

Agenda

Whitstable Harbour Board

Friday

19 January 2024

At no earlier than* 3.00 pm

Mallandain Room
Whitstable Castle
Tower Hill
Whitstable
CT5 2BW

*Please note at 3pm there will be an informal question and answer session with the Board prior to the commencement of this formal Board meeting. It will last for a maximum of 15 minutes.

Membership of the Whitstable Harbour Board

Quorum – 6 Members

Councillors

Councillor Chris Cornell (Chair)
Councillor Keith Bothwell
Councillor Michael Dixey
Councillor Joe Howes

Councillor Robert Jones
Councillor Naomi Smith
Councillor Clare Turnbull
Councillor Simon Warley

Independent and Co-opted Members

Sandy Lynam
Neil Webster
Peter Steen

NOTES

1 Members of the public may speak at meetings of the Committee so long as they contact Democratic Services by 12.30pm the working day before the meeting.

2 Everyone is welcome to record meetings of the Council and its Committees using whatever non-disruptive methods you think are suitable. If you are intending to do this please mention it to the Democratic Services Officer and do not use flash photograph unless you have previously asked whether you may do so. If you have any questions about this please contact Democratic Services (members of the press please contact the Press Office).

Please note that the Chair of the meeting has the discretion to withdraw permission and halt any recording if in the Chair's opinion continuing to do so would prejudice proceedings at the meeting. Reasons may include disruption caused by the filming or recording or the nature of the business being conducted.

Anyone filming a meeting is asked to only focus on those actively participating but please also be aware that you may be filmed or recorded whilst attending a council meeting and that attendance at the meeting signifies your agreement to this if it occurs. You are also reminded that the laws of defamation apply and all participants whether speaking, filming or recording are reminded that respect should be shown to all those included in the democratic process.

Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.

If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

3 The information contained within this agenda is available in other formats, including Braille, large print, audio cassettes and other languages.

Agenda

Page (s)

1 Apologies for absence

2 Substitute Members (Councillors)

3 Declaration of interests by Board members and officers

TO RECEIVE any declarations for the following in so far as they relate to the business for the meeting:-

- a. Disclosable Pecuniary Interests
- b. Other Significant Interests (what were previously thought of as non-pecuniary Prejudicial interests)
- c. Voluntary Announcements of Other Interests

Voluntary Announcements of Other Interests not required to be disclosed as DPI's or OSI's, ie announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Councillor knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Councillor, relative, close associate, employer, etc but not his/her financial position.

[Note: an effect on the financial position of a Councillor, relative, close associate, employer, etc; OR an application made by a Councillor, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

4 Public Participation

Members of the public may speak on any item on the agenda, for a maximum of three minutes, provided that notification has been given to Democratic Services by 12.30pm on the working day before the meeting.

To find out more visit [this page](#).

5 Minutes of the meeting held on 13 October 2023

5 - 10

To confirm as a true record the minutes of the meeting held on 13 October 2023.

6 Harbour Strategy Update

To NOTE the update of the Head of Engineering

To follow after publication

7 Harbour and Foreshore Manager's Report

11 - 17

TO NOTE the report of the Harbour and Foreshore Manager

8 Engineer's report

To NOTE the report of the Head of Engineering

To follow after publication

9 Date of next meeting

3pm, Friday 15th March 2024

10 Any other urgent business to be dealt with in public

11 Exclusion of the press and public

TO RESOLVE – 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 they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act or the Freedom of Information Act or both.

12 Memorandum of Understanding

To NOTE the verbal update of the Independent/Co-opted Member

13 Property Action Plan Updates

18 - 22

TO NOTE the report of the Principal Property Asset Surveyor

The action plan updates the Board on ongoing tenant related matters, for example lease negotiations. The Property department act as landlord on behalf of the Board and so manage the tenants and leases directly. Where any decisions by the Board are required a separate item will be listed on the agenda accompanied by a formal report to inform the decision(s).

(The action plan contains information the disclosure of which is likely to prejudice the commercial interest of both the Council and other bodies (s. 43 Freedom of Information Act 2000). The Council considers that at present the public interest in maintaining the exemption outweighs the public interest in disclosing it. Paragraph 3 of schedule 12A of the Local Government Act 1972 also applies.)

14 Any other business which falls under the exempt provisions of the Local Government Act 1972 or the Freedom of Information Act 2000 or both

CANTERBURY CITY COUNCIL**WHITSTABLE HARBOUR BOARD**

**Minutes of a meeting held on Friday, 13th October, 2023
at 3.00 pm in Mallandain Room, Whitstable Castle, Tower Hill, Whitstable**

Present: Councillor Cornell (Chair)
Sandy Lynam
Neil Webster
Councillor Dixey
Councillor Jones
Councillor Smith
Councillor Turnbull
Councillor Wheeler
Councillor Howes

In attendance

Officers: Amber Gilbert - Principal Lawyer (Property) & Deputy Monitoring Officer
Liam Wooltorton - Head of Engineering
Adam Wright - Principal Property Surveyor
Matthew Young - Harbour and Foreshore Manager
Lauren Wheeler - Democratic Services Officer

287 **Apologies for absence**

Apologies for absence were received from Councillor Carnac, Councillor Mellish and Peter Steen.

288 **Substitute Members (Councillors)**

Councillor Howes was present for Councillor Carnac.

289 **Declaration of interests by Board members and officers**

The following declarations were made:

Councillor Dixey made a voluntary announcement that he is Cabinet Portfolio Holder for Property, Performance and Oversight in relation to Item 15. Property Action Plan Updates re: concessionary rates.

290 **Public Participation**

The Chair advised that there was one public speaker for the meeting who would be heard immediately before consideration of agenda item 10.

The Chair confirmed to the Board that he will continue to permit members of the public who are observing the meeting to ask questions. Questions must be for the purpose of seeking clarification, and specifically relate to the matters already raised in the discussion by members.

As per the Council's Constitution, members of the public wishing to speak for up to 3 minutes, upon any item on the agenda, are required to give prior notice to Democratic Services not later than 12.30pm on the working day before the meeting.

The informal question and answer session with the Board prior to the commencement of the formal board meeting, from 3pm, for up to 15 minutes will also continue.

291 **Minutes of the meeting held on 23 June 2023**

The minutes of the meeting on 23 June 2023 were discussed and agreed as a true record by general assent.

Action points (as per minute number 77, 78 and 80 from the previous minutes):

- Democratic Services to circulate the recent Audit Partnership report with the minutes.
- Harbour and Foreshore Manager to circulate links for appropriate Health & Safety online training and awareness days to all Members/Councillors and include an update in the Harbour and Foreshore Manager's report for the next meeting
- Officers to invite the Head of Culture, Leisure and External Development to a future Strategic Plan workshop.
- The Head of Engineering to contact colleagues in the Communications team to discuss the content and style of a Harbour website if approval is given to host by the Council.

292 **WH Annual Public Meeting Review**

The Chair Introduced the item regarding the future of the Harbour Board Annual Public meeting and its purpose and aims. The Chair opened discussion and invited suggestions and ideas for the event's format in 2024 and onwards.

This included:

- What has and hasn't worked well in the past
- Potential opportunities for involving the public and creating interest within the local area
- The (previous) Whitstable Harbour Annual Report
- The possibility of holding an event at the South Quay Shed, that could be both informative and recreational
- Formal versus informal settings
- Importance of providing opportunities for the public to find out what the Harbour Board does, and what different functions are fulfilled by the Harbour
- Sending out the right message by holding an annual event, including transparency and inclusiveness
- Providing easy to understand information for the public based on some of the lengthier reports and decisions that occur, helping to create a picture
- The lack of information about the workings of the Harbour that is currently accessible in the public domain
- Preferred times of the year to hold an 'event' (easter/spring)

- Informal presentations, walking tours, display boards with visual information, speakers and stakeholder engagement
- Launching an event after the Strategic Plan is finalised and published

Action point:

The Board will agree a date for an annual Harbour Board event (2024) at the next meeting in January. The Strategic Plan needs to be completed before an annual meeting date is arranged, so likely to be early summer for 2024.

The Board NOTED the update.

293 **Strategic Plan Timetable**

The Head of Engineering introduced the timetable, provided an update and highlighted the key dates and priorities.

- The Harbour Board members and officers discussed the timescales presented including the following:
- Strategic Plan Workshop 2 (provisional date 4th Dec) and Workshop 3 (Jan 2024)
- The 9 week online Consultation Survey 6 Nov to 8 Jan 2024
- In person event/s during the Consultation period, dates to be circulated asap
- Short, medium and long term goals need to be determined

The Board recognised the amount of work carried out by the Head of Engineering and officers so far to pull the plan together.

The Board NOTED the update and timetable.

294 **Review of Harbour Charges 23/24**

The Harbour and Foreshore Manager introduced the report and provided further detail on the rate of the proposed increases to fees, the points discussed included:

- The pontoon, and the rationale for a separate maintenance charge. The maintenance charge will be combined with the pontoon berthing fee.
- Fuel sales, harbour fees, and fob and invoicing arrangements.
- The proposed 10% rental increase to beach huts which is in line with other beach huts and is still considered reasonable. There continues to be a long waiting list for the huts.
- The proposed schedule has been reviewed by the Council's Head of Finance, and information will also be provided shortly to key stakeholders.

It was proposed, seconded and when put to a vote unanimously RESOLVED that the proposed Schedule of Charges 23/24 is approved by the Harbour Board, and will be fed into the Council's budget programme.

A record of the vote was taken as follows:

For: (9) Councillors Cornell, Dixey, Howes, R Jones, N Smith, Turnbull and Wheeler, and Ms Lynam and Mr Webster.

Against: None

Abstained from voting: None

295 **Review of Harbour Reporting - H&S Issues, Risks, and Incidents**

The Harbour and Foreshore Manager presented the report, with examples of other Harbour reports that included Health & Safety (H&S), and provided a summary to the Board.

The Harbour Board members discussed the report and the following:

- Common or seasonal types of H&S risks in the Harbour
- Corporate H&S, internal processes that review activities in the Harbour, compliance and best practice
- Potential overlap of a H&S Harbour report with the Post Marine Safety Code (PMSC) report, and the role of the Designated Person - Mr Peter Steen
- The role of the council's H&S Manager in relation to the Harbour
- Land owner responsibility
- Consideration of a designated H&S focused role on the Harbour Board
- Improvements in communicating hazards around the Harbour to the public
- Transparent and thorough record keeping, including 'near misses' for learning

The Board recognised the importance of the annual PMSC report that Mr Peter Steen (Designated Person) already produces for the Board.

It was proposed, seconded and when put to a vote unanimously RESOLVED that: The Harbour and Foreshore Manager provide the Harbour Board with a regular report (as per suggested format - Appendix B) on any incidents that have occurred in the Harbour, providing the appropriate assurances and details of any new controls as a result of evaluation (as part of the Harbour and Foreshore Manager's regular report).

A record of the vote was taken as follows:

For: (9) Councillors Cornell, Dixey, Howes, R Jones, N Smith, Turnbull and Wheeler, and Ms Lynam and Mr Webster.

Against: None

Abstained from voting: None

296 **Harbour and Foreshore Manager's Report**

(Esther Gilson on behalf of the Whitstable Fisherman's Association (WFA) spoke for three minutes immediately before the consideration of this item. She gave positive feedback about the improved communications and working relationship with Harbour staff.)

The Harbour and Foreshore Manager presented the report identifying the priorities as detailed. The Harbour Board members and officers discussed the report including the following:

- Port Facility Security Officer (PFSO) Training for 2 officers arranged
- The introduction of routine inspections and Legionella testing
- Pontoon update
- The beach huts repainting project has now commenced with positive feedback and an allocated point of contact within the council, any issues have been handled as they have been raised

- Revision orders and Marine Management Organisation (MMO) timeframes
- Shipping figures

The Navigational Risk Assessment for the port is underway by officers and Mr Peter Steen. There is a focus and increased effort to improve systems and operations in the port generally, with good progress recognised as already having been made.

The Board NOTED the report.

297 **Engineer's report**

The Head of Engineering presented the report and provided a summary to the Board of key points and forthcoming works.

- The Harbour Board members discussed the report including the following:
- Progress update of the pile repairs
- Marine Management Organisation (MMO) timeframes
- The Environment Agency Flood Defence Grant in Aid (FDGiA) and timeframes
- re: Section 3
- Quay Harbour maintenance costs, funding and feeding into the Strategic Plan
- Completion of the heating installation at the South Quay Shed (SQS) with positive feedback received from tenants about the works
- Completion of the West Quay wave cut off wall in July 2023*

(*The Head of Engineering thanked the Whitstable Fisherman's Association for the use of their crane for the works.)

The Board NOTED the report.

298 **Date of next meeting**

The date of the next meeting is Friday 19 January 2024, 3pm

299 **Any other urgent business to be dealt with in public**

None advised

300 **Exclusion of the press and public**

It was proposed, seconded and RESOLVED unanimously:

That under Section 100(A)(4) of the Local Government Act 1972, the press and public 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.

301 **Property Action Plan Updates**

(Councillor Dixey made a voluntary announcement that he is Cabinet Portfolio Holder for Property, Performance and Oversight relevant to Item 15. Property Action Plan Updates re: concessionary rates.)

The Lead Surveyor presented the report. The Harbour Board members and officers discussed the report and ongoing tenant related matters in detail.

It was RESOLVED by general assent that all recommendations to grant lease by the Lead Surveyor in terms of the matters detailed in the report were agreed. The Board NOTED the report.

Action point: Councillor Cornell will progress for a meeting to be arranged with Elizabeth Bennett (Crab & Winkle) and appropriate officers as per Mrs Bennett's request/s during the informal question and answer session prior to the start of the main meeting.

302 **Any other business which falls under the exempt provisions of the Local Government Act 1972 or the Freedom of Information Act 2000 or both**

There was no urgent business.

There being no other business the meeting closed at 5.24 pm

There being no other business the meeting closed at 5.24 pm

Whitstable Harbour Board

19 January 2024

Subject: Harbour Managers Report

Director and Head of Service:

William Hicks, Deputy Director of Place

Liam Wooltorton, Head of Engineering

Officer:

Matthew Young - Harbour and Foreshore Manager

Decision Issues:

None

Is any of the information exempt from publication:

No

CCC ward(s):

Gorrell and Tankerton

Summary and purpose of the report:

This report updates the Harbour Board on matters pertaining to legislation, management, harbour operations, staff, communications, publicity and general port marine issues

1. Introduction

Since the formation of the Harbour Board in January 2003 it has become standard practice for the Harbour Manager to provide a progress report to meetings of the board on matters pertaining to safety management and compliance with the Port Marine Safety Code, harbour operations, legislation, staff, communications, publicity and other port marine issues.

2. Detail

Legislation

The table below refers to port marine legislation, codes of practice and safe working practises which the harbour complies with :

Subject	Issuing Authority	Detail	Expiry Date
Port Marine Safety Code	UK Department for Transport	Every 3 years a self-declaration statement confirming compliance with the Code is submitted to the DfT by the Chair of the Harbour Board on behalf of CCC. The harbour's last statement was signed by Councillor N. Baker and dated March 2021. In the past this statement has been made following a successful external audit of the harbour's Marine Safety Management System.	March 2024
Port Facility Security Plan	UK Department for Transport	In 2022 the harbour's Port Security Plan was updated. The harbour successfully completed a formal audit by the Department for Transport Maritime Security Division. The audit approval was subject to a number of action points that need to be implemented. These action points include enhanced co-operative working with Brett Aggregates and additional harbour staff training.	May 2024
Port Waste Management	Maritime & Coastguard Agency	Since 2003 the harbour has had a Port Waste Management Plan in place which has been approved by the MCA. In 2022 the MCA identified a number of additional information and amendments that are required. These amendments are to be actioned asap, the plan has been updated and re-submitted to the MCA for their approval.	June 2023
Navigational Aids	Dept for Transport Trinity House	Each year in January or February the harbour's navigational aids are visually checked by a Trinity House inspector. This	May 2024

		inspection is followed up mid year by a on-site audit where the harbour's procedures with respect to navigational aids maintenance, reporting of defects, provision of lights and buoys etc. are checked.	
Tier 2 Oil Spill Preparedness	Department for Transport	<p>The harbour procures a contractor for its clean-up response in the event of an oil spill. This is a statutory obligation that must be adhered to by all ports. This contractor also provides oil spill response training to our harbour staff.</p> <p>The Department for Transport oversees the accreditation of oil spill response companies. This accreditation status must be maintained to ensure CCC has appropriate cover in place and ensure that any oil spill training is undertaken by an accredited organisation.</p>	August 2024
Oil Spill Contingency Plan	Maritime & Coastguard Agency	As stated above, Whitstable Harbour's Oil Spill Response Plan has been audited and approved by the DfT. However, this approval is subject to annual updates, reviews and reports back to the DfT confirming compliance.	July 2026
Customs Wharf Approval	UK Border Force	Following Brexit the harbour has a new customs schedule with respect to the importation of aggregates. These procedures are implemented by customs clearance reporting by the ship's agents but do require overseeing by harbour staff.	January 2025

Oil Pollution Preparedness Response & Co-Operation

Nothing to report

Navigational Aids

Trinity House local aids to navigation audit was completed on 31 October 2023. Whitstable Harbour achieved the required classification of 'good and efficient order'.

Port Facility Security Plan

The Harbour manager has successfully completed the Port Facility Security Officer (PFSO) Training Course. This provides the participants with comprehensive knowledge to enable

them to take on the duties and responsibilities as defined in the International Ship and Port Facility Security (ISPS) Code.

Required updates to the plan and vetting process will be completed.

Harbour Operations - East Quay

Appendix 1 - Shipping statistics

Works to repair lighting to the East Quay have commenced. This includes upgrades to the cabling and use of LEDs.

Harbour Operations - West Quay

Safety signage has been installed inline with RNLI national guidance, following the format utilised along the Canterbury coastline.

No trespassing signs have been installed along the fencing separating the various storage areas.

Harbour Operations – South Quay

See engineers report.

Harbour Operations - Pontoon

Nothing to report.

Harbour Operations - North Head

Repairs to lighting of the Fishermen's huts are due to take place due to faulty operation in adverse weather conditions.

Harbour Operations - General

Grit bins have been installed throughout the harbour. Guidance will be given to operators within the harbour regarding responsibilities in relation to gritting.

A review of the Whitstable Harbour Navigational Risk Assessment (NRA) is currently being completed. The last NRA occurred in 2017 (as part of the Whitstable harbour pilotage review) - a review should take place on a yearly basis. The NRA process is based on the Formal Safety Assessment methodology as adopted by the International Maritime Organisation (IMO). The review is being supported by our Designated Officer (Peter Steen).

Beach Huts

Redecoration (painting) of the huts is complete and all repairs and maintenance are up-to-date.

A review of the tenancy terms and conditions has commenced with the aim of issuing to the tenants for the start of the 24/25 financial year.

Fishermen's Huts

Repairs to lighting of the Fishermen's huts are due to take place due to faulty operation in adverse weather conditions.

Berthing

Nothing to report.

Publicity and Communications

The opening event for the South Quay Shed model is 23 February 2024, 18:00 - 19:30. Invites for the event will be sent mid-January 2024. Refreshments will be provided by Unit 6.

Whitstable Fisherman's Association

Meetings have continued with positive outcomes. Concerns continue to be managed appropriately.

The Memorial Bench installation on Harbour Beach has been confirmed for 14th March

Contact Officer: Matthew Young, Harbour and Foreshore Manager

Background documents and appendices

Appendix One - Shipping statistics up to January 2024

Appendix Two - Health and Safety Incident Log

Additional document(s) containing information exempt from publication:

Month	2022/23		2023/24	
	Ships	Tons	Ships	Tons
April	1	2102	3	3516
May	4	6454	3	6439
June	2	4126	4	6583
July	4	8306	4	5480
August	4	5475	6	9748
September	3	6453	3	4061
October	6	4301	7	9553
November	3	5336	1	2104
December	4	6833	2	3066
January	3	6310		
February	5	5552		
March	4	7366		
Totals	42	66512	33	50550

SUMMARY

Year	2020/21	2021/22	2022/23	2023/24
Tons	58602	77165	66512	50550
Ships	29	44	42	33

Appendix Two - Harbour Board Health and Safety Incident Log

Ref	Accident category	Hazard Detail	Affected vessel types (If applicable)	Affected Stakeholders (If applicable)	Causes	Existing controls appropriate Y/N	Alternative potential control measures (BOLD – Suggested control measures)
	A DESIGNATION OF ACCIDENT REPORTED ACCORDING TO THEIR NATURE.	BRIEF DETAIL OF INCIDENT THAT OCCURED			MAIN CAUSE OF THE INCIDENT	ARE THE EXISTING CONTROLS IN PLACE EFFECTIVE AT CONTROLLING THE RISK	BRIEF DESCRIPTION OF OTHER ADDITIONAL CONTROL MEASURES THAT COULD BE USED TO REDUCE THE RISK. THOSE HIGHLIGHTED ARE MEASURES TO BE IMPLEMENTED.
THERE ARE PRESENTLY NO INCIDENTS TO REPORT.							

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