 4 July 2010 to 15 July 2010 inclusive.

The acting Deputy Harbour Master (DHM) reminded the Board that the summer staffing roster was now operating and that the Harbour was now being patrolled by the Duty Harbour Master from 6.30 a.m. to a minimum of 10 pm. Operating hours were currently being extended to 11.00pm on Fridays and midnight on Saturday evenings.

The acting DHM drew attention to the numerous incidents where assistance had been provided by patrol staff. The Board noted with regret that there had been a number thefts from vessels moored on the Hamble. The two websites that had been established to help combat marine crime (www.hampshiremarinewatch.co.uk and www.stolenboats.org.uk) and which were referred to in the minutes of the 25 June Management Committee meeting were acknowledged.

Board members were concerned to learn of the dangerous, high speed manoeuvres undertaken by a Personal Watercraft ('jet ski') user on

27 June and noted that the jet ski had been impounded, pending further investigation. The matter has now been passed to HCC Legal Services to consider for prosecution.

Board members expressed their concern in relation to the incident on 14 July (paragraph 1.6 of the supplementary report) where assistance had been provided following the sinking of a 56’ house boat at its moorings. The Marine Director acknowledged the poor condition of the boat and that there was no evidence of it having been surveyed out of the water in the recent past. The Board therefore asked the Marine Director to give some thought as to whether there were any ways in which the Harbour Authority could either encourage, or enforce, a better maintenance regime upon houseboat owners. The Board commended the Marine Director and Harbour Office staff on their response to the incident.

The acting DHM confirmed that progress continued to be made in respect of reviewing and updating the Safety Management System. The revised Code of Practice for races, events and regattas on the River Hamble had also been implemented. The acting DHM confirmed that a meeting to review the efficiency of the new Code of Practice would be held at the end of the year with the appropriate organisations.

The acting DHM commented on the recent staff training that had taken place and the meeting that had taken place on 10 May between staff and local police representatives. Increased levels of co-operation and liaison with the Police were being required given the various incidents that had occurred requiring a Police presence.

The acting DHM was delighted to report that the audit undertaken by Trinity House on 21 April had been carried out successfully. All aids to navigation had been checked and there were no matters arising from the audit which required further action. The pile replacement programme had also been completed successfully on 13 April, with minimal disruption to mooring holders.

RESOLVED:

That the report be noted.

61. **MARINE DIRECTOR’S CURRENT ISSUES**

The Board considered the report of the Director of Culture, Communities and Rural Affairs (Item 8 in the Minute Book).

The Marine Director briefly outlined the decisions being taken in respect of the Harbour Dues regime, including the current arrangements for a weekly rate. He also explained the interpretation which had been adopted in terms of eligibility and the requirement to pay Harbour Dues (paragraphs 2.2. and 2.3 of the report). The Marine Director regretted that the first of the two new patrol boats had still to be delivered (paragraph 4.1) but stressed that it was sensible to resolve as many potential problems in advance of delivery as was possible.

During a brief discussion on the training syllabus that had been drawn up for members of both the Management Committee and the Harbour Board (see appendix 1) Councillor Hockley confirmed his appreciation for the training that he had received. He did, however, suggest that given the breadth of topics covered, the Marine Director may wish to give consideration to delivering the training in a number of sessions rather than a single session. Councillor Hockley also suggested that the value of the training was likely to be increased if a mechanism could be established that permitted Members to receive the training *prior* to their appointment as a Management Committee or Board member, or at least before their attendance at a first, formal meeting. While noting Councillor Hockley's comments and generally supportive in principle, the Marine Director expressed his concern that it would be difficult to maintain operational effectiveness if the training was delivered in multiple sessions, given the amount of time that would be required.

In relation to Captain Mark Capon's report (see appendix 2) the Chairman reminded the Board that the report had been requested because a member of the Harbour Office staff had been involved in the incident that had had occurred on 21 February 2010. Captain Capon had, however, been asked to comment on the regulations that would pertain and not on the incident itself. Captain Capon advised that it was a common misapprehension that vessels 'under power' must always give way to vessels that were reliant on sail, whilst emphasising that common sense must always be exercised.

The Marine Director confirmed that the Captain of the 'Foxer' fleet had received a copy of Captain Capon's report. The Marine Director also advised that his preferred solution in respect of addressing the issues that had arisen following both the incident and Captain Capon's subsequent investigation was for the entry forms and sailing instructions for races to be made more explicit in relation to the need for race entrants to take care and to navigate with an appropriate level of caution at all times. The Board noted and accepted the report and the Marine Director's approach in response.

The Marine Director commented on the complaints procedure that had been produced following the River Hamble Select Committee's recommendations (appendix 3). The recommended process had been amended in light of comments received and the procedure was now submitted to the Board for its consideration. The Board accepted the procedure.

The Head of Legal Practice's representative briefly outlined some of the key terms of the River Hamble river bed leases (see appendix 4).

RESOLVED that :

(i) The complaints procedure outlined in appendix 3 of the report be adopted and;

(ii) The remainder of the Marine Director's report be noted.

62. **ENVIRONMENT UPDATE**

The Board considered the report of the Director of Culture, Communities and Rural Affairs (Item 9 in the Minute Book).

The Assistant Harbour Master (Environment), (AHME), reminded the Board that there had been two "tier 2" incidents in the recent past (one of which was the subject of a separate report on the agenda (Item 14)). In light of these 'real' incidents, the Harbour Authority had been advised that it was no longer required to undertake the planned oil spill exercise scheduled for September 2010, based upon a scenario of an assumed road traffic accident on the M27 bridge, i.e. as shown in paragraph 2.1 of the report. Consideration was therefore being given to scheduling a 'table top' exercise, based upon this M27 scenario, some time next year. The question of run-off interceptors on the M27 bridge was raised and the Chairman reminded the Board of the previously inconclusive correspondence with Highways Agency officials. It was thought that interventions by local Members of Parliament might be helpful and Councillor House agreed to approach the Member of Parliament for Eastleigh to discuss the matter.

The AHME advised that negotiations between the River Hamble Harbour Authority and Associated British Ports (ABP) were continuing in relation to ABP's proposed Southampton Water capital dredge. Whilst documentation in respect of the proposed dredge was in the hands of legal teams from both parties, the dredge was not expected to start any earlier than at some point in 2011.

The AHME confirmed that the Crown Estates decision in respect of a single mid stream pontoon on 'A-run' was still awaited (paragraph 2.3). There was currently no indication as to the likely timescale in which the decision would be notified to the Harbour Authority.

The AHME briefly outlined issues discussed at the Solent Forum meeting held during March, the Solent Forum Water Ecology conference on 28 April and the Hamble Estuary Partnership (HEP) meeting on 20 May 2010. The Solent Forum's efforts in respect of the Towards Solent Marine Planning (SOMAP) project were noted, as well as the main principles arising from the Marine and Coastal Act 2009 (which introduced a marine planning system and which imposed various duties upon any organisation with planning and regulatory responsibilities in relation to the marine and coastal environment).

Board members particularly welcomed the confirmation of Southern Water having improved its sewage treatment processes so that nutrient input into the Hamble and other Solent harbours would be reduced, thus reducing the extent of growth of excess algae. Notwithstanding this development, the Board noted that the desired reduction in nutrient levels may take up to 10 years to achieve.

RESOLVED:

That the report be noted.

63. **RIVER HAMBLE FINAL ACCOUNTS 2009/10**

The Board considered the report of the County Treasurer and Director of Culture, Communities and Rural Affairs (Item 10 in the Minute Book).

The Head of Finance (Culture, Communities and Rural Affairs) asked the Board to note a typographical error in the circulated version of appendix 1 in which the 'Asset Enhancement Reserve' figure (for the balance at 1 April 2009) had been incorrectly shown as £260,847. He asked the Board to note the correct figure as being £310,847.

The Head of Finance (Culture, Communities and Rural Affairs) then drew the Board's attention to key features of the report. During the 2009/10 financial year a surplus of £119,704 had been achieved. The scale of the surplus achieved was largely due to the one off settlement (covering three years) on conclusion of the revised agreement with the Crown Estate. The surplus of £119.704 was 23,404 more than originally budgeted for (the revised budget having been £96,300).

Board members were advised that the reserves policy, agreed in 2007, required the Revenue Reserve to be approximately 10% of annual expenditure, i.e. a balance of approximately £65,000. The current level of Revenue Reserve (£195,000) was significantly above this level. A review was therefore being undertaken, taking into account factors such as the requirements of the Asset Replacement Programme, accumulated and budgeted surpluses and the outcome of the review of the staffing structure.

Board members were firmly of the view that the level of reserves held was now too high, reinforcing the need for a review of reserves. They also noted that the review of the staffing structure was likely to mean that staffing costs in 2010/11 could be up to £40,000 lower than budgeted.

In relation to the need to invoice for next year's Harbour Dues by 1 October 2010, the Chairman confirmed that he was planning to meet with the Assistant Director of Culture, Communities and Rural Affairs and the Head of Finance (Culture, Communities and Rural Affairs) in order to prepare a budget outline for 2011/2012 and thereby provide the Marine Director with a reasonable base against which he could raise the required Harbour Dues invoices. This budget outline would include consideration of the expected revenue budget reductions and the 2009/10 surplus. The Chairman confirmed that the this base document would be circulated to all Board members for comments. A copy would also be provided to the Chairman of the River Hamble Harbour Management Committee for his comments and to provide an opportunity to consider whether a special meeting of the River Hamble Harbour Management Committee should be convened.

RESOLVED:

That

(i) The final accounts for 2009/10 be approved;

(ii) The Chairman of the River Hamble Harbour Board be authorised to consult upon and agree a budget outline for 2011/12, taking into account the expected base budget reductions and the 2009/10 surplus, in order to assist with the preparation of 2011/2012 Harbour Dues invoices.

64. **PROPOSED HARBOUR OFFICE STAFFING STRUCTURE**

The Board considered the report of the Director of Culture, Communities and Rural Affairs (Item 11 in the Minute Book).

Mr. David Evans, Marine Director, gave a brief deputation in which he indicated he would be happy to answer questions from the Board, prior to taking their decision, if members had specific queries in relation to the operation of the Harbour Office. (NB: at the conclusion of Mr Evans' deputation, all members of the Harbour Office staff who were present absented themselves from the room while this item was being considered).

The Assistant Director of Culture, Communities and Rural Affairs reminded the Board of the background context to the review of the Harbour Office staffing structure. He confirmed that the current report had taken into account the views of the River Hamble Select Committee and the need to secure appropriate efficiency and operational savings while also maintaining an effective staffing structure within the Harbour Office. The report (first seen by the Board at its meeting on 26 March 2010) had also been amended to reflect comments made both by Board members and subsequently the River Hamble Harbour Management Committee at its meeting on 25 June 2010.

The Assistant Director outlined the job evaluation process that had been followed (appendix 4 explained the job evaluation framework). In preparing role profiles, comparison had been made with other similar roles across other port authorities, albeit exact comparisons had not been available.

The Assistant Director confirmed that following the results of the job evaluation exercise the projected savings in terms of staffing was now closer to £40,000 rather than £30,000 as first indicated in March 2010. The evaluation procedure was subject to an appeal process so the final figure could change, within that range, subject to the results of any such appeal. In response to questions, the Assistant Director confirmed that the Management Committee had been broadly supportive of the roles and associated content set out in the original report. The Management Committee had, however, sought adjustments in two areas. Firstly, to clarify the reporting lines set out in the organisational charts and secondly, more specific recognition of the role of the Management Committee in the management accountabilities section of the Marine Director and Harbour Master role profile. Action had been taken on both suggestions and the Assistant Director drew Board members' attention to the subsequent amendments made.

Board members expressed some concern as to whether the proposed management structure was now too lean and whether it had sufficient 'slack' to allow the Harbour Office to function effectively in the event of unforeseen incidents or any long term absences. The Assistant Director noted these concerns, but pointed out that the Harbour Office had been functioning with a similar structure for the past year. Board members felt that it was not possible to staff up to the maximum possible contingency level, indicating that the Marine Director and Harbour Master should be allowed to use his initiative in responding to such challenges within his delegated authority and with the outside support available to him. The Assistant Director acknowledged that beyond this common sense adjustment, the Board may need to consider granting approval to bring in additional staffing or resources if the needs of the undertaking clearly required it. The Board were, however, reminded that one of the recommendations before them proposed a review of the structure in 6 to 9 months time.

The Assistant Director stressed that he was keen to bring to an end the existing uncertainty for the current staff. This had also been reflected in discussions at the Management Committee as had recognition of the exemplary level of professionalism they had shown during the past year while temporary arrangements had been in place.

Board members concurred with the Assistant Director's comments regarding the level of professionalism shown by existing members of staff within the Harbour Office. They also indicated that they were strongly supportive to the idea that this should be recognised and that appropriate financial consideration should be made to reflect additional efforts made during this period. The Assistant Director outlined the recruitment procedure that would be implemented in accordance with the policies of the County Council as the employing organisation.

Although not directly relevant to the proposed management structure or recommendations, the Board were mindful of recent Government announcements in relation to Council structures and governance arrangements. This could have a potential impact upon the governance arrangements for the River Hamble. While noting this possibility, the Board were also conscious of the likelihood of any decision to adopt an alternative governance structure having to be preceded by an amendment to the existing 1982 River Hamble Harbour Revision Order. The Chairman indicated that any action taken by the County Council in response to such government announcements would need to consider options and implications for the River Hamble.

RESOLVED that :

(i) The proposed new management structure and roles for the River Hamble Harbour Office be agreed, together with the operational savings identified;

(ii) To secure and sustain operational effectiveness, every effort should be made to implement the new structure by 1 August 2010;

(iii) A review should be carried out 6 to 9 months after implementation;

(iv) The Board offers its support to the notion of appropriate special recognition payments being made to those members of the Harbour Office team who have undertaken additional activities and responsibilities during the period whilst changes to staffing and organisation have been being discussed and agreed.

65. **ASSET ENHANCEMENT RESERVE**

The Board considered the report of the Director of Culture, Communities and Rural Affairs (Item 12 in the Minute Book).

The Marine Director informed the Board that, having considered the previously submitted shortlist drawn up by the combined Management Committee/Harbour Board Sub-Group, the River Hamble Harbour Management Committee had put forward four ‘themed’ recommendations for the Board to consider.

Dr. Steve Fletcher (Chairman, Hamble Estuary Partnership, (HEP)), explained that the HEP would be supportive of enhancements to the River Hamble that benefited as many people as possible and which were within the remit of the Board. The HEP felt, however, that it was also important to develop a long term strategy towards asset enhancements. Towards this end, Dr Fletcher indicated that the establishment of certain ‘core’ aspirations and principles was likely to help with the long term vision of the River Hamble, for example, seeking to establish an environmentally friendly marine Centre of Excellence or a Centre of Excellence for disabled access to water-based recreation. The HEP was keen to ensure that the Board directed its available resources appropriately, thereby limiting its financial contributions to projects that were the proper responsibility of other authorities or agencies.

Whilst concurring with the desirability of establishing a long term vision the Board indicated that they wished to see early progress being made in respect of the current suggestions to enhance River Hamble assets, i.e. by establishing feasibility and accurate costings. Board members therefore indicated that they would wish to see designs drafted (where appropriate), costings identified, and areas or projects which required additional expertise to be identified as soon as possible.

RESOLVED :

That the following four themes (as identified by the River Hamble Harbour Management Committee) should now be pursued to establish both feasibility and outline costs, with the aspiration of seeking to agree and be able to start any projects by the end of the year:-

(i) Improved Safety Signage on public slipways (Option 1 Appendix 1);

(ii) Tender storage with associated jetties and access, including improved disabled access (Options 2 - 5);

(iii) An expansion of school and/or youth group visits to the River (Option 9);

(iv) Funding for SSSI enhancements and/or footpath improvements (Options 10 and 11) and that;

(v) In the event of any additional expertise being required in respect of the above four themes, e.g. to assist with identification of costs , design work or any other form of necessary preparatory undertaking, the Marine Director be instructed, in the first instance, to seek such assistance from elsewhere within Hampshire County Council.

66. **ANNUAL FORUM - REPORT OF PROCEEDINGS**

The Board considered the report of the Director of Culture, Communities and Rural Affairs (Item 13 in the Minute Book).

Board members noted the record of proceedings with interest and the comments from the Marine Director in respect of the deputations that had been made (see appendix 1).

RESOLVED:

That the report be noted.

67. **OIL SPILL INCIDENT 20-21 JUNE 2010**

The Board considered the report of the Director of Culture, Communities and Rural Affairs (Item 14 in the Minute Book).

The Board noted the sequence of events in terms of the oil spill that had taken place at the Esso Fawley Oil Refinery on 20-21 June 2010. The Marine Director confirmed that, while he was relieved that no oil had penetrated the River Hamble, the same incident having occurred at a different stage of the tidal pattern could have brought about a significantly worse outcome.

Board members congratulated the Marine Director and his staff for the professional way that they had responded to this incident and asked that their appreciation and thanks be recorded, notwithstanding the eventual absence of any requirement to deal with a direct oil spill into the River Hamble.

RESOLVED:

That the report be noted.

68. ITEMS FOR FUTURE MEETINGS

The Board considered the report of the Director of Culture, Communities and Rural Affairs (Item 15 in the Minute Book).

The Marine Director confirmed that consultation over the potential implications of reviewing the mooring capacity of the River Hamble was currently taking place with the major stakeholders. The timescale for a formal report back was still unclear, but an item on this subject would be added to an appropriate Board agenda when the Marine Director was in a position to report.

RESOLVED:

That the report be noted.

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