

Confirmed



Minutes of a Meeting of the **Southwold Harbour Management Committee** held in the Stella Peskett Millennium Hall, on **Thursday, 14 July 2022 at 4.00pm.**

Members of the Sub-Committee present:

Mr Richard Musgrove, Mr Mike Pickles, Councillor David Ritchie, Councillor Craig Rivett, Councillor Mary Rudd

Other Members present:

Councillor David Beavan, Councillor Steve Gallant

Officers present: Chris Bing (Head of Legal and Democratic Services), Kerry Blair (Head of Operations), Sharon Bleese (Coastal Manager (South)), Lara Moore (Partner, Ashfords LLP), Lorraine Rogers (Deputy Chief Finance Officer), Alli Stone (Democratic Services Officer), Nicola Wotton (Deputy Democratic Services Manager)

1 Introduction from the Leader of the Council.

The Leader of the Council updated the meeting on the reason for the postponement of the May 2022 meeting and the status of the Harbour Management Committee (HMC) going forward.

In May East Suffolk Council was asked to consider a technical question about the way that the HMC had originally been constituted; namely whether the HMC with co-optees had the authority to take decisions. We postponed the May HMC meeting to consider this further.

The Leader confirmed that as the Cabinet held all of the of harbour authority function at East Suffolk Council, the HMC with external members can only be 'advisory', and that it could make recommendations to Cabinet but it cannot take decisions. Any decisions would have to be taken by the Cabinet, or the Leader on behalf of Cabinet. To date, the HMC had in fact functioned as an Executive Advisory Committee, with its recommendations reported to Cabinet and signed off.

The Leader stated that moving forward, the Terms of Reference for HMC would be amended to reflect that HMC had been operating as an Executive Advisory Committee and to provide for the Leader ratifying HMC recommendations on behalf of Cabinet to expedite decision making. This was a tried and tested mechanism with many precedents – and was used effectively by other committees, such as the Council’s successful Community Partnerships.

The Leader stated that East Suffolk Council believed that this was the best solution, providing a practical way forward, whilst recognising the expertise of the Harbour Management Committee to identify what was best for the Harbour and its users.

The Leader invited questions.

Mr Pickles asked that this comment be communicated to the wider community and reassurance provided that the remit of the HMC had not changed since the earlier consultation. The Leader agreed that this did need to be communicated as widely as possible, and that it was not the intention of the Council to change the HMC going forward. The HMC and the Council were governed by Local Government rules, and he reassured those present that the pause in meetings was not due to any internal decisions by the Council. The Leader reiterated that although he was required by law to make the final decision, he fully trusted and supported the information from the Committee and its members and he was not expecting to make decisions which differed to the advice coming from the Committee.

Mr Musgrove asked what the process was should a recommendation be rejected. The Leader confirmed that this was unlikely, he would be looking at the decisions the day following the Harbour Management Committee meetings and that he anticipated that if there was a delay it would be because he would require more background information from the HMC in order to fully understand the decisions being made.

2 Election of a Chairman

On the proposition of Councillor Rivett, seconded by Richard Musgrove, it was

RESOLVED

That Councillor Ritchie be elected as Chairman of the Southwold Harbour Management Committee for the 2022/23 municipal year.

3 Election of a Vice-Chairman

On the proposition of Councillor Ritchie, seconded by Councillor Rivett, it was

RESOLVED

That Councillor Cook be elected as Vice- Chairman of the Southwold Harbour Management Committee for the 2022/23 municipal year.

4 Apologies for Absence

Apologies for absence were received from Councillor Cook, David Gledhill, Alastair MacFarlane and Councillor Smith.

5 Declarations of Interest

Mike Pickles declared a non-registerable interest in item 11. The Monitoring Officer confirmed that Mr Pickles had been granted a dispensation pursuant to Section 33(a) of the Localism Act 2011 to remain in the room and speak, but not vote on this matter.

6 Minutes

RESOLVED

That the minutes of the meeting held on the 10 March 2022 be agreed as correct and signed by the Chairman.

7 Southwold Harbour Annual Report

The Committee received report **ES/1207** of the Head of Operations and Chief Finance Officer. The Head of Operations introduced the report which summarised activity in the Harbour and Caravan site in the last year, including income and expenditure.

The Head of Operations stated that the report was generally positive. Whilst operations had been impacted by Covid, both the Harbour and Caravan Site operations were returning to normal. Income from the harbour had exceeded the budget by around £77,000 and this was made up of income from an increased number of leases and increased use of the car parks in the Harbour.

In terms of the caravan site, the Head of Operations stated there was a larger impact due to Covid as the Council had refunded caravan owners for the period they could not use their caravans. However, there was increased income through touring fees and the campsite. The Council did also claim compensation for Covid income losses at the site through Government schemes. The Head of Operations added that much of the income from the site had been reinvested to improve facilities on the touring site.

The Chairman invited questions.

Councillor Beavan thanked the Committee for their transparency in publishing the accounts, but asked for further clarification around the figures for the depreciation in the report. The Deputy Chief Finance Officer confirmed she would discuss this with Councillor Beavan following the meeting.

Mr Pickles asked why there had been an increase in payments for capital investment in the last year compared to previous years. The Deputy Chief Finance Officer confirmed that this was due to the increased income from the campsite compared to previous years, which meant that the repayment for capital investment could be increased.

Mr Musgrove asked if the harbour dues included a charge which could be fed back into navigation and other aids. The Deputy Chief Finance Officer confirmed she would look

into this and circulate a response to the Harbour Management Committee and Stakeholder Advisory Group.

There being no further questions, on the proposal of Councillor Rivett and seconded by Councillor Rudd it was by a unanimous vote

RESOLVED

That having commented upon the Southwold Harbour Annual Report, the Harbour Management Committee (HMC) noted the contents.

8 Staffing Updates: General Manager and Designated Person

The Committee received report **ES/1200** of the Head of Operations, the purpose of which was to provide an update on the General Manager, Southwold Harbour Lands, and the appointment of a Designated Person.

The Head of Operations confirmed that three options were considered for the appointment of Designated Person, and the Council had decided to contract a firm to fulfil this role. Following an open market tender exercise, ABPmer had been appointed. They would be reviewing the marine safety system, navigation in the Harbour, the statement of compliance as well as providing ongoing monitoring and assurance to the HMC on compliance issues around the Harbour.

Mr Musgrove commented that he felt that the selection process was very thorough and that he was pleased that a Designated Person had been appointed.

The Head of Operations updated the Committee on the appointment of a General Manager to oversee the business of the harbour, including the delivery of the business plan, any major engineering works and projects. Interviews had taken place, and the position had been offered to a candidate. The Head of Operations confirmed that as soon as this candidate accepted the role he would communicate this to the HMC. Should the candidate refuse the role, there was a second choice candidate who would also be appropriate.

Mr Pickles asked who the candidate would be employed by and where they would sit in the staff structure. The Head of Operations confirmed they would be employed by the Council, and the Caravan Site Manager and Harbourmaster would report to the General Manager, and that the General Manager would in turn report to the Head of Operations.

Councillor Beavan commented that he was not convinced there was a need for this role. The Chairman responded that he felt there was a genuine need for this role as other staff involved were incredibly busy with work in other areas of the Council and there was a need to devote more resources to the Harbour to get projects underway.

Councillor Rivett agreed with this comment, it was important that there was staff resource for the works needed in the harbour to take place.

There being no further questions, on the proposal of Councillor Ritchie seconded by Councillor Rudd it was by a unanimous vote

RESOLVED

That having considered the report, the Harbour Management Committee (HMC) noted the update.

9 Draft Budget Monitoring Report Quarter 4 2021/22

The Committee received report **ES/1213** of the Deputy Chief Finance Officer, the purpose of which was to provide the committee with an overview of the draft outturn position for the year ending 31 March 2022.

The Deputy Chief Finance Officer summarised the report. As discussed under the Annual Report, income from the Harbour and Caravan and Campsite were both in a surplus despite the continued impact of Covid. Spending across within premises, supplies and services was slightly under budget, and this would be looked at in more detail to see what could be changed for the next year.

The Deputy Chief Finance Officer stated that going forward there would be a need to closely monitor areas such as utilities where costs were expected to rise.

The provision in the budget for support services was highlighted, and the Deputy Chief Finance Officer confirmed that this was to cover support services costs to the Harbour such as IT and Finance. The same methodology was applied across the Council and was not particular to the Harbour.

There being no questions, on the proposal of Councillor Rivett seconded by Mr Musgrove it was by a unanimous vote,

RESOLVED

That the Harbour Management Committee, having reviewed the Draft Budget Monitoring Report for Quarter 4 2021/22, report this to Cabinet.

10 Harbour Revision Order

The Committee received report **ES/1202** of the Head of Operations, the purpose of which was to set out the process and timeline for a Harbour Revision Order (HRO). The Head of Operations invite Ms Lara Moore, Ashfords LLP, to present to the Committee.

Ms Moore summarised the core test for any Harbour Revision Order (HRO). In order for a HRO to be successful, the Marine Management Organisation(MMO) would have to be

“Satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships”.

Ms Moore confirmed the process and timeframe for a HRO. A draft Harbour Order and Statement of Support would be created and put out for pre-application consultation for 28 days. Following this consultation the Harbour Order and Statement of Support would be amended based on feedback. Whilst the Harbour Order used fairly standard wording, and the Statement of Support provided more context around each point and would be of more use and interest to the public.

This would then be submitted to the MMO. Costs for application would be rising in October and it was hoped that the Harbour Order could be submitted before the rise. Ms Moore confirmed that to meet this deadline the application could be submitted whilst pre-application consultation was ongoing and then updated post submission. The MMO would then consider the Harbour Order and ask for any clarification or updates. The Harbour Order would then be submitted for formal public consultation for 42 days. During this consultation any responses would be submitted to the MMO.

Responses would be sent to the Council who would then discuss options with those who had submitted them, make any amendments, and then resubmit the application to the MMO to determine the order and check it with the Department of Transport. The Order would then have to be laid in Parliament, and Ms Moore stated that this was the main cause of delays at present. The final Harbour Revision Order would then be published.

Ms Moore summarised the provisions which might be included in the Harbour Revision Order. Firstly, the Order would place the HMC and the Stakeholder Advisory Group on a statutory footing and ensure that they could not be dissolved. The revised Order would also update the wording to ensure that Harbour funds and capital money continue to be ringfenced for spending within the Harbour lands.

Further provisions included ensuring the rating and Harbour limits were the same, modernising the definition of vessels, obtaining powers of general direction and making the landside Harbour limits flexible to allow the Council to purchase and dispose of land without an additional HRO. Ms Moore confirmed that there would be restrictions on this provision to prevent the disposal of land which was essential to the running of the Harbour.

Ms Moore confirmed that ideally the pre-application consultation would start in mid-august and and it was realistic to draft an order for the October deadline as much of the wording in the Order itself was standardised.

The Chairman invited questions

Mr Musgrove asked if a requirement for vessels to be insured could be included as a power general direction. Ms Moore confirmed that this was possible.

Mr Pickles asked if there would be any additional responsibilities or requirements in the Harbour as a result of the revised Order. Ms Moore confirmed that there would not, rather the Order would make it easier to comply with current legislation and requirements and give the Harbour additional powers of enforcement.

Councillor Beavan stated that whilst he accepted it might not be feasible to increase the Harbour limits to include the estuary, but asked if anything could be included on the wider environment and show its importance to the management of the Harbour. Ms Moore confirmed that there would be something included to ensure that the wider environment was protected but stated that a HRO would not be successful if it required the Harbour to take on larger responsibilities. Ms Moore confirmed that wider discussions on this could take place during the pre-application consultation when a HRO had been drafted and it was clearer what was and was not included.

The Coastal Manager stated that the issue around maintaining estuary walls was that the Council did not have the power to maintain walls inland from a flood risk perspective. The Environment Agency were responsible for the maintenance of estuaries until they became uneconomic to maintain. At this point the Environment Agency would engage with landowners and pass the responsibility over. The Local Authority did not have powers to take on this responsibility to operate in this area. However East Suffolk Council did engage with the Environment Agency, landowners and other risk managers to discuss the management of the estuary walls.

Ms Moore suggested that stakeholders might want to submit comments on estuary management during the pre-application stage to enable discussions to take place more widely.

The Chairman agreed that the Harbour Revision Order needed to reflect that there was a relationship between the estuary and the Harbour, but the wording would need to be carefully considered to ensure that the Order was passed.

There being no further questions, on the proposal of Councillor Ritchie seconded by Mr Musgrove it was by a unanimous vote

RESOLVED

That the HMC recommends that the Leader of the Council:

1. Approves moving forward with an Harbour Revision Order, with the understanding that more work would need to be done on the flexibility of the harbour limits and understanding of responsibilities upstream of the harbour.
2. Grants Delegated Authority to the Head of Operations to appoint a Legal Advisor to support the HRO process.

11 Caravan Site Update

The Committee received report **ES/1204** of the Head of Operations, the purpose of which was to provide an update on the implementation of changes at Southwold Caravan and Campsite.

The Head of Operations stated that in 2019 the Council had commissioned a report into the development of the Caravan and Campsite. The main recommendation in the report focussed on improving service provision, modernising the site and modernising the lease arrangements between caravan owners and the Council. The recommendations from this report had been passed to the Southwold Caravan Owners Association (SCOA) for feedback.

The Head of Operations summarised the response from SCOA. Their main recommendation was that the Chair of SCOA should attend the Caravan Site Working Group as the main way of engaging around this issue, that a business plan for the site be created by December 2022 and the wider recommendations of SOCA members form the way forward.

The Chairman invited questions.

The Leader commented that the work on the Caravan and Campsite and with SCOA would be a key part of the Council's ambitions going forward, and that it was important to balance the interests of the caravan and campsite users, harbour users, the wider community and the Council. Whilst the caravan users would be engaged and have an important role going forward, it was important to consider the wider picture for all users.

Councillor Beavan stated that the town and Harbour were supportive of the Caravan and Campsite and that they looked forward to its success.

There being no further questions, on the proposal of Councillor Ritchie and seconded by Councillor Rudd it was by a unanimous vote

RESOLVED

That the Harbour Management Committee (HMC) note the update.

12 Term of Office of Co-opted Member Mike Pickles

The Committee received report **ES/1212** of the Deputy Democratic Services Manager, the purpose of which was to recommend that Mr Mike Pickles Term of Office be extended for a further three years.

Councillor Rivett thanked Mr Pickles for his service to the committee, and agreed that he was a valuable member of the committee.

On the proposal of Councillor Ritchie seconded by Councillor Rudd and by a majority vote it was

RESOLVED

That the HMC recommends to the Leader of the Council:

That Mike Pickles be Co-opted for a further 3 year Term of Office onto the Southwold Harbour Management Committee.

13 Appointment of a Substitute Representative to the Stakeholder Advisory Group

The Committee received report **ES/1211** of the Deputy Democratic Services Manager, the purpose of which was to nominate a substitute to attend the Stakeholder Advisory Group meeting if the representative from Southwold Town Council, Councillor Will

Windell, was unable to attend. The Monitoring Office confirmed that the Town Council had proposed this substitution.

On the proposal of Councillor Rudd and seconded by Councillor Rivett it was by a unanimous vote

RESOLVED

That Southwold Town Councillor, Ian Bradbury, be able to attend as a Substitute for Southwold Town Councillor, Will Windell, at future meetings of the Stakeholder Advisory Group (SAG).

14 Appointment of a Representative for Blythburgh Parish Council to the Stakeholder Advisory Group

The Committee received report **ES/1210** of the Deputy Democratic Services Manager, the purpose of which was to appoint a representative for Blythburgh Parish Council onto the Stakeholder Advisory Group (SAG).

Councillor Ritchie thanked Mr Blois for agreeing to be a member of the Advisory Group, and stated that he would be an asset to the group.

On the proposal of Councillor Rudd seconded by Mr Pickles it was by a unanimous vote

RESOLVED

That Mr Andrew Blois be appointed as East Suffolk Council's named representative for Blythburgh Parish Council on the Stakeholder Advisory Group, with immediate effect.

15 Southwold Harbour Management Committee's Work Programme

The Committee considered the forward work programme.

The Head of Operations informed the Committee that the results of the audit by the Designated Person and the report from Royal Haskoning would be added to the work programme for September.

It was agreed that an additional meeting would be added in October to replace the meeting which had been cancelled in May.

16 Dates of Next Meeting

The dates of the next meetings were noted as 22 September and 3 November 2022.

17 Exempt/Confidential Items

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.

18 Exempt minutes

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

The meeting concluded at 5.50pm

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Chairman