

**CANTERBURY CITY COUNCIL**

**WHITSTABLE HARBOUR BOARD**

**Minutes of a meeting held on Friday, 19th November, 2010  
at 3.00 pm in the Parish Social Centre, 15A Castle Road, Whitstable**

**Present:** Councillor Dixey (Chairman)  
Councillor Hando  
Councillor Harrison  
\*Councillor Law (In place of Councillor Windsor)  
Councillor J Perkins  
Councillor Thomas  
Councillor Wratten  
Ms Brown

**In attendance**

**Officers:** Malcolm Burgess - Head of Property and Engineering  
\*Michael Jury - Financial Services Manager  
Mike Wier - Port Manager and Harbour Master  
Nicola Adams - Democratic Services Officer  
\*John Davison - Project Engineer

(\*present for part of the meeting)

**373 APOLOGY FOR ABSENCE**

An apology for absence was received from Councillor Windsor.

**374 SUBSTITUTE MEMBERS (COUNCILLORS)**

Councillor Mrs Law attended the meeting as a substitute for Councillor Windsor.

**375 DECLARATION OF INTERESTS BY MEMBERS AND OFFICERS**

Councillor Perkins declared a personal interest as a member of the Yacht Club

Councillor Harrison declared a personal interest as her husband was an honorary life member of the Yacht Club and as a Trustee of the Whitstable Improvement Trust. Councillor Harrison also declared a prejudicial interest in any matters relating to beach huts as she rented a beach hut.

Councillor Thomas declared a personal interest as a Member of the Whitstable Recreational Water Users' Group

**376 PUBLIC PARTICIPATION**

There was no public participation at the meeting.

**377 LIAISON WITH STAKEHOLDERS**

There was no liaison with stakeholders.

**378 FORMER INDEPENDENT MEMBERS OF THE HARBOUR BOARD**

The Chairman and the Board thanked the former independent members of the Board for their work and contributions to making the Harbour a success. The Chairman indicated that he would write a letter of thanks to each former member.

**379 MINUTES**

The minutes of the meeting held on 17 September 2010 were agreed as a true record and signed by the Chairman.

**380 MATTERS ARISING FROM THE PREVIOUS MEETING**

Harbour Users Forum

Several Members of the Board made comments indicating that only tenants, users and those who had a business relationship with the Harbour should attend the meetings.

RESOLVED - That only those designated above should attend meetings of the Harbour Users Forum

Ref 4.1(e): Conclude on revised pedestrian safety – The Chairman confirmed that a satisfactory risk assessment had been received.

Ref 4.1(e): Introduce parking facilities for cyclists – The Chairman indicated that this would be included in the Dead Man’s Corner project and that the cost was low so additional sources of funding were not required.

Ref 4.2B(d): Children’s play area on land adjacent to the West Quay – The Chairman informed the Board that there would be a meeting involving the Whitstable Improvement Trust (WIT) and Roger Seijo to discuss this. The Port Manager and Harbour Master confirmed that the intention was to bring ideas back for discussion to the Harbour Board.

A member of the public commented that the proposal for a children’s play area was not formally supported by the WIT.

Members of the Board made various comments regarding the children’s play area, including the following:

- (i) Had the Harbour Board agreed that they supported the play area or not?
- (ii) Was the proposed area where the boats were repaired?
- (iii) The Harbour was a working Harbour and was a play area necessary?
- (iv) If the WIT were not involved then there was an issue with working with partners.

- (v) There were health and safety concerns about the location proposed for the play area.
- (vi) A children's play area was not part of a Harbour's activities.
- (vii) The Whitstable Castle had a new children's play area so was one at the Harbour necessary?
- (viii) The item should be removed from the Harbour Action Plan.

The Port Manager and Harbour Master indicated that there were concerns over the proposal and that the City Council's officers had raised reservations due to health and safety issues.

RESOLVED – That the Board did not support the introduction of a children's play area on land adjacent to the West Quay.

#### Annual Report

The Chairman thanked all those who had been involved in the production of the annual report.

#### Beach Huts

A Member commented that the occupants of the beach huts could choose a from a specified palate of colours and designs for their huts to be painted.

Another Member asked if the painting of the beach huts was supposed to be sponsored.

The Head of Property and Engineering Services responded that the Board had agreed in principle to the old beach huts being painted at the same time as the construction of the new beach huts. A letter had been received from the WIT which indicated that they would make a contribution to the painting but on condition that the project should be extended to cleaning up the adjacent beach area.

The Board Members made the following comments:

- (i) The process was very complicated.
- (ii) Where was the money allocated to pay for the painting?
- (iii) The original idea had been for the whole cost of painting the beach huts to be met from sponsorship.

The Chairman commented that it had been agreed at the last Board meeting to paint the existing beach huts.

The Head of Property and Engineering Services informed the Board Members that quotations for the painting had been received and ranged from £9,000 to £13,000. It was agreed by the Board to continue to support the painting but it had been hoped that the costs would be offset by contributions from other sources.

The Board Members considered the report of the Port Manager and Harbour Master which updated the Harbour Board on matters relating to legislation, management, harbour operations, staff, communications, publicity and general marine issues.

The Members discussed the issues raised in the port and asked questions of the Port Manager and Harbour Master.

The issues discussed included the following:

- (i) Oil spill exercise – This would happen on 21 September and would involve the deployment of vessels and equipment. The exercise was carried out every three years.
- (ii) Harbour operations – East and West Quay – The shipping was at its highest level for five years.
- (iii) Parking charges – The proposed charges were included for consultation purposes and two amendments were reported. The proposed charge for the Oyster Car Park for 1-3 hours should be £2.40 and for 3-5 hours should be £3.00. All the revenue from the car park charges went to the Harbour Board but the enforcement charges were kept by the City Council.
- (iv) Wind Farm Operations – There was a proposal to extend the Kentish Flats wind farm by 17 turbines. The sea bed was being investigated to ensure it was suitable for new wind turbines. Vattenfall had indicated that the contract would be operated from Ramsgate which was also going to be the main base for the London Array Wind Farm. The Chairman suggested that ~~but~~ adverse weather was affecting access to Ramsgate Harbour at times and as such Whitstable Harbour could be an alternative. Construction would start in 2011.
- (v) Staffing – The Board thanked Mike Gambrell for all his work during his 31 years at the Harbour and noted that he was willing and able to assist the Harbour on a casual basis in the future.
- (vi) Seashore Ecology Centre – Approaches had been made to the Chairman.
- (vii) Whitstable Harbour website – There was still some work to do and tests would be carried out by Board Members and officers. Businesses and harbour users would then be invited to test the website in due course. It was hoped the website would be live in the next few weeks. Board Members complimented the website and all those who had been involved in its creation. The RNLI were contributing to the education area on the site and it was hoped that there would be a monthly newsletter which would include articles from harbour businesses.
- (viii) Whitstable Harbour Annual General Meeting – It should not be known as an annual general meeting but as an annual public meeting.

## 382 HARBOUR WORK PLAN

Members of the Board reviewed the list of current issues and development issues as set out in the Whitstable Harbour Action Plan. Officers provided updates on the progress to date on the actions and general points arising from the discussions between the Board Members and Officers included:

**i) Current Issues**

Ref No 3: Conclude lease arrangements with WOFC: The lease arrangements were very close to completion.

The Board requested that the Port Manager and Harbour Master report back on the available space in the Harbour and that the issue be raised at the Harbour Users' Forum.

**ii) Development Issues**

Ref 4.1(a): Marketing approach for the Harbour and the Harbour website: This had been referred to under the Minutes.

Ref 4.1(e): Review regeneration plans for the Angling Club: This was ongoing.

Ref 4.1(e): Determine the nature and extent of upgrade to toilet facilities: The Executive decided to defer the decision on the toilets at its meeting on 18 November. The South Quay repairs had been approved and it was considered that to fund any further developments from the reserves would not be prudent at the present time. The total cost for the hire of the recent temporary toilets was approximately £600.

Ref 4.1(e): Introduce parking facilities for cyclists: There had been an approach from an interested party to locate a cycle rental service in the Harbour.

Ref 4.2D(e): Support marketing activities for pleasure craft activities: This should wait until the South Quay embarkation facilities had been improved. The due date should be Spring 2012.

Ref 4.2D(e): Construct suitable embarkation facilities for pleasure craft: The present facilities were safe for purpose but they would be improved. It would not be possible to make these DDA compliant. Members felt that steps which were metal, non-slip and non-corrosible were a very good option and the matter should be raised with the Harbour Users Forum and with the Fishermen's Association.

Ref 4.2B(d): Support and help co-ordinate the grant funding and development of Dead Man's Corner: The tenders received were higher than the budget which meant that the scale of the project had been reduced slightly and the specification varied to match the budget. The contractors had been appointed and it was expected that work would commence in January 2011.

Ref 4.2B(d): Promote the proposed development of a children's play area on land adjacent to the West Quay: The Board felt that this project was not appropriate and should be removed from the Harbour Work Plan.

Ref 4.2B(e): Provide land area for the construction of a barge museum: The museum's business plan was awaited and the museum was being encouraged to contact the Council's planning department for advice before submitting a formal planning application. Councillor Wratten volunteered to be a point of contact for the museum and the Board. The Head of Property and Engineering Services would pass on all the relevant details. Any new buildings on the South Quay would have to comply with the Harbour's design guidance.

Ref 4.3(c): Liaise with WRWUG to ensure optimal use of land and appropriate facilities are in place on the Long Beach: A formal response was still awaited. The Action Plan should be amended to include Councillor Harrison as a lead board member as well as Councillor Windsor.

iii) **Standing Issues**

Ref S5: Recruit new Harbour Board member(s): This would be delayed until the final decision of the Scrutiny Review was known. It would be considered by the Executive at the meeting on 2 December.

A Member pointed out that certain Members of Board were not listed in the Board Members section at the end of the Action Plan.

383 **HARBOUR ACCOUNTS 2010-11**

The Financial Services Manager introduced the report of the Head of Finance which explained the trading position for the six month period to 30 September 2010 and a projected outturn for the full year. The report included a five year projection for the profit and loss account and the capital expenditure. An amendment was made to the capital expenditure statement 2008/9 to 2014/15 where the figure for quay area 4 was amended to read £500,000 and for the total capital expenditure to read £600,000.

The Chairman explained that historically the end of year projection at this point was normally lower than the actual result and that the profit and loss figures were based on the business status quo with no new businesses operating in the Harbour.

A Member of the Board asked why, if the central services costs were constantly increasing, was it anticipated that the amount would drop on 2014/15.

The Head of Property and Engineering Services explained that the work on the South Quay development and repairs was one of the main reasons for the high central services costs and this would not be the case in 2014/15.

The Financial Services Manager indicated that the Strategic Plan and the Scrutiny Review had added to central services costs.

A Member of the Board asked if the future projections included any revenue from additional tenants on the South Quay.

The Financial Services Manager explained that the projections did not include any revenue growth and were based on the income remaining at its present level.

A Member of the Board asked a number of questions relating to levels of reserves, the cost of borrowing for the South Quay and the cost of borrowing in general.

The Financial Services Manager made the following comments in response:

- (i) The current amount held in reserves was approximately £350,000.
- (ii) £350,000 would be borrowed for the work on the South Quay.
- (iii) The cost of borrowing £350,000 would be £18,000 a year.
- (iv) The yearly cost of the current outstanding loans was £27,800.

- (v) The Harbour needed repairs worth £3 million over the next seven years and the cost of servicing debts in 2020 would be £180,000 to £190,000 per annum.

The Chairman commented that the annual Harbour surplus was nearly at a level of to be able to finance the £3 million debt.

A Member emphasised the need for the Harbour Board to be prudent due to the present economic situation and indicated that to build new toilets at present would not be prudent.

The Head of Property and Engineering Services commented that the Board would need to consider all possible income options.

A Member of the Board indicated that the 2 priorities for the Harbour Board's finances should be to maintain the harbour dredging and to maintain the sea wall.

The Financial Services Manager indicated that the contribution to the dredging reserve was included in the figure for premises costs and totalled £27,500 in the current year.

A Member of the Board drew attention to the need to maintain investment in communications and marketing.

The Portfolio Holder commented on the reduction in grants from central Government for Harbour repairs and coastal / sea defences.

RESOLVED – That the report be noted.

RECOMMENDED to **(Full Council)** – That financial projections 2008/9 – 2014/15 for the profit and loss account and the capital expenditure statement be noted.

#### 384 **APPOINTMENT OF DESIGNATED PERSON**

The Port Manager and Harbour Master introduced the report which sought the Harbour Board's authority to appoint a new Designated Person in respect of the Port Marine Safety Code.

Various Members of the Board made the following comments:

- (i) Was someone employed to carry out the audit or did the Harbour have a reciprocal relationship with another port?
- (ii) The authorities at the Medway Ports were willing to carry out an audit of Whitstable Harbour by a qualified person.

The Port Manager and Harbour Master responded that audits were carried out by suitably qualified people possibly from another port.

RESOLVED -

- (a) That the Port Manager and Harbour Master be re-appointed Designated Person and;
- (b) That an external audit is carried out every two years.

**385 HARBOUR BOARD - DREDGING REPORT NOV 2010**

The Project Engineer introduced the report which examined the use of water injection dredging as opposed to conventional dredging which was currently carried out at the harbour and made a recommendation as to the way forward. The following points were made by the Project Engineer and the Head of Property and Engineering Services:

- (i) Internal and external consultations had been carried out over water injection dredging (WID).
- (ii) While WID was cheaper it was not considered to be appropriate for Whitstable Harbour because of the risk to the shellfish industry.
- (iii) The primary benefits of WID were the reduced cost for dredging and the consistency of depth which could be achieved but there was a great deal of uncertainty over the implications.
- (iv) The WID method required a licence and it was not certain if Whitstable would be able to obtain a licence because of the objections from the shell fish industry and unknown implications on the adjoining SSSI.
- (v) The dredging arrangements at other harbours with nearby shell fish beds had been investigated.

Members of the Board made the following comments:

- (i) The use of conventional dredging was supported by the fishermen.
- (ii) The Environment Agency's restrictions on issuing WID licences were very tight.
- (iii) The officers involved should be praised for all their work.
- (iv) The dispersal area was relatively close to the shore.

RESOLVED – That conventional dredging is carried out for the next dredge at the harbour due by September 2011 and for the foreseeable future. The situation should be reviewed in three years time when more information may be available as to the effects of water injection dredging carried out adjacent to shell fish beds.

**386 DATE OF NEXT MEETING**

The next meeting would be held on Friday 21 January 2011 at 3pm in the Parish Social Centre, 15a Castle Road, Whitstable.

**387 EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED – That under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business on the grounds that there would be disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act or the Freedom of Information Act or both.

**388 WHITSTABLE HARBOUR INCOME REVIEW - REPORT OF AUDITOR**

(Exempt information)

The Port Manager and Harbour Master introduced the report which explained that there had been an audit review of the procedures for dealing with income from the harbour, and certain recommendations for improvements.

The Board Members commented on various aspects of the audit review.

RESOLVED –

- (a) That an increase in the fuel levy be considered during the review of harbour charges at the January Board meeting
- (b) That a new fuel management system be investigated.
- (c) That the Harbour Board receive a quarterly debtors report which includes the additional information requested on the age of debts and the financial trends.

**389 WEST QUAY - REDUCED WIND FARM COMPOUND**

(Exempt information)

The Head of Property and Engineering Services introduced the report which related to the additional area of land occupied by Kentish Flats Limited as ancillary storage to their main operational depot.

Various Members of the Board made comments about the uses for the vacant space on the West Quay and the future developments for the wind farm.

RESOLVED –

- (a) That a new “tenancy at will” be granted to Kentish Flats Limited on the terms reported.
- (b) That the Head of Property and Engineering Services, in consultation with the Head of Legal and Democratic Services, be authorised to agree any matters necessary to complete the lease.

**390 MOBILE ICE CREAM CONCESSION FOR SUMMER 2011**

(Exempt information)

The Head of Property and Engineering Services explained that the previous Licence holder for the mobile ice cream concession had expressed an interest in having the Licence in 2011 and had offered an increased licence fee.

RESOLVED – That the offer submitted by the current Licensee for the 2011 season be accepted.

**391 SOUTH QUAY - SHORT TERM LEASING STRATEGY**

(Exempt information)

(Councillor Thomas declared a personal interest in this item and he explained the nature of the interest.)

The Head of Property and Engineering Services introduced the report which related to an additional area of land freed for commercial use following the demolition of the

former goods shed. The long term proposals for the redevelopment of the South Quay would not be affected by the short term leasing strategy.

Members of the Board made the following comments:

- (i) The tenants of the South Quay should keep within their curtilage.
- (ii) The Port Manager and Harbour Master was aware of the issues regarding trader encroachment.
- (iii) Management of tenants and encroachment issues should be made a condition of a new contract.

RESOLVED –

- (a) That a new contracted out 3+ year lease on the terms reported be granted,
- (b) That enforcement over encroachment issues be made a condition of the contract, and;
- (c) That the Head of Property and Engineering Services, in consultation with the Head of Legal and Democratic Services, be authorised to agree any other measures necessary to complete the lease.

392 **EXTRA ITEMS OF URGENT BUSINESS WHICH FALLS UNDER THE EXEMPT PROVISIONS OF THE LOCAL GOVERNMENT ACT 1972 OR THE FREEDOM OF INFORMATION ACT 2000 OR BOTH**

**LAND AT EAST QUAY**

The Head of Property and Engineering Services presented a report advising the meeting of the outcome of the rent review negotiations with Brett Aggregates.

RESOLVED –

- (a) That the terms for the rent review and supplemental lease with Brett Aggregates Limited be approved
- (b) That the Head of Property and Engineering Services be delegated authority to settle any incidental matters arising.

The Board discussed the following issues:

- (i) The future of the Chamber of Commerce hut and its possible transfer to the grounds of Whitstable Castle.
- (ii) The proposal for a cycle rental service in the Harbour.
- (iii) The use of cycles in the pedestrianised areas of the Harbour. A suggestion was made to put markings on the ground.

RESOLVED – That relevant markings be made on the ground to prevent cycling in the pedestrianised areas of the Harbour.

- (iv) The change in reporting lines for the Harbour within the Council. As of 1 January 2011 the Culture and Enterprise section would be involved in the management of the Harbour. The Board thanked the Head of Property and Engineering Services for his work.

(v) The distribution of the Harbour Board agenda to members of the Executive.

There being no other business the meeting closed at 5.50 pm