

Minutes of the Southwold Harbour Lands Joint Committee Meeting held at St Edmunds Hall, Cumberland Road, Southwold, Suffolk, IP18 6JP on **Wednesday, 6 March 2019 at 6.30 pm.**

Members present:

Councillors W Windell (Chairman), I Bradbury, G Catchpole, J Jeans, D Palmer, B Provan and D Ritchie.

Other Councillor also in attendance:

Councillors D Beavan, P Byatt, S Doy, S Flunder and M Rowan-Robinson.

Officers present:

L Beevor (Southwold Town Council Clerk), K Blair (Head of Operations), A Gallant (Southwold Harbour Lands Project Manager), A Jarvis (Strategic Director), H Slater (Monitoring Officer and Head of Legal & Democratic Services), N Wotton (Democratic Services Manager) and D Wyatt (Commercial Lawyer).

The Monitoring Officer and Head of Legal & Democratic Services welcomed everyone to the meeting and read out the fire evacuation procedures.

1 APOLOGIES / SUBSTITUTES

Apologies for absence were received from Councillors Bee and Rudd.

Councillor Catchpole attended the meeting as a Substitute for Councillor Bee.

2 APPOINTMENT OF CHAIRMAN FOR THIS MEETING

Mrs Slater, the Monitoring Officer and Head of Legal & Democratic Services, called for nominations for Chairman of the meeting. It was duly proposed, seconded and

RESOLVED

That Councillor Windell be appointed Chairman for this meeting of the Southwold Harbour Lands Joint Committee.

NOTE: Councillor Windell presided over the rest of the meeting.

3 APPOINTMENT OF VICE CHAIRMAN FOR THIS MEETING

The Chairman called for nominations for Vice Chairman of the meeting. It was duly proposed, seconded and following a collective vote it was

RESOLVED

That Councillor Ritchie be appointed Vice Chairman for this meeting of the Southwold Harbour Lands Joint Committee.

4 DECLARATIONS OF INTEREST

Councillor Bradbury declared Local Non Pecuniary Interests as he was the Secretary to the Blyth Estuary Partnership, the Southwold Town Council representative on the Southwold Harbour, a member of the River Blyth Users Association and the Southwold Haven Port Stakeholders Group.

Councillor Bradbury then took the opportunity to state that there had been some attempts to silence him in relation to the Southwold Harbour Lands, however he refused to be silenced and would continue to act in the best interests of the Southwold.

Councillor Palmer raised a point of order at this point in the proceedings, as this item of business was to receive any declarations of interest that Councillors may have, not to consider a grievance.

There were no other declarations of Local Non Pecuniary Interests or Pecuniary Interests made by any Members of the Southwold Harbour Lands Joint Committee.

Other Councillors present, who were not Members of the Southwold Harbour Lands Joint Committee, then took the opportunity to declare any relevant interests they may have:

Councillor Beavan declared a Local Non Pecuniary Interest that he was the Chairman of the Southwold Haven Port Stakeholders User Group, a member of the Blyth Estuary Partnership, had been a skipper and had previously owned a boat which had been moored at Southwold Harbour.

Councillor Byatt declared a Local Non Pecuniary Interest as he was a Waveney District Councillor.

Councillor Doy declared a Local Non Pecuniary Interest as her family had been involved with the Harbour for many years, her son and grandson both had a boat and a shed at Southwold Harbour.

Councillor Flunder declared a Local Non Pecuniary Interest as Vice Chairman of the Harbour Users Association, a member of the Southwold Haven Port Stakeholders Group, a member of the Blyth Estuary Partnership and had a shed and boat at Southwold Harbour.

5 MINUTES

RESOLVED

That the Minutes of the Southwold Harbour Lands Joint Committee Meeting held on 18 December 2018 be approved as a correct record and signed by the Chairman.

Councillor Bradbury took the opportunity to request that all future Minutes of the Southwold Harbour Lands Joint Committee meetings should contain Councillors names, in order that it was clear who had asked questions or commented. It was confirmed that future minutes would contain Councillors names, wherever practicable.

6 SOUTHWOLD HARBOUR GOVERNANCE

The Head of Operations introduced a report, which he advised should be read in conjunction with the report from the Southwold Harbour Lands Joint Committee meeting from 18 December 2018. The report provided an overview of the recent history and management of the Southwold Harbour Lands, which included the harbour and neighbouring lands, the stretch of the River Blyth, Buss Creek, Salt Creek, the caravan and camping site and commercial properties leased to independent operators to generate rental income for the harbour.

Members noted the resolutions from the 18 December 2018 meeting, which were included in full, on pages 13 and 14 of the report. In summary, it was reported that the decision had been taken to revisit the resolutions made in 2015, that the Harbour Management Committee model of governance should be explored and that a Public Consultation process should be undertaken.

Members noted that there had been a significant amount of public consultation, the results of which had been included within the meeting papers and also the supplementary documents, which were tabled at the meeting and also published on the Council's website. There followed some discussion about the public consultation. It was noted that the public consultation included 4 specific questions:

1. Views on the Harbour Management Committee model
2. Actions that Waveney District Council should take to demonstrate a commitment to the future
3. Funding and investment – and how this should be managed
4. How Waveney District Council can ensure transparency and openness

The public consultation took place from 16 January 2019 to 1 March 2019. This comprised of Drop In Events, which took place on 19 and 26 January 2019 and which were attended by 43 and 27 people respectively. There was also a Public Meeting, which took place on 6 February 2019, which was attended by 120 people. Street Surveys also took place on 11 and 18 February 2019, which involved 16 and 28 people, respectively. Many comments had been received through the online questionnaire and by e-mail and copies were provided.

Waveney District Council's Overview & Scrutiny Committee also considered the Southwold Harbour Lands at its meeting on 7 February 2019, following Councillor Beavan's submission of a Scrutiny Scoping Form dated 20 December 2018. The Committee meeting focussed upon the following issues:

- The management of the North Dock Wall project
- The transparency of the Southwold Harbour Lands Joint Committee meetings
- The management of the Harbour and Caravan Site
- Accuracy of accounting

The Overview & Scrutiny Committee debated the matters in great detail and after due consideration made the following resolutions:

- 1) That the Southwold Harbour Lands Joint Committee should meet openly and formally with notice and minutes at least once a year.
- 2) That in the light of the information provided and reviewed, the Overview & Scrutiny Committee considers that it is not necessary or appropriate to further investigate the allegations made in the Scoping Form dated 20 December 2018 and it would be inappropriate to interfere with the consultation and consideration by the Southwold Harbour Lands Joint Committee of the way forward for the future governance of the Southwold Harbour Lands.

Those present were then updated regarding the ongoing discussions which had been taking place with the Department for Transport (DfT). Their advice had included that:

- Any new governance structure needed to be clear about who the duty holder was – with responsibility for ensuring that the port was compliant with the Port and Marine Safety Code.
- That Waveney District Council should look at the way that other Harbour Management Committees have been structured in order to meet all of the statutory requirements. It was noted that Littlehampton and Langstone had been given as examples of good practice.
- The report explored this information in more detail and it set out the proposed governance arrangements. Members noted that it was not the role of this meeting to decide on a particular model, however it should give consideration to these points.

Reassurance was provided that an Equality Impact Assessment had been undertaken and it had concluded that none of the issues under consideration would negatively impact upon any particular group. Members noted that all possible options for the Southwold Harbour Lands had been considered and evaluated, in accordance with the DfT guidance.

Members were advised that Section 12 of the report explained in great detail the reasons for the recommendations contained within the report. Reassurance was provided that the comments from the public consultation were in line with the priorities that were set out in the 2014 consultation and whose principles had guided the 2015 resolution. It was noted that the creation of a Harbour Management Committee, as proposed within the report, was in accordance with those principles, it was simply a

different vehicle to achieve those principles. The proposals under consideration would address all of the concerns which had been raised previously and in particular:

- Ensuring that any changes would reflect the character and culture of Southwold
- Allow for financial transparency and ensuring investment and re-investment in the lands, including nearby infrastructure such as road access
- The model of governance would be sustainable, with regular public meetings
- Ensuring that the caravan site would be protected from sale
- Partnership working involving local influence

The Head of Operations advised that as a result of the public consultation responses, the recommendations for the Southwold Harbour Lands Joint Committee to consider had been revised slightly to reflect the consultation comments received. It was noted that all those in attendance had been given a copy of the revised recommendations, which had increased from 4 to 6. The Head of Operations then read out all of the new recommendations, for clarity.

The 6 amended recommendations, which had been circulated at the meeting, were then moved and seconded by Councillors Palmer and Ritchie, respectively. Those present were then given the opportunity to ask questions.

Councillor Beavan stated that he was disappointed that the issue of ownership of the Southwold Harbour Lands had been mentioned again in this report, as he felt that the residents of Southwold had extended an olive branch towards Waveney District Council in respect of the Harbour. He also commented on the lack of public attendance at this meeting. Councillor Beavan stated that he felt that the public consultation process had gone well and he thanked the Head of Operations for his work in arranging it. He then commented that the report was hard to follow at certain points, as paragraph 11.3 had stated that some comments had been received from the public that the Harbour 'should not pay back Waveney District Council for the loan it had provided for the works on the North Dock Wall'. Despite reading all of the public comments received during the consultation process, he had been unable to find any comments relating to this matter. He then reported that the Chief Finance Officer and Section 151 Officer at Waveney District Council had, last week, agreed that the depreciation of the Southwold Harbour Lands should not be recorded within the accounts in its current form, ie being removed from the profits. This would result in £4million being returned to the Harbour accounts. He then stated that he would reserve his position on the ownership of the Southwold Harbour Lands for the time being. However, he was very keen to work with Waveney District Council to find a final solution to secure the future of the Southwold Harbour Lands. It was very important to work together, in order that local people would have an input and secrecy should be avoided at all costs. He stated that the issue of ownership of the lands was like a can of worms, with the same things being repeated by all sides concerned. He hoped that an independent body would be used to make the final decision in this respect and that it would be ensured that all profits would be reinvested back into the Harbour Lands.

Councillor Rowan-Robinson, Mayor of Southwold, reported that a letter from Southwold Town Council was included at Item 9, within the Supplementary Information which was tabled at the meeting. Southwold Town Council had debated the issue of the Harbour

Lands at its recent meeting. All Councillors had been given the opportunity to express their views and the majority view was summarised within the letter. He stated that he was delighted with the revised recommendations which had been presented, which reflected the points made during the public consultation. The public consultation process had been very thorough and detailed and Waveney District Council had listened to all of the responses. He hoped that significant progress could be made as a result and that the Harbour Management Committee could be established and become a reality. He took the opportunity to commend the revised recommendations and he thanked all those who had been involved in this significant piece of work.

Councillor Doy stated that she was a supporter of the local fishermen who used Southwold Harbour and that she was very pleased that any money generated by the Southwold Harbour Lands in future would be re-invested in the Harbour Lands. She stated that she had only ever wanted what was best for the Harbour Lands and, as a result, she agreed with Councillor Beavan and his views.

Councillor Flunder reported that he felt the public consultation had been undertaken to a very high standard and he offered his congratulations in this respect. He reported that it was very important for the views of local residents, fishermen and stakeholders to be taken seriously and it was crucial that all felt they had input into the future of the Southwold Harbour Lands. The most important thing was to build upon the trust between Southwold residents and Waveney District Council. Southwold Town Council would help to build trust wherever possible and it was important that best practice was followed at all times.

Councillor Bradbury reported that he was working on an amendment to the recommendations, which he would share later. He took the opportunity to praise the public consultation which had been undertaken and the large number of comments which had been received. Although he stated that he had some reservations about the validity of the street surveys, as tourists may have been involved rather than local residents. He felt that the comments received should be taken on board by all and that the Joint Committee should outline the main points that they had taken from the consultation process.

Councillor J Jeans stated that she had wished that the Members of Waveney District Council had been able to attend the Southwold Town Council meeting last week, in order to hear all of the debate and discussions which had taken place. She felt that it had been the best and most productive meeting so far. The meeting had been focussed, there had been honest debate and the evidence had been thoroughly reviewed. Southwold Town Council had come to a view, which was also embedded within the revised recommendations which had been tabled this evening. The consultation had been excellent and the 2014 principles would continue to be the basis for the whole process going forward. Councillor Jeans then requested further clarification regarding the issue of depreciation for Southwold Harbour Lands.

The Strategic Director reported that there was concern that Waveney District Council had taken £4.2million from the Southwold Harbour Lands, due to depreciation. This had been a complete misunderstanding. Local Authorities were required by law to record depreciation in a certain way. This accounting mechanism was completely different to

how businesses, organisations and associations would record their depreciation. To summarise, a debit entry for an amount to represent the depreciation was recorded in the accounts and then later, within the accounts, the same amount was credited. It was simply a paper exercise, there was no actual loss or gain. The whole balance sheet would be required, in order to see the debit and credit recorded. Waveney District Council could not return the £4.2million to Southwold Harbour Lands as it was never taken from them in the first place. The Chief Finance Officer and Section 151 Officer had meticulously gone through all of the accounts for the past 10 years and had found a minor error that had been replicated during those years. Waveney District Council had reimbursed the Southwold Harbour Land accounts with approximately £70,000 to correct this error. The accounts and finances of the Southwold Harbour Lands had been explained to Councillor Beavan, in great detail, several times, however he continued to disagree with the explanations provided.

Councillor Ritchie commented that he was pleased that Councillors from Waveney District Council and Southwold Town Council were so engaged and determined to find a suitable way forward for the Southwold Harbour Lands. He was pleased to note that the recommendations had been revised to take account of the comments from the public consultation and that the principles from the 2014 and 2015 meetings had also been taken on board. It was important that a workable solution was found for the Southwold Harbour Lands and the Harbour Management Committee appeared to be the most appropriate way forward. Councillor Ritchie reported that he was disappointed that it had taken so long to get to this point, however it was hoped that progress would continue in this respect.

There being no further comments or queries regarding the report or the revised recommendations, the matter was put to the vote. It was noted that the revised recommendations had previously been moved and seconded by Councillors D Palmer and D Ritchie respectively. The Joint Committee therefore

RESOLVED

Following consideration of the published report to the Joint Committee (the “**February Report**”) with appendices, the consultation responses received by 28 February 2019 and the other representations received by 1 March 2019, the Joint Committee resolves to:

1. rescind the resolutions it made on 18 March 2015 (the “**Resolutions**”) because, having considered the circumstances which have emerged and developed since those Resolutions were made and the results of the consultation exercise arranged pursuant to the resolutions made by the Joint Committee on 18 December 2018, it is satisfied that the Resolutions are no longer appropriate;
2. recommend to the simultaneous meeting of Waveney District Council (“**WDC**”) and Southwold Town Council (“**STC**”) which has been arranged for 10:30am on 15 March 2019 at the Stella Peskett Hall, Southwold that they modify the resolutions made by them on 28 July 2014, to withdraw the delegation to the Joint Committee to act as an “Initial Strategic Board” and direct the Joint Committee to, in line with its terms of reference, arrange to consult professional advisers and stakeholders and advise WDC and STC on proposals for a Harbour Management Committee to succeed the Joint Committee and:

- (i) enable short term governance improvements (including more local involvement and engagement in management and delivery) in line with the key principles in the June 2014 consultation document and the Ports Good Governance Guidance issued by the Department for Transport in March 2018; and
 - (ii) design proposals to deliver medium term improvements (which are likely to be made by application to the Marine Management Organisation for a Harbour Revision Order), addressing future ownership and providing for the long term welfare, sustainability, responsibility, liability and delivery of the Harbour Lands,
- 3. recommend that, when planning the short term improvements described in 2(i) above, the points set out in section 12 of the February Report should be taken into account, including places on the proposed Committee for member(s) of STC and other external appointees to represent local and other stakeholders;
- 4. recommend that, when designing the medium term improvements described in 2(ii) above, specific safeguards should, subject to legal advice and the requirements of stakeholders including the Department for Transport/Marine Management Organisation, be included:
 - (i) to protect surplus income from the Harbour and Harbour Lands, for the protection and benefit of the Harbour and Harbour Lands;
 - (ii) to preserve the Harbour Lands in the ownership of WDC and its successor local authority; and
 - (iii) to complement the short term governance improvements made in accordance with the resolutions above,
- 5. arrange to instruct professional advisers to advise on the appropriate constitution for a Harbour Management Committee as outlined above; and
- 6. make stakeholder engagement arrangements to consult community stakeholders and all other relevant stakeholders on the improvements outlined above.

The meeting concluded at 7.20 pm

Chairman