

**Unconfirmed**



**Members of the Committee present:**

Councillor Maurice Cook, Mr David Gledhill, Mr Alistair MacFarlane, Councillor James Mallinder, Mr Richard Musgrove, Mr Mike Pickles, Councillor Craig Rivett, Councillor Letitia Smith

**Other Members present:**

**Officers present:** Kerry Blair (Head of Operations), Jacqui Bullen (Planning Lead Lawyer), Kathryn Hurlock (Asset and Investment Manager), V Johnston (Senior Environmental Health Officer), Lorraine Rogers (Deputy Chief Finance Officer), Alli Stone (Democratic Services Officer), Nicola Wotton (Deputy Democratic Services Manager)

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**1 Apologies for Absence**

Apologies were received from Councillor Ritchie and Andrew Jarvis.

In the absence of the Chairman, Councillor Cook, Vice Chairman, assumed the Chair for this meeting.

**2 Declarations of Interest**

There were no Declarations of Interest.

**3 Minutes**

**RESOLVED**

That the Minutes of the meeting held on 23 September 2021 be agreed as a correct and signed by the Chairman.

During the consideration of the Minutes, the Chairman explained that the revised logo had been circulated to the HMC outside of the meeting and had been approved. All those present confirmed that it was now appropriate to trademark the logo.

The Chairman confirmed that a meeting of the Advisory Group would be arranged in due course.

#### **4 Budget Monitoring Report Quarter 2 2021/22**

The Chairman introduced report ES/0944 which provided an overview of the Budget Monitoring position for Quarter 2 2021/22; recommended a schedule of charges and dues for the Harbour for 2022/23 and sought the Committee's view on Campsite and Caravan Site fees and charges proposals for 2022/23.

The Chairman advised that as at Quarter 2 net Southwold Harbour income and expenditure was showing a small favourable variance compared with budget to date. It was anticipated that the outturn position for the year would be broadly in line with budget.

Net Southwold Caravan Site and Campsite Harbour income and expenditure was showing an adverse variance of around £62,000, and this was anticipated to increase by year end. Officers would explore further the potential for Government support funding for additional costs and income losses in respect of the pandemic.

The Chairman drew the Committee's attention to the key points in the report which provided further detail on the income and expenditure across the Harbour and Caravan and Campsite, and highlighted the proposed fees and charges for 2022/23 which were broadly in line with current rates of inflation and would increase income in the next financial year.

A Committee Member asked what figures had been applied to the white diesel stock in the harbour, and advised that the white diesel had 'sat' for a number of months and would be largely unusable. He added that there would be a cost for the removal and decontamination of this diesel, however there would also be additional income for the future sale of white diesel. The Head of Operations responded that this had not been taken into account, and that he and the Senior Environmental Health Officer would discuss the removal of the white diesel with the Harbour Working Group.

The Chairman moved the recommendation in the report which was duly seconded by Councillor Rivett and it was

#### **RESOLVED**

1. That the Budget Monitoring Report Quarter 2 2021/22 be reported to Cabinet.
2. That the annual schedule of charges and dues for the Harbour for 2022/23 attached as Appendix B, be recommended to Cabinet.
3. That the draft proposals for Fees and Charges for the Caravan Site and Campsite for 2022/23, attached as Appendix C, be recommended to Cabinet.

## **Review of Health and Safety Responsibilities - Southwold Harbour**

The Chairman introduced report ES/0945 which set out health and safety responsibilities in Southwold Harbour and invited the Head of Operations and Senior Environmental Health Officer to summarise the report.

The Head of Operations advised that with the formation of the Harbour Management Committee, East Suffolk Council had sought clarification of its responsibilities in relation to the harbour operation; to confirm where legal responsibility would lie for activities taking place in the harbour lands, and to identify how to make best use of the skills and expertise of the Members of the Harbour Management Committee.

The Head of Operations went on to explain that the Council was the owner and Statutory Harbour Authority for Southwold Harbour. The HMC was a Committee of the Cabinet of the Council and was not run or operated through any separate legal entity and therefore the HMC had no separate status from the Council in health and safety law. The Council was the employer, and therefore the duty holder under the key sections of the Health and Safety at Work Act. It was also the legal entity against which enforcement action would be taken in the event of breaches of the legislation.

In addition to the Health and Safety at Work Act, the Council was also expected to comply with the Marine Safety Code as the Statutory Harbour Authority. Under the Marine Safety Code a harbour management committee may act as the 'duty holder' for marine safety although the role of internal duty holder should not be confused with the Council's role as the legal duty holder. The Marine Safety Code also referred to a 'Designated Person' whose role was to provide independent assurance directly to the duty holder that the safety management system was working effectively, and subject to the HMCs agreement the Council would begin to recruit for a designated person for the Southwold Harbour.

The Head of Operations confirmed that HMC did have a role in terms of oversight, expertise and to provide recommendations to the Council to guide its management of the harbour and that a Compliance Working Group should be formed to enable best use of the HMCs expertise. He added that one of the first priorities of the Working Group would be to ensure a rota for the harbour master was in place and to review current health and safety risk assessments for the harbour and caravan site.

A Committee Member highlighted the webinars available from the British Port Association and advised that any new designated person and relevant officers should make use of this. He added that the Council should consider becoming a member of the Association to make use of their health and safety advice. The Head of Operations confirmed that he would investigate this further with the Compliance Working Group.

A Committee Member stated that some larger port organisations used other organisations rather than individuals in the designated person role, and that there were a number of marine advisors who would offer this service.

In response to a query from a Committee Member, the Head of Operations advised that the role of designated person would be for port health and safety functions only.

There being no further comments, on the proposition of Richard Musgrove, seconded by Councillor Rivett it was by a unanimous vote

## **RESOLVED**

- That it be noted that ESC will remain the duty holder
- That a Working Group be created to look at Compliance, including Health and Safety
- That an independent Designated Person be appointed

## **6 Appointments to the Southwold Harbour Management Committee Working Groups**

The Chairman introduced paper ES/0946 which provided details of appointments to four Working Groups and their Terms of Reference.

The Chairman summarised the four Working Groups, their aims and membership. He stated that the Working Groups would allow for detailed consideration of significant pieces of work, as identified on the HMCs work programme, with recommendations made to the HMC for further consideration and debate.

The Working Groups were as follows

Compliance Working Group, to focus on health and safety, security, processes and procedures

Alistair MacFarlane – Chairman

David Gledhill

Richard Musgrove

Councillor Craig Rivett

Supporting Officer – Nancy Riddell, Health and Safety Advisor

Caravan Site Working Group, to focus on modernisation and reorganisation of the Southwold Caravan and Campsite Site

Councillor Letitia Smith – Chairman

Councillor Maurice Cook

Alistair MacFarlane

Councillor James Mallinder

The Chairman of the Southwold Caravan Users Association would be a Co-opted/Consultee Member, who will attend meetings on an ad hoc basis (attending in an unpaid, advisory capacity)

Supporting Officer – Kathryn Hurlock, Asset and Investment Manager

Working Harbour Working Group, to focus on improvements and income generation for the Harbour

Councillor Maurice Cook – Chairman

David Gledhill

Mike Pickles

Councillor David Ritchie

Supporting Officer – Kerry Blair, Head of Operations

Southwold Harbour Investment Plan (SHIP) Working Group, to focus on future projects and investment for the Harbour

David Gledhill – Chairman

Richard Musgrove

Mike Pickles

Councillor David Ritchie

Councillor Craig Rivett

Supporting Officer – Madeline Fallon, Senior Coastal Advisor

There being no further discussion, on the proposal of the Chairman and seconded by Councillor Smith it was by unanimous vote

## **RESOLVED**

That the HMC note the appointment of Members of the Southwold Harbour Management Committee to the four Working Groups and their Terms of Reference.

### **7 Southwold Harbour Management Committee's Forward Work Programme**

The Committee considered the work programme for 2021 and 2022.

A Committee Member asked that the Harbour Revision Order be deferred to the March 2022, meeting to allow time for the necessary work to be done. The HMC agreed that the item be deferred.

### **8 Exempt/Confidential Items (LGA)**

## **RESOLVED**

That, under Section 100A(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

### **9 Exempt minutes**

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

### **10 Southwold Caravan and Camping Site**

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

### **11 Southwold Harbour Lands Assets**

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

## **12 Date of Next Meeting**

It was noted that the next meeting be held on Thursday 27 January 2022 at 4.00pm.

The Committee agreed an additional meeting date of Thursday 10 March 2022 at 4.00pm.

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Chairman