

PUBLIC PACK

(excluding exempt papers)

Agenda

Whitstable Harbour Board

Friday 15 March 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.

Contact: Democratic Services 01227 862009 democracy@canterbury.gov.uk

Agenda

- 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 nonpecuniary 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

To confirm as a true record the minutes of the meeting held on 19 January 2024.

6 South Quay Shed Annual Report 2023/2024

To NOTE the report of the Head of Culture, Leisure and External Development / Museums Director, and appendix (exempt from publication) at Item 14

7 Whitstable Harbour Strategic Plan

To NOTE the update of the Head of Engineering

8 Whitstable Harbour Board Governance Arrangements

To CONSIDER the report of the Head of Corporate Governance

9 Harbour and Foreshore Manager's Report

To NOTE the report of the Harbour and Foreshore Manager

10 Engineer's report

To NOTE the report of the Head of Engineering

11 Date of next meeting

3pm, Friday 21 June 2024

12 Any other urgent business to be dealt with in public

13 Exclusion of the press and public

To RESOLVE - 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.

14 South Quay Shed Annual Report 2023/2024

To NOTE the appendix exempt from publication

(The summary is exempt as it 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.)

15 Property Action Plan Updates

To CONSIDER 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.)

16 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 19 Jan 2024,
At 3.00 pm in the Mallandain Room, Whitstable Castle, Whitstable

Present: Councillor Chris Cornell (Chair)

Councillor Michael Dixey

Councillor Andrew Harvey (sub)

Councillor Joe Howes

Councillor Naomi Smith

Councillor David Thomas (sub)

Councillor Clare Turnbull

Councillor Simon Warley

Councillor Joe Howes

Independent Member Peter Steen*

Independent Member Sandy Lynam

Independent Member Neil Webster

Officers:

Liam Woollorton - Head of Engineering

Jan Guylor - Head of Legal Services & Monitoring Officer

Adam Wright - Lead Surveyor

Matthew Young - Harbour and Foreshore Manager

Lauren Wheeler - Democratic Services Officer

461. Apologies

Apologies for absence were received from Councillor Robert Jones and Councillor Keith Bothwell.

462. Substitute Members

Councillor David Thomas was present for Cllr Jones, Councillor Andrew Harvey was present for Cllr Bothwell.

463. Declaration of interests by board members or 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 13 Property Action Plan Updates re: concessionary rates.

464. Public Participation

There were no speakers present at the meeting.

465. Minutes of the meeting held on 13 October 2023

The minutes were confirmed as a true record by general assent.

Action points:

- The Harbour and Foreshore Manager will follow-up the British Ports Association for links to appropriate Port Marine Safety Code introduction (online training) and awareness days, and circulate details to all members once available.
- The Head of Culture, Leisure and External Development provided an update to members at the Strategic Plan Workshop. A report on the South Quay Shed will be included at the next Harbour Board meeting in March.

466. Harbour Strategy Update

The Head of Engineering provided a summary and confirmed that the timescales in the original timetable are still realistic. There has been a good level of feedback, and a consultation report will be prepared for circulation before the next Strategic Plan Workshop on 2 February to further review and prioritise the goals as required.

The aim is for the Strategic Plan to be considered for approval at the next Harbour Board meeting in March and publication is planned by the end of April.

Thanks was given to the Head of Engineering and the team for a well managed process.

The Board NOTED the update.

467. Harbour and Foreshore Manager's Report

The Harbour and Foreshore Manager introduced the report and provided additional detail where required. Further discussion included:

- Completion of the Port Facility Security Officer (PFSO) Training Course, vetting process is to be completed.
- The Fishermen's memorial bench is now in situ. A date will be proposed for an 'official' opening. Invites are to be circulated in February and thanks was given for the support from the Harbour Board.
- Commencement of extensive repairs to the lighting on East Quay.
- Installation of safety signage on West Quay.
- A review of the Navigational Risk Assessment (NRA) is currently being completed. It is anticipated that this will be considered for approval at the next Harbour Board meeting in March.

- Commencement of a review of the tenancy terms and conditions of the beach huts. Clarity was provided re: subletting clauses, occupation rates and current charges in relation to other areas.
- Signage and Fixed Penalty Notices in Beach Walk car park.
- Shipping statistics and an amendment to the reporting period from calendar year to financial year

The expiry date of the Port Waste Management Plan in Part 2 of the report was confirmed as June 2024 (not 2023).

The Board NOTED the report.

468. Engineer's report

The Technician Engineer 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:

- Further detail and frequency of harbour dredging, potential updates on social media.
- Effects of a challenging winter/storms.
- Installation of lighting columns at South Quay, and potential for easy installation of any additional lighting.
- Positive feedback from the Whitstable Fishermans Association re: works to the South Quay fenders.
- Completion of an additional electrical feeder box at the South Quay Shed.

The Board NOTED the report.

469. Date of next meeting

The date of the next meeting is 3pm, Friday 15th March 2024

470. Any other urgent business to be dealt with in public

None advised

471. 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.

472. Memorandum of Understanding

Independent Member, Neil Webster updated the board on initial conversations held between the Executive Management Team and board members on the Memorandum of Understanding.

The Board discussed the size of the board, the role of independent members, who the Harbour Board reports to and financial reporting.

The views and priorities from members during the discussions will be raised with relevant officers and taken forward as appropriate.

473. Property Action Plan Updates

(Councillor Dixey made a voluntary announcement that he is Cabinet Portfolio Holder for Property, Performance and Oversight.)

(Councillor Thomas made a voluntary announcement that he has a relative with a business on the Harbour.)

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 (or other), or to proceed with action by the Lead Surveyor in terms of the matters detailed in the report, or as discussed in the session, were agreed.

The Board NOTED the report and verbal updates.

Action points to take forward by the Lead Surveyor:

- Proceed as discussed re: former Harbour Office
- Proceed as discussed re: Harbour Garden Cafe

474. Any other business which falls under the exempt provisions

There was no urgent business.

There being no other business the meeting closed at 4:55pm.

South Quay Shed Annual Report 2023/24

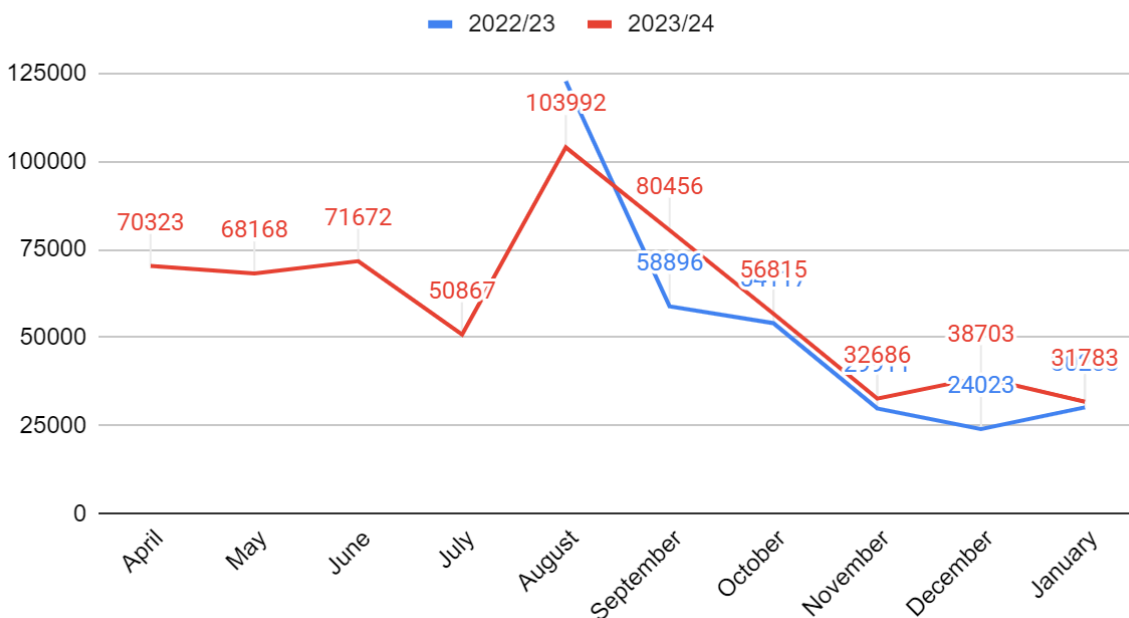
Introduction

This year was the first full operational year of the South Quay Shed (SQS) development. This report will compare data from the previous partial year to track the progress of the business and inform future projections.

The performance of SQS is considered within the wider context of Whitstable Harbour and economic environment, and therefore it is useful to note that the reconstruction of the Crab and Winkle Restaurant next door is still pending and the UK economy has experienced the highest rate of inflation since 1990. Both of these factors have impacted the trading environment on the Harbour and therefore our tenants as well as our own service.

Overall Usage

SQS Footfall Comparison 2022/23 and 2023/24



This year South Quay Shed has welcomed over 600k¹ visitors. This compares favourably with 2022/23 performance based on the partial data obtained from August 22 when footfall counters were installed. Direct comparisons from quarter three data show a 7% increase in footfall over that period compared to the previous year.

¹ Based on footfall counter data taken up until end Jan 2024

The overall pattern of seasonal usage follows a similar pattern to 22/23 and should be expected to continue in future years as a reflection of the town's seasonal visitor patterns. Weather conditions (as shown in the table below) also have a significant impact on foot traffic as demonstrated in lower footfall in summer 2023 compared to the previous year, but higher numbers in September and December.

Temperature Comparison 2022 vs 2023

Average temp Whitstable August 2022	24.4C
Average temp Whitstable August 2023	20C
Average temp Whitstable September 2022	18.8C
Average temp Whitstable September 2023	22.7C
Average temp Whitstable December 2022	6.6C
Average temp Whitstable December 2023	8.8C

Google reviews show a 4.4 star average customer satisfaction rating, with many commenting on the pleasant atmosphere and location. Areas of improvement include consistency of trader opening hours and accessibility concerns regarding sound which are being looked into.

Tenant Summary

The below table summarises tenant changes in 2023/24.

Unit number	Previous Tenant	Current Status
4	Dunk Cookies	Converted to double unit for HatHats Coffee
8	The Fish Course	UKSPF Project The Shed Load
9	Stately Hound	New lease about to complete
12	Vacant	Adapted to accommodate food tenant DOD Pizza
15	Charlie Chan's	Dre's Caribbean Kitchen

The challenging economic climate has resulted in higher than expected tenant turnover. However, this has offered an opportunity for a number of improvements and adaptations to be made to ensure SQS is aligned to customer demand.

These include the conversion of Units 4 and 5 to create an enhanced offer at HatHats which now includes crepes as well as coffee. Unit 12 has been adapted to accommodate an extraction flue which has enabled DOD Pizza to bring woodfired pizza to the shed.

Unit 8 has been funded by the UK Shared Prosperity Fund (UKSPF) and is managed by Amelix Education to offer young entrepreneurs the opportunity to refine their business skills in a live retail environment. The project formally launched in December with young people from St Nicholas School in Canterbury which coincided with the Lady Mayoress' Charity event.

Overall the business plan assumes somewhere in the region of a 95% occupancy rate, however, in years 1 & 2 this was closer to 75%. Challenges resulting from the recent economic climate and associated high levels of inflation have also meant a number of tenants have fallen into arrears. These are being managed on an individual tenant basis via agreed payment plans. When considering the recent and current economic circumstances, the mix, type and nature of the tenant businesses in a multi-occupancy scheme the size of SQS, this is not unexpected.

Financial summary included in confidential appendix.

Unit 6 Summary

Footfall growth at SQS has had a positive impact on sales at the Unit 6 bar, which is currently on track to exceed its annual income target. Comparisons with 2022/23 show between 8-10% growth² which can be attributed to increased foot traffic and a slightly increased spend per head. However, inflationary pressures on goods and services have also increased in this period so close management is still required.

Pressures on staffing for the evacuation and fire plan, absorbed by the Unit 6 bar team, were also identified as an area of improvement in 2022/23. This has been addressed through the renegotiation of lease terms for HatHats, who have agreed to take on opening and fire warden responsibilities in the mornings allowing Unit 6 to open at a more suitable time for a bar. A delay in handover for these responsibilities means that the benefit of this change is unlikely to materially benefit Unit 6 in 23/24 but staff costs for 24/25 should be positively impacted.

² As of Jan 2024

In addition to delivering the bar function, the Unit 6 Team have also taken on responsibility for the management and coordination of a vibrant events programme to stimulate footfall and encourage greater collaborative working amongst the tenants. Events have included:

- Monthly Quiz nights
- Charity Quiz supporting the RNLI
- Summer Live Music Programme
- Dre's Caribbean Kitchen's Reggae Night
- Rewear Artisan Clothing Market
- Sooshi's Sushi Making
- Knotstuff Crafts Social Group
- Wit of Whitstable Candle Making workshop
- Lady Mayoress Charity Event

Improvements and Development

In response to feedback and observations the council have made a number of improvements to improve both the tenant and visitor experience at SQS. This has included installation of a new, low energy, heating system to extend dwell time in the autumn/winter periods. Improvements to external lighting at the harbour have also been completed to improve entry and exit after dark.

The combined total of infrastructure improvements this year was just over £24k.

In addition to this the council has taken measures to aid tenant stability by suspending rent reviews for a year to combat inflationary pressures faced by the small business owners who have expressed concerns about current affordability.

Furthermore, tenants have been offered Business Development support funded by UKSPF consultant who is offering one to one support and training. To date, 7 businesses have accepted this support and have benefited from online reviews and tailored training sessions.

Advice and guidance has included:

- online presence
- social media marketing
- visual merchandising
- pricing
- confidence to try new things and product placement.

Conclusion

Overall, data from footfall and feedback shows growth at SQS and service improvements continue to respond to feedback from tenants and visitors.

An eclectic mix of small business owners adds charm and authenticity to the Whitstable Harbour experience but high turnover levels mean that tenant support is more demanding than anticipated and void periods are likely to continue. In general food units have proven easier to relet than retail and different opening patterns have caused frustrations between tenants as well as with customers.

The council is continuing to encourage a more collaborative approach with tenants to support a more consistent core offer to visitors and this will carry on in the new year, with quarterly tenant meetings.

The SQS team are also working closely with Harbour colleagues on strategic marketing and place shaping within the wider Whitstable context to extend the peak season by offering an indoor visitor attraction all year round.

Future Plans 2024/25

Infrastructure Developments

To respond to customer feedback the Engineering team are currently looking to install a Hearing Loop in the first quarter of 2024/25. This will enhance the site accessibility credentials and improve the customer experience for visitors living with hearing impairments.

Signage to the South Quay Shed is also being developed in line with a broader signage review at Whitstable Harbour to improve visibility and compliment the wider strategic plan for the South Quay.

Mid to long term plans to extend the top floor at SQS to create a community room continue to be looked at and any additional work will aim to incorporate a first floor refuge point to improve efficiency in evacuation protocols.

Operational Developments

In 2024/25 the South Quay Shed will welcome a new Venue/Bar Manager and together with the Bar Supervisor's they will continue to develop South Quay Shed Events and build our online presence. This will include working with the Harbour team on a web content to

showcase the diverse offer at South Quay Shed as well as continuing to develop our social media following.

The team will also continue to work closely with colleagues at Whitstable Harbour to ensure that the South Quay Shed delivers the educational and community ambitions within the Harbour's Strategic Plan, including the continued support for the 'Shed Load' Project which will continue until October 2024.

Projects

Responding to feedback from tenants about the internal decoration of the South Quay Shed a sub-group of tenants has been formed and will be working with the Council's Cultural Development Officer on the development of public art/ wall art at the venue. This project will build on the unique character of Whitstable Harbour, whilst highlighting the culture of vibrant contemporary art that attracts visitors to the town.

Business Planning

The Harbour Board's intention when developing SQS was to review operations after 18 months to inform future business planning. It is proposed that this process starts by commissioning an independent sector specialist, to undertake a critical evaluation of the performance against the present market conditions, so that the board can consider options alongside the aspirations set out in the Harbour Strategic Plan.

This process will commence this spring and an initial update will be provided to the board at the summer Harbour Board meeting.

Whitstable Harbour Board
15 March 2024

Subject: Strategic Plan update

Director and Head of Service:

Suzi Wakeham, Director of People and Place

Bill Hicks, Service Director, Place

Officer:

Liam Woollorton, Head of Engineering

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 board on the proposed final draft of the strategic commitments and goals and proposed timeline for completion of the Whitstable Harbour Strategic Plan.

We are currently in the process of reviewing the governance arrangements and Memorandum of Understanding (MoU) for the Whitstable Harbour Board (WHB).

Recommendations were put forward by WHB members at the last board meeting for consideration.

Although work on the final Strategic Plan is progressing well, we are not in a position to produce the final draft of the Whitstable Harbour Strategic Plan until the outcomes of the governance report have been decided.

These recommendations and revised MoU will be made to the Governance Committee on 11 April.

The final Strategic Plan will come to the WHB meeting on 21 June, when the new governance arrangements and MoU have been finalised and can be incorporated into the new Strategic Plan.

Our aspirations, strategic commitments and goals are presented against each of our five strategic pillars.

The pillars have been developed following a public consultation and input from stakeholders, with consideration of our responsibilities, remit and resources.

The strategic commitments reflect and complement the focus of the council's Corporate Plan and emerging Local Plan. The new Corporate Plan focuses on how our local action can make our local community a greener, fairer, stronger and better place for us all to live. As such, our goals include references to the [United Nations Sustainable development goals](#) on which the council is increasingly basing its work.

Our strategic aspirations reflect what we are working towards. Our strategic commitments reflect the responsibilities we have on an ongoing basis and our goals are measurable outputs to help us achieve our aspirations

The Strategic Plan is broadly broken into three horizons which sets out the short, medium and long term goals of the plan:

- Horizon 1: Activities completed in years 0-3
- Horizon 2: Activities completed in years 0-6
- Horizon 3: Activities completed in years 0-9.

The Harbour Board will publish a three year business plan which outlines actions under each of the key strategic aims. Progress on these actions will be reviewed by the board on a six monthly basis.

Following our last workshop on 2 February here is the proposed final draft of the strategic commitments and goals

Effectiveness

Aspiration

To provide a safe, first class service to customers and stakeholders in line with the Port Marine Safety Code and Good Governance

Commitments

- Annually review the Marine Safety Management System (SMS).
- Report on Port Marine Safety Code (PMSC) compliance to the Department for Transport
- Operate a 10 year financial capital and maintenance budget plan
- Hold an annual stakeholder event to show progress in line with the plan objectives
- Implement findings from health and safety audits
- Maintain and regularly review the Memorandum of Understanding between the Board and the Council
- To annually prepare a balanced scorecard monitoring implementation of the Strategic Plan

Goals

Goal	SDP Ref	Horizon
Review the network of user groups to help support the Board's work	17	One
Devolve responsibility and regular monitoring to independent members of the Board	16	One
Conduct a Review of the Harbour Act	16	Two

Environment

Aspiration

To actively manage our Harbour in a way which is responsive to climate change, enhances the environment and promotes the health and biodiversity of our local waters

Commitments

- Embed adaptation planning efforts into our business to withstand the impacts of climate change
- Uphold council ban on single use plastics in council operations
- Work with the Environment Agency to meet their statutory responsibilities for water quality testing
- Actively support active travel schemes
- Maintain solar infrastructure within the Harbour
- Maintain effective safety signage on site

Goals

Goal	SDP Ref	Horizon
Develop an action plan to remove single use plastics from the Harbour with stakeholders	14	One
Engage local stakeholders in additional non-statutory water quality testing	14	One
Develop feasible renewable energy projects to seek funding to actively reduce our carbon footprint	7	Two
Identify and achieve relevant environmental accreditations	13, 11	Two
Review and update The Harbour Design Guide to conserve our built environment	11	Three

Employment

Aspiration

To ensure the Harbour remains a significant employer in the town and continues to support independent, local and small businesses

Commitments

- Retain control of Harbour land – maximising income through development and management of our property portfolio
- Review the relationships between small commercial lets available on the Harbour to better incubate small business and support our High Street
- Proactively rent to businesses with a local connection and social ethos
- Support local fishing and shell-fishing activities

Goals

Goal	SDP Ref	Horizon
Return a fish market to allow local fisherman to sell their catch	12	One
Review the role and function of the council retaining a commercial presence in the South Quay Shed	8	One
Enable short term activities (e.g. pop up markets and events) to animate the Harbour throughout the year	8	One
To improve the appearance and access to the Harbour from its southern boundary	11	One
Commercially develop the Cockle Shed site to complement our existing leisure offer	8	One
Explore the feasibility of having fish processing facilities for the local fishing industry	12	Two
Extend the pontoon to improve visitors access to the water in a sustainable way	3	Two
Support the development of a Strategic Planning Document for the Harbour and the development of Zone D	9	Three

Equity

Aspiration

To promote and enhance opportunities for all to safely access and enjoy the Harbour environment and its activities

Commitments

- Support disabled access to our buildings and premises
- Maintain Changing Places Toilets on our land
- Retain staff on site to help the public seven days a week
- Promote and enhance opportunities for all people to access the sea

Goals

Goal	SDP Ref	Horizon
Install a hearing loop system in the South Quay Shed	10	One
Carry out an independent accessibility study of the Harbour	10	One
Draw up plans by which we can improve access to the sea for disabled and underrepresented groups	10	One
Improve the public realm and accessibility of buildings	11	Two
To promote a wide range of different means of safely accessing the water	3	Two

Education

Aspiration

To improve people’s knowledge of the role the Harbour has and continues to have in the cultural life of our town

Commitments

- Ensure visitors understand the history and heritage of our operations
- To safely support and manage use of public space within the Harbour
- Ensure clear signage to reduce risks and enhances the visitor experience
- Improve safety at sea by proactively supporting coastal safety services inc. RNLI, Coastguard and Whitstable Coast Watch
- Improve entrance and interpretive signage

Goals

Goal	SDP Ref	Horizon
Provide a community classroom/meeting room to support school visits and professional maritime training within the Harbour	4	One
Develop a dedicated online presence for the Harbour	9	One
Produce a destination marketing strategy/brand	9	One
Improve online access and Wi-Fi in the Harbour	9	Two
Enhance the use of digital media to engage with the local community	17	Two
Enhance links and enable the sharing of resources with local museums	4	Two
Enhance links and enable the sharing of resources with local and visiting schools	4	Two
Increase awareness of the role the Harbour has played in the development of the town	4	Three

**Whitstable Harbour Board 15 March 2024
Governance Committee 11 April 2024**

Subject: Review of the Whitstable Harbour Board arrangements

Director and Head of Service:

Tricia Marshall, Director of Corporate Services

Suzi Wakeham, Director of People and Place

Officer:

Matthew Archer, Head of Corporate Governance

Cabinet Member:

Cabinet Member for the Coastal towns, Councillor Chris Cornell

Key or Non Key decision: Non Key

Decision Issues:

These matters are within the authority of the Council

Is any of the information exempt from publication:

This report is open to the public.

CCC ward(s):

Gorrell, Tankerton

Summary and purpose of the report:

The purpose of this report is to review the governance proposals for the Whitstable Harbour Board (WHB), put forward informally by Harbour Board members for consideration.

The report considers each in turn and implications of putting them forward for adoption.

Where alternative suggestions are made they have been incorporated into the recommendations below.

The Harbour Board is asked to confirm its recommendations to the Governance Committee in light of the comments made in the report.

To Recommend [to Governance Committee]:

The recommendations below were those agreed in the private session of the last meeting of the Board. Additions/alternative options have been added in brackets for ease of reference.

The Whitstable Harbour Board recommends that -

1. The WHB becomes a committee of Council and not Cabinet.
2. The WHB will maintain a ten year (not five year) plan of quay maintenance and provide this annually to the council
3. The WHB would agree a ten year strategic plan and develop a business plan to identify cost implications to the council throughout this period. The business plan will be reviewed and agreed on at least a three year basis
4. Either -
 - i) The Council explores whether advice in the Department for Transport's - Ports Good Governance means that a ring fenced reserve for Quay Maintenance could be set up. Profit from the Harbour Board would be paid into this account, **OR**
 - [ii] That proposals for a ring fenced reserve for Quay maintenance are referred directly to the Service Director - Finance and Procurement to consider the financial implications on the wider council budget. These implications can be fed into the future budget setting process.]
5. WHB would receive (~~confidentially~~) a copy of the Budget submission for the Harbour and the agreed budget – in order to ensure we have sufficient funds to complete works
6. That the designated officer will annually ensure flexibility and discretion is given to the Lead Officer for the Harbour in the budget setting process to achieve the strategic goals, [add: 'in line with the delegations set out in the constitution.].]
7. Either -
 - i) The WHB will continue to appoint its own independent members and function as outlined in the Terms of Reference / MoU, **OR**
 - [ii] Remove this recommendation and continue with the present arrangement whereby Council continues to appoint independent members to the WHB, based upon a recommendation from the Whitstable Harbour Board]
8. That the Harbour Board will have full discretion on the formation of 'task and finish groups' (previously referred to as working groups) [add: subject to officer capacity being available].
9. That clarification will be sought as to whether the MoU will need amending were the byelaw to be amended/or repealed.
10. The size of the Whitstable Harbour Board change to 5 councillors and 4 independent members, in line with The Department for Transport's - Ports Good Governance Guidance, with political balance retained and a councillor appointed as chair.
11. That the appointment of independent members be made by a panel of the Whitstable Harbour Board and ratified directly by council and not via the Appointments' Committee. [delete and incorporate into recommendation 7]

Next stage in process:

The recommendations of this report will be referred to the Governance Committee who will in turn make recommendations to full Council, with the minutes of the WHB appended.

The final decision will be reflected in the constitution and in the arrangements with a view to being implemented for the new municipal year.

1. Introduction

The purpose of this report is to consider a series of recommendations that the Harbour Board has asked the Council to consider with a view to amending the constitution in time for the new municipal year.

The recommendations are listed above, with commentary provided in the report. The outcome will be a series of revised recommendations made formally by the Whitstable Harbour Board for the Governance Committee and Council to consider.

2. Detail

The role of the Whitstable Harbour Board can be summarised under three headings -

Regulatory - To exercise the functions of the Harbour on behalf of the council - defined in the various Acts listed in the terms of reference (Appendix 2). This includes the duties as Statutory Harbour Authority and Duty Holder in relation to the Port Marine Safety Code.

Strategic - Discharge the functions within the parameters of the Whitstable Harbour Strategic Plan and the Business Development Plan. Items outside the envelope of the Plans are currently decided by Cabinet or recommended by Cabinet to Council if beyond the remit of Cabinet.

Delivery - Overseeing strategic delivery of the council's objectives at the Harbour, including land and property matters, in accordance with the Strategic Plan, Business Plan and other council policies including the Corporate Plan and Local Plan. The current Disposal Policy Procedure includes a caveat that all disposals (which includes leases) on harbour land must be agreed with the WHB.

From time to time the WHB may review its arrangements and make recommendations for changes. The Harbour Board met in the closed session of its last meeting to discuss what proposals it might wish the full Council to consider.

The outcome is this report, the recommendations of which will be referred to the Governance Committee for consideration. The recommendations of the Governance Committee will be put to full Council, accompanied by the minutes of this meeting.

Each proposal is considered in turn below -

Proposal 1 - That the WHB become a committee of Council and not Cabinet. If agreed by the Board papers would be submitted to the governance committee for changes to the constitution from May 2024.

Officer comment: No change suggested to the proposal

The Harbour Board is a Local Choice function, which means Council can decide whether the Harbour Board should report to, and be led by, Cabinet or full Council.

In the early 2000's, the council formed the Harbour Board to strategically manage the harbour. It operated as a council committee, reporting to full Council and had decision making capability delegated directly to it by Council.

When the council reverted to the leader and cabinet model in 2022, it opted to delegate these functions to Cabinet.

Consideration is being given to whether the WHB should revert to being a council function.

To explain the difference between the two -

As an executive function the prime role of this body is an advisory one, to advise the portfolio holder and cabinet on the strategic management of the Harbour.

While this ensures integration with the political direction of the council, it is not consistent with the desire for the Harbour to work closely with the whole Council and have a degree of independence, such that it attracts the right calibre of independent members to support the governance arrangements.

We have adapted the terms of reference to interpret that decisions that sit within the envelope of the Strategic Plan can be considered as made (1.3 of the WHB ToR's) to enable the WHB to function as it has always functioned, but the two do not sit easily together

As a council (non-executive) function, supported by a council committee reporting to full Council, there is a clear and unambiguous line of delegation of the harbour functions directly from Council to the WHB or to Officers. This is the most common option nationally for council's managing harbours.

Full Council is responsible for approving the Strategic Plan which again provides an opportunity for the whole council to influence the future of the Harbour.

If the WHB were to revert to a council committee, a Memorandum of Understanding (MOU) between the WHB and Cabinet would ensure that, in simple terms, the budget recommended by Cabinet to Council includes funding for the objectives set out in the Strategic Plan. In exchange, the WHB agrees to strategically manage the harbour in a way that meets the council's broader policy objectives.

A draft MoU has been included in Appendix 3 so that the Harbour Board has the opportunity to recommend the MOU at the same time as making this recommendation if it wishes to do so.

Council as a whole remains the competent Harbour Authority for Whitstable Harbour, but the Board would have delegated authority to make decisions relating to the Harbour in accordance with the requirements of the Port Marine Safety Code and Health and Safety at Work legislation. The Board is responsible to the Council for those matters.

Functions of the council not delegated to committees are described as executive functions. They primarily relate to the delivery of the council's policy framework and cover such things as property, regeneration, coastal tourism, enforcement, parking, etc.

The following matters may from time to time require the Cabinet to become involved in Harbour Board matters and this would form part of the MoU between the two bodies.

Proposal 2 - That WHB will maintain a ten year (not five year) plan of quay maintenance and provide this annually to the council

Officer comment: No change suggested to the proposal

The Harbour Board will maintain a ten year plan of quay maintenance.

This will provide a programme of the major capital works required during this period.

The quay maintenance plan will also estimate the amount of Environment Agency Flood Defence Grant in Aid that will be applied for throughout the ten year plan.

Proposal 3 - That the WHB would agree a ten year strategic plan and develop a business plan to identify cost implications to the council throughout this period

Officer comment: No change suggested to the proposal

The current Strategic Plan was approved in 2017 for a five year period. The existing Strategic Plan expired in 2022.

The proposed Strategic Plan is intended to cover a ten year period from April 2024 to March 2034.

The Harbour Board will also publish a three year business plan which outlines actions under each of the key strategic aims.

Progress on these actions will be reviewed by the Harbour Board on a six monthly basis.

An annual plan showing progress will be presented to the board and circulated amongst stakeholders every September.

Proposal 4 - The Council will explore whether advice in the Department for Transport's - Ports Good Governance means that a ring fenced reserve for Quay Maintenance could be set up.

Officer comment: The budget for 2024/25 has been agreed so this would be a recommendation to be considered as part of the 2025/26 budget setting process. It is suggested that this recommendation is referred directly to the Service Director - Finance and Procurement to consider the financial implications on the wider council budget. These implications can be fed into the future budget setting process.

The extract from the [Ports Good Governance Guidance](#) (DoT, March 2018) states -

Financial issues

4.18 The local legislation of Statutory Harbour Authorities (SHAs) owned by LAs often contains provisions in relation to the use of income generated by the SHA. In some cases, this can require income from the harbour to be used for purposes related to the harbour. This means that LAs can be legally precluded from transferring income generated by the harbour for use on other services provided by the LA. LAs should also ensure matters of marine and landside safety are sufficiently financed.

4.19 Linked to the above, some SHAs have assured accounts, whereby surplus funds are protected from being transferred to other parts of the local authority not connected with the port. These can be beneficial in allowing the port the ability to plan for the long-term, to have funds available for maintenance and development, but also to be able to cope with unexpected events where funds are required at short notice. Potential further benefits include not being dependent on the council, or not needing to compete with other council services for funds.

The general fund draft budget report, submitted to Policy Committee on [11 November 2020](#) included proposals that the ring fencing arrangements applied to the WHB should cease. The proposals were approved by Council.

The purpose of the proposal was not to remove resources from the WHB, but to give the Cabinet and Council full flexibility in how resources are deployed and not impose constraints that could impede the delivery of the council's broader objectives across the district and in the Harbour.

The recommendations in the Ports Good Governance Guide are written in the context of a Harbour Management Committee, which may not necessarily reflect the diverse nature of the offer in the Whitstable Harbour.

Under the current model the long-term funding of the Harbour's capital and revenue budgets is informed by the delivery of the Whitstable Harbour Strategic Plan, the Business Plan and the council's broader objectives set out in the Corporate Plan.

It is suggested that a decision made on this matter might be premature and it could be better considered as part of the budget setting process.

This would provide an opportunity for the impact of a ring fenced budget to be assessed alongside the overall budget setting exercise. If, following the assessment, the proposal is supported then recommendations could be made when the budget is published for consultation later this year.

Proposal 5 - WHB would receive (confidentially) a copy of the Budget submission for the Harbour and the agreed budget – in order to ensure we have sufficient funds to complete works.

Officer comment: No change suggested to the proposal, other than removal of the reference to confidentiality.

Officers bring a financial summary to the WHB as part of the budget consultation process. This practice can continue and the report can be considered in public.

Proposal 6 - That the designated officer will annually ensure flexibility and discretion is given to the lead officer of the Harbour in the budget setting process to achieve the strategic goals

Officer comment: It is recommended that the words ‘in line with the delegations set out in the constitution.’ are added to the end of the proposal.

There is a formality to this which is defined in our decision making arrangements.

The budget is put to Council by the Leader of the Council, with the collective agreement of the Cabinet. Their budget is informed by officers.

Flexibility and discretion is subject to the delegations made by Council to the Board and to officers of the council. Officers operate within the delegations permitted, the Financial Procedure Rules and Contract Standing Orders, all of which are included in the constitution.

Each allows a degree of flexibility and discretion in how budgets are managed. Officers operate within those procedural boundaries and seek formal approval from the appropriate committee or Board for anything outside those boundaries.

If greater flexibility and discretion is needed then it can be granted through those arrangements.

Proposal 7 - The WHB will continue to appoint its own independent members and function as outlined in the Terms of Reference / MoU

Officer comment: It is recommended that the existing arrangements are retained.

The existing arrangements provide the necessary checks and balances to ensure that the WHB cannot act unilaterally, potentially against the wishes of the Council. Full Council

retains control over all appointments to Committees and Boards based on recommendations from the Appointments Committee. Members of the Board are heavily involved in the selection process for independent members but full Council has the final say.

Currently a Selection Panel comprising the Chair of the board, one independent member, one councillor member and a senior officer selects not less than two candidates for each vacancy to the Appointments Committee who make a final recommendation to full Council.

Options available include the following,

- i) To delegate future appointments to the WHB or manage the arrangements, or
- ii) To delegate future appointments to the Appointments Committee, or
- iii) To continue with the present arrangements, under which the full Council has the final say on which independent members are appointed. (recommended)

Proposal 8 - That the Harbour Board will have full discretion on the formation of 'task and finish groups' (previous referred to as working groups)

Officer comment: It is recommended that the words 'subject to officer capacity being available' be added to the end of the proposal.

Currently the appointment of working groups is a matter for the Cabinet and O&S Committees. The purpose of this is to manage the number of working groups created to ensure capacity isn't overstretched, which in turn can affect the ability of officers to discharge their duties and deliver the agreed priorities of the council.

The WHB South Quay Working Group is something of an anomaly in that it started as a steering group to support the development of the South Quay Shed, which reported back to the WHB at each meeting. The group has continued with a broader remit to support officers in the wider development of the South Quay in accordance with the Strategic Plan.

The task and finish group was listed in the groups referred to Cabinet and O&S at the start of the year and has been allowed to continue its work. If Council wishes to grant WHB full discretion on the formation of task and finish groups it may wish to qualify it in order to manage capacity and resources.

Proposal 9 - That clarification will be sought as to whether the MoU will need amending were the byelaw to be amended/or repealed.

Officer comment - No change suggested to the proposal

If the proposal to move the WHB to being a Council function is approved then it is recommended that the existing MOU is approved in revised form and then advice can be taken at the time of amending or repealing the byelaw on the effect that change would have on the relationship between the Harbour Board and the Cabinet.

Proposal 10 - The size of the Whitstable Harbour Board change to 5 councillors and 4 independent members, in line with The Department for Transport's - Ports Good Governance Guidance, with political balance retained and a councillor appointed as chair.

Officer comment - No change suggested to the proposal. The political balance of all committees and boards is reviewed annually so the change could be implemented and then political membership assessed each year, prior to the annual meeting.

The relevant extract of the [Ports Good Governance Guidance](#) states (p37) -

Harbour Management Committees

The formation and membership of the committee is critical. It should be strategic and aware of the commercial and legal framework within which ports operate.

Based on particular experiences the Committee should ideally comprise:

- *approximately 50% LA elected members of a constituent authority. These do not all have to be LA councillors, but can be co-opted representatives who are appointed by the LA or provide specific skills in support of port management;*
- *the port chief executive/harbour master should have access to the HMC in an advisory role, but as an officer of the Council they cannot serve on the committee or have voting rights;*
- *external appointees who are stakeholder representatives or individuals with valuable skills and experiences;*
- *a Chair appointed on merit, skills and suitability;*
- *external members should be appointed by public advertisement using the guidance applicable to public appointments, in line with the advice given above.*
- *The HMC Chair should ideally be an elected representative of the LA.*

The current composition of the Harbour Board is eight councillors and three independent members, making up a Board of 11 members.

Political balance is applied, which means the 8 seats are currently allocated: three labour, two liberal democrat, two conservative and one green party. The liberal democrat group has given a seat to the green party, therefore the green party currently has two seats and the liberal democrats one.

Under the proposed arrangements the councillor seats would be reduced to five and most likely allocated: two labour, one liberal democrat, one conservative and one green party.

Under the proposals a fourth independent member would be recruited using the existing (or revised) arrangements.

As already stated, the context of the guidance is that it is written in the context of a Harbour Management Committee, which may not deal with the same breadth of matters as the Whitstable Harbour Board.

Political balance and Harbour Board composition are matters for the Governance Committee and full Council so the proposals from the Board will be referred for consideration.

Proposal 11 - That the appointment of independent members be made by a panel of the Whitstable Harbour Board and ratified directly by council and not via the Appointments' Committee.

Officer comment - This is covered under recommendation 7.

Conclusion

The Harbour Board is invited to consider its recommendations in light of the additional information provided in this report.

The final recommendations will be referred to the Governance Committee on 11 April, who will in turn make recommendations to full Council on 25 April 2024.

3. Relevant Council policy, strategies or budgetary documents

Constitution
Council budget 2025/26 onwards
Whitstable Harbour Strategic Plan
Corporate Plan

4. Consultation planned or undertaken

This report is being referred to the Whitstable Harbour Board for consideration.

5. Options available with reasons for suitability

Option 1 - To adopt the recommendations as set out in the report in current or revised form

Option 2 - To defer individual recommendations for future consideration

Option 3 - To reject the recommendations

6. Reasons for supporting option recommended, with risk assessment

It would be possible for all of the recommendations except for Recommendation 4 to be considered by full Council in April and implemented for the new municipal year.

Due to the wider impact recommendation 4 would have on the budget proposals for next year and future years it is recommended that this item is deferred and considered as part of the strategic budget setting process.

7. Implications

(a) Financial

The impact of recommendation 4 is that additional funding or budget reductions would have to be identified to cover the money transferred into the reserve.

(b) Legal

The transfer of the Harbour to being a function of Council would enable the Harbour Board to be a politically balanced decision making Board, consistent with the Local Government Act 1972.

(c) Equalities

None identified

(d) Environmental including carbon emissions and biodiversity

None identified

Contact Officer: Matthew Archer, Head of Corporate Governance

Background documents and appendices

[Ports Good Governance Guidance](#), Department of Transport, March 2018

Additional document(s) containing information exempt from publication:

No

Appendices

Appendix 1 - Climate Change Impact Assessment

Appendix 2 - Whitstable Harbour Board terms of reference

Appendix 3 - Draft MOU between the WHB and the Cabinet

Appendix 1 Climate Change Impact Assessment (Checklist)

(Please delete bullet points below before submitting)

1. Please be aware that this document will be made available to the public.
2. This form should be completed for all committee decisions except planning (see below).
3. This assessment is not required to be carried out for planning applications as these are the subject of national regulations which determine the necessity or otherwise for Environment Statements to be submitted in support of planning applications under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
4. For the purposes of this form, we refer to your policy, function, project or service as a proposal. It is not intended to be a detailed, quantified analysis of emissions - but an overview of the likely impact of your proposals.
5. Please note that a negative impact on climate change does not necessarily mean the proposal will not get approval. However, councillors need to be able to take the likely impact into account when considering your report, in line with its broader climate change emergency declaration.

Please provide an assessment of the impact of the proposal under each of the headings below. If none, please say so.

1. Climate Change impacts

Impact of proposal Positive/ Neutral/ Negative	Explanation of impact If you have any relevant data, please include that in the explanation and reference the source.	Mitigation
Impact on the council's target of being carbon neutral by 2030 This applies to emissions of carbon dioxide as a direct result of our own activities and services. Please consider the whole life impact of your proposals		
Neutral		
Impact on carbon emissions in the Canterbury district This applies to the carbon dioxide emissions in the district as a result of your proposal. Please consider the whole life impact of your proposals.		

Neutral		
Emission of other climate changing gases including methane, CFCs, nitrous oxide		
Neutral		

2. Adaptation to climate change - Impact on our resilience to the effects of climate change

The greatest risks posed by climate change to the UK are:

- Flooding and coastal changes including erosion from extreme events
- Risks to health caused by high temperatures
- Water shortages and drought
- Risk to natural environments & services - landscape, wildlife, pollinators, timber etc
- Risk to food production & trade
- Emergence of new pests and diseases affecting people, plants & animals

What impact do your proposals have on our ability to resist or tackle these problems in the future?

Impact of proposal Positive/ Neutral/ Negative	Explanation of impact	Mitigation
Neutral		

Appendix 2

WHITSTABLE HARBOUR BOARD

Existing Terms of Reference

The Whitstable Harbour Board is a Cabinet Committee.

1.1 To exercise, on behalf of the Council, the functions of the authority under the legislation below and any other legislation which may apply from time to time in respect of the Council's functions with regard to the administration and management of the harbour.

- The Harbours, Docks and Piers Clauses Act 1847
- The Whitstable Harbour Act 1957
- The Whitstable Urban District Council Act 1948 (so far as it affects land transactions for Harbour Land held under the Whitstable Harbour Act)
- The Harbours Act 1964
- The Docks and Harbours Act 1966
- The Ports (Finance) Act 1985
- The Dangerous Vessels Act 1985
- The Dangerous Substances in Harbour Areas Regulations 1987
- Pilotage Act 1987
- Aviation and Maritime Security Act 1990
- The Transport and Works Act 1992
- The Merchant Shipping Act 1995
- Marine Navigation Act (No 2) 2013

1.2 To discharge these functions within the overall policy direction described in the Whitstable Harbour Strategic Plan. The Whitstable Harbour Strategic Plan will be approved by Council as part of the council's policy framework. The strategic steer on the development of the new Plan will be provided by the Harbour Board. Cabinet will be a consultee and the recommendations from both bodies will be passed to Council.

1.3 To take decisions that sit within the scope of the Whitstable Harbour Strategic Plan. Where matters sit outside the scope of the Plan, or there is any doubt as to whether a decision sits within the scope of the Plan, they shall be ratified by Cabinet.

1.4 The Board will act as the advisory body to Cabinet in relation to strategic matters at the Whitstable Harbour including harbour land and property in accordance with strategic plans and policies that may be laid down by the Council from time to time, provided that the exercise of that function is within the financial estimates for the year, or for which such provision has been expressly made by the Council. Harbour land and property is defined on the plan contained within the Whitstable Harbour Byelaws 2008.

1.5 To properly discharge the Council's duties and powers as a Statutory Harbour Authority and Duty Holder in relation to marine safety and the safe use of all harbour lands, in accordance with the Port Marine Safety Code.

1.6 To ensure that it is open and accountable in all of its activities.

1.7 To strive to make the Whitstable Harbour financially self-sustaining.

1.8 To have due regard to the changing needs of the marine sector and others with an interest in the port activities of Whitstable Harbour.

1.9 To have due regard to the interests of the local community in the running of the Whitstable Harbour and in particular to recognise the contribution the harbour makes to the economic well-being of the area through both direct and secondary employment and purchasing.

1.10 To submit to the Cabinet each year, via the Head of Paid Service, a five-year capital programme, including funding proposals and three-year revenue projections.

1.11 To recommend the allocation of capital expenditure to the Cabinet.

1.12 To oversee the operation and enforcement of the Whitstable Harbour Byelaws 2008 as may be amended from time to time.

2 Membership of the Board

2.1 The board will reflect the political proportionality of the Council. There will be three co-opted independent members. Each political party may name up to 2 substitute councillors, one of whom may take the place of their board member where that member will be absent for the meeting. Independent members may not designate a substitute member.

2.2 The Chair of the board shall be a councillor with, where necessary, a casting vote. The Chair shall serve a maximum term of seven years. There is no Vice Chair of the board. In the Chair's absence at any board meeting, the board shall appoint a temporary Chair from the councillors present.

2.3 The independent board members shall have full voting rights on all matters before the board and be appointed on merit, in order to obtain a board that is independent and fit for purpose.

2.4 The independent board members' term of appointment is normally three years from the date of appointment.

2.5 Each independent board member will be given terms of appointment. The terms of appointment may be amended from time to time.

2.6 Subject to the approval of the Appointments Committee and subject to the board's assessment that the independent board member has performed satisfactorily during the first term and has a good attendance record, an independent member may be appointed for a second three-year term without being subject to competition.

2.7 That reappointment for a third term is subject to competition against a selection of candidates after advertisement and appropriate competitive procedures.

2.8 That a Selection Panel (comprising the Chair of the board, one independent member, one councillor member and a senior officer) be asked to select from the applicants not less than two candidates (unless there be too few applicants) for each vacancy to recommend to the Appointments Committee who will make the final recommendation to Full Council.

2.9 The independent board members, as a group, will be appointed so that they provide a complementary range of maritime-port related and business expertise to provide a fit for purpose board.

2.10 All members of the board will participate in training programmes to understand the duties and responsibilities involved in running the port and of board membership.

2.11 The independent board members will be paid an allowance and expenses in accordance with the Council's members' allowances scheme (see Part 9, Financial Procedure Rules, of this Constitution).

2.12 The board is subject to the Council's Committee Procedure Rules and public participation arrangements, as set out in Part 5 and Appendix I respectively.

2.13 All members of the board are subject to the Council's codes and protocols set out in the Constitution.

2.14 A shadow independent board member may be appointed to the Whitstable Harbour Board by the Appointments Committee at any time. The shadow member may attend meetings but may not propose motions nor vote. Their presence will be recognised in published agendas and minutes and will carry a modest allowance to cover their time and expenses.

Appendix 3 [draft]

Memorandum of Understanding between the Cabinet of Canterbury City Council and the Whitstable Harbour Board

The Cabinet of Canterbury City Council and the Whitstable Harbour Board wish to confirm their respective objectives, responsibilities and constraints for developing and maintaining Whitstable Harbour whilst protecting the interests of the community of Whitstable and the environment.

Respective positions and responsibilities

The Cabinet leads the implementation of council policy within the council's policy and budget framework.

The Board is a committee of Canterbury City Council and is the Council's prime decision-making body for Whitstable Harbour.

The Council operates as a Statutory Harbour Authority under the Whitstable Harbour Act 1957. Whitstable Harbour no longer provides a physical pilotage service but the Council retains its Competent Harbour Authority status under the Pilotage Act 1987, by the use of passage plans, local knowledge and exemption certificates.

Objectives

Cabinet

The strategic commitments of Cabinet are set out in the council's Corporate Plan and emerging Local Plan.

The new Corporate Plan focuses on how our local action can make our local community a greener, fairer, stronger and better place for us all to live. As such, our goals include references to the [United Nations Sustainable development goals](#) on which the council is increasingly basing its work.

The strategic commitments set out in the Whitstable Harbour Strategic Plan reflect the responsibilities we jointly have on an ongoing basis and our goals are measurable outputs to help us achieve our aspirations.

The five strategic pillars of the Whitstable Harbour Strategic Plan are:

- **Effectiveness:** To provide a safe and first class service to customers and stakeholders in line with the Port Marine Safety Code and good governance
- **Environment:** To actively manage our Harbour in a way which is responsive to climate change, enhances the environment and promotes the health and biodiversity of our local waters
- **Employment:** To ensure the Harbour remains a significant employer in the town and continues to support local and small businesses

- **Equity:** To promote and enhance opportunities for all to safely access the Harbour environment
- **Education:** To improve people's knowledge of the role the Harbour has and continues to have in the cultural life of our town

The Cabinet accepts the Board's aspirations and recognises its constraints.

The Cabinet further recognises the responsibility of the Board in exercising the functions of -

(i) the Statutory Harbour Authority as delegated to it under the requirements of the Code and the Legislation and

(ii) the Competent Harbour Authority under the Pilotage Act 1987 and confirms it will support decisions necessarily taken by the Board to satisfy the Board's responsibilities under the Code and the Legislation.

Whitstable Harbour Board

The Board will seek to satisfy its responsibilities under the Code and the Legislation.

The Board accepts the objectives of the Cabinet as contained within the Corporate Plan and emerging Local Plan.

In everything it does, the Harbour Board strives to:

- build a reputation for safety, reliability and a friendly service;
- be open, accessible and accountable;
- create a profitable and sustainable commercial business which is financially self-sufficient;
- be good communicators, regularly engaging with residents and stakeholders;
- work with our community to make things happen.

The overriding vision of the Board is:

to support the fishing industry of Whitstable and provide a safe, welcoming, memorable and accessible Harbour that drives local business, protects our environment and delivers a positive social impact for our community.

The Board will seek to satisfy its wider objectives to the extent that it satisfies, or does not materially compromise, the Cabinet's objectives.

Whitstable Harbour Board
15 March 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 2024
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

A replacement entry Navigation light is due to be installed. The present one has suffered long-term damage and is irreparable.

The Oyster Buoy is due for maintenance checks. The contractor has been confirmed, all required equipment in place and works to be completed shortly.

Port Facility Security Plan

Required updates to the plan and vetting process have commenced

Harbour Operations - East Quay

Appendix 1 - Shipping statistics

A trial phase has been completed with Aggregate Industries utilising a barge for cargo from Isle of grain. This has been successful with future shipping movements expected.

Works to repair lighting to the East Quay are complete.

Harbour Operations - West Quay

The Shetland Trader has been alongside for repairs.

Harbour Operations – South Quay

Upgraded Public Rescue Equipment (PRE) installations have commenced along the South Quay. This forms part of a review of provision throughout the Harbour estate. Other locations to be completed as part of the programme and the board updated, accordingly.

Harbour Operations - Pontoon

Nothing to report.

Harbour Operations - North Head

The repairs to lighting of the Fishermen's huts are due to take place due to faulty operation in adverse weather conditions. Poor weather when works were planned have caused delays to completion.

Harbour Operations - General

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

A review of the tenancy terms and conditions is on-going. The recent cyber attack suffered by the Council has impacted negatively upon the timeframe for completion.

Fishermen's Huts

The repairs to lighting of the Fishermen's huts are due to take place due to faulty operation in adverse weather conditions. Poor weather when works were planned have caused delays to completion.

Berthing

Installation of new mooring rings has commenced in agreed locations with the berth holders and WFA.

A lifting gantry is due to be moved from the South Quay to the North head. This has been agreed after a request from the WFA. This will reduce the levels of landing activity on the South Quay which will benefit all users of the Harbour.

Publicity and Communications

The opening event for the South Quay Shed model was a success and well attended.

Initial conversations have commenced regarding a Harbour webpage and destination marketing strategy/brand. This work will be linked with developments at the South Quay Shed, ensuring there is synergy and no duplication.

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. The initial plaques have been installed.

The Fishermen's Mission will be attending at the Harbour on 24 May 2024. They will be offering the Dentaid van for active, retired and former fishermen. Dentaid The Dental Charity works with Fishermen's Mission to take mobile dental services directly to the quayside. They park the mobile dental unit so fishermen can see a dentist as they come ashore or before they set out to sea.

Contact Officer: Matthew Young, Harbour and Foreshore Manager

Background documents and appendices

Appendix One - Shipping statistics up to March 2024

Appendix Two - Health and Safety Incident Log

Appendix Three - Whitstable Fisherman's Association Meeting Minutes

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	1	1904
February	5	5552	8	9715
March	4	7366		
Totals	42	66512	42	62169

SUMMARY

Year	2020/21	2021/22	2022/23	2023/24
Tons	58602	77165	66512	62169
Ships	29	44	42	42

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.							

Whitstable Fishermen's Association Meeting		
13 December 2023, 10:00		
	Present	
	Esther Gilson (EG - Whitstable Fishing Association) Graham West (GW - Whitstable Fishing Association) Matthew Young (MY - Whitstable Harbour) Liam Wooltorton (LW - Engineering Services) Andrew Pullen (AP - Engineering Services) Chris Attenborough (CA - WFA) Glyn Hall-Edwards (GHE - Whitstable Harbour)	
	Apologies For Absence	
	None	
	Approval Of Previous Minutes	
	Agreed by general consent	
	Matters Arising From Previous Minutes	Action
	<ul style="list-style-type: none"> ● Reported (CA) electricity cable damaged on CA's berth has been reported. Works to be completed in September. GHE confirmed works have been completed ● Andy P will liaise over use of the crane. MY asked if payment had been made and EG confirmed they had not. 13/12/2023 - EG confirmed payment had now been made	
	Carry Over/On-Going Items	
	A quote will be sought to construct a 20m long wall to facilitate loading directly into the West Quay compound and a budget assigned for next financial year	
	Additional bins being investigated for Harbour. 17/8/23 - Large seasonal temporary bins have been installed as an alternative and are waiting to assess success through the summer period. Bunker bins still planned for storage of daily waste bin bags 13/12/23 - Final design to be confirmed	MY
	MY has submitted request for Harbour web pages to be reinstated	MY

	13/12/23 - Update being provided and likely to seek external provider. TBC via Harbour Board	
	Damage to the main barrier onto West Quay by delivery vehicle. EG confirmed that repair quotes to be sent to them to arrange for any payment. Due to be on site Friday 6 October. GHE confirmed works have been completed. Invoice needs to be forwarded to EG	GHE
	3 lighting columns to be positioned on South quay - western half of South quay. Lights to illuminate the quay only. This work is planned for mid/late September. This has been moved to late October. The power points on the South quay will also be made live as part of the lighting works. 13/12/2023 - Works are ongoing but not as fast as we would have liked. Hopefully to be completed before the Christmas break.	AP
	EG asked how the memorial bench was progressing. GHE confirmed works had commenced and would source some images of-date. 13/12/2023 - GHE to forward latest images to EG	GHE
	South Quay fenders are due to commence mid-October 13/12/2023 - Works are ongoing but not as fast as we would have liked. Hopefully to be completed before the Christmas break.	AP
	West Quay column repairs will commence early October. Work has commenced and we're happy with progress.	AP
	Antisocial Behaviour	
	Nothing to report	
	Harbour Maintenance	
	CA raised the issue of the loose cables under the West Quay. AP/GHE confirmed this was to be repaired and was underway.	AP/GHE
	CA asked about some minor works in the area not included in the South Quay works to be completed. Tidying up horizontals and the bottom of the timbers to stop line snagging. LW said they would investigate the possibility of this	LW/AP
	Fishermen's huts	
	GW asked if he was able to fit an extra light above his retail unit, attached to the underside of the balcony. It would be powered from his own unit. It was agreed this was acceptable.	

	Fishing Berths	
	Inadequate berthing of the Oyster boat is causing concern and damage to neighbouring boats in the Harbour. A request to speak with the operators was made to ensure they moor the craft appropriately.	GHE
	A request was made to consider more mooring rings to be installed as an outcome of the South Quay works. CA confirmed the locations would be marked to enable GHE to attain a quote for the works	CA/GHE
	Pontoon	
	Nothing to report	
	South Quay	
	Nothing to report	
	West Quay Compound	
	Nothing to report	
	General Harbour Matters	
	Nothing to report	
	Any Other Business	
	MY requested confirmation of Christmas tree removal for the installation of sauna concession. CA confirmed this would be completed in-line with 12 days after Christmas and by 8 January 2024. MY provided an update on the year pilot scheme of the concession.	
	CA asked if the plans for dredging were in place and to occur as normal. LW confirmed this was the case and that they have commenced the licence application process for the next 10 years.	
	Meeting closed at 11:15 Next meeting 13/2/2024 10:00	

Whitstable Harbour Board
March 2024

Subject: Engineer's Report



Map identifying quay sections

West Quay columns - Section 10

Works to repair the 31 concrete piles and two areas of underdeck under the west quay are now completed. A survey will shortly be undertaken to update the condition schedule of the piles. This will allow us to determine the next phase of pile repairs.

Harbour launch ramp

Storm damage in January required additional repair works to the ramp and these have now been completed.

West Quay Bulkhead - Section 9B

Following the ultrasonic surveys carried out in the harbour last year, works to the steel sheet pile wall under the west quay (Section 9B) are being planned.

A site meeting to determine the best course of action for repair as well as future preventative maintenance has been programmed for next week.

Hydrographic Survey

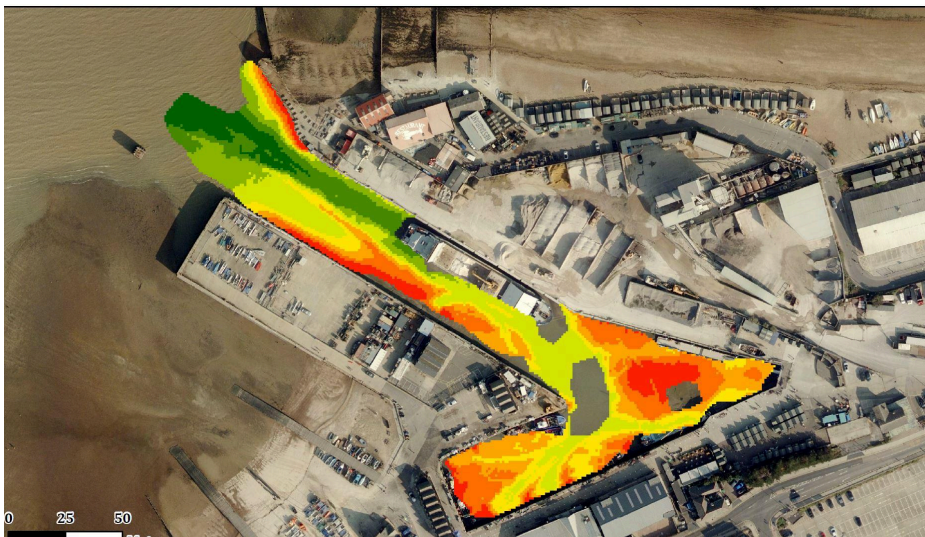
A hydrographic survey was carried out by Tom Bourne and Partners Ltd on 29 February to determine the amount of silt to be removed from the harbour basin.

Harbour Dredging

Dredging will be carried out in the basin and main channel in April/May.

It is estimated 6,000m³ of silt will be removed as the dredging is a biennial operation.

The 2024 campaign will be the final dredge of our current Marine Management Organisation licence. A new MMO licence will need to be obtained prior to the dredge in 2026.



Sauna accommodation works

A new water and electrical supply has been installed for the new sauna concession, which is now up and running on the beach opposite the RNLI.

Item 14 - Confidential **South Quay Shed Annual Report 2023/2024**

EXEMPT FROM PUBLICATION

Item 15 - Confidential **Property Action Plan Updates**

EXEMPT FROM PUBLICATION