

Whitstable Harbour Board
3pm, Friday 15 March 2024
Mallandain Room, Whitstable Castle

DRAFT MINUTES

Present:

Councillor Chris Cornell (Chair)
Sandy Lynam
Peter Steen
Neil Webster*
Councillor Michael Dixey
Councillor Andrew Harvey (substitute)
Councillor Joe Howes
Councillor Robert Jones
Councillor Naomi Smith
Councillor Clare Turnbull

In attendance:

Amber Gilbert - Principal Lawyer (Property) & Deputy Monitoring Officer
Andrea James - Democratic Services Officer
Michelle Moubarak* - Head of Culture, Leisure & External Development / Museums
Director
Andrew Pullen - Technician Engineer
Liam Woollorton - Head of Engineering
Adam Wright - Lead Surveyor
Matthew Young - Harbour and Foreshore Manager

*Present for part of the meeting

1. Apologies

Apologies were received from Councillors Keith Bothwell and Simon Warley. An apology for lateness was also received from Neil Webster.

2. Substitute Members

Councillor Andrew Harvey was present as a substitute for Councillor Keith Bothwell.

3. Declarations of interests by board members or officers

Peter Steen made a voluntary announcement that he was a member of Whitstable Maritime.

Councillor Michael Dixey made a voluntary announcement that he was Cabinet Portfolio Holder for Property, Performance and Oversight in relation to Item 15, Property Action Plan Updates.

4. Public Participation

Mr West, a member of the Whitstable Fishermen's Association, thanked the Harbour Board and the Council for the memorial bench which had been unveiled the previous day, and for their support for the harbour since the 1960s, noting that the harbour had been very important to both his parents.

The Chair noted the Board's condolences to Mr West for his father's recent passing.

5. Minutes of the meeting held on 19 January 2024

The minutes of the previous meeting were confirmed as a true record by general assent.

6. South Quay Shed Annual Report 2023/2024

The Head of Culture, Leisure and External Development / Museums Director introduced the report, which gave an overview of operations at the South Quay Shed over the last year and compared data from the previous year to track the progress of the business.

Members asked questions, made clarifications and raised points, including the following:

- 95% occupancy was in the current budget for this year, with the same for 2025/26 (as it had been set for three years). It was hoped that we would get closer to this target over the coming months and years (there would be 100% for the start of the new financial year), but the budget projections may need to be reviewed, if 95% occupancy was not attainable.
- Food units were easier to let than retail, which could result in the SQS becoming more of a food hall.
- Rents for retail units were set lower than those for food outlets in order to encourage them in and to reflect that retail units were less profitable.
- While there were more food outlets than retail outlets, the retail outlets tended to stay open longer.
- Different opening hours for different units could discourage customers.
- Google reviews were being used as a barometer of customer satisfaction. A questionnaire was also being developed, but the best timing and scope of a customer survey was still being considered.
- Pilot education and community projects had been undertaken at SQS. Initial events had developed organically, but now the Strategic Plan was in place the WHB could look more closely at what good projects looked like and how the space could be used to best effect.
- The community classroom was a "Goal" in the new Strategic Plan. A business case would have to be considered, to make sure it didn't take others' trade.

- Goals were different from Commitments in the Plan as commitments were things we did every year, year in, year out. Goals were distinct pieces of work to meet our aspirations.
- Informal meetings could be held at the SQS, or scheduled events after hours. The community room could be available to book, but it was important that the facility did not duplicate services already being offered elsewhere or take business from other spaces such as the Horsebridge and Whitstable Castle.
- If the mission was to support small businesses, then the relatively high turnover of businesses was not too troubling in itself as it went with the territory.
- Some independent feedback on how things were going would be useful; some external challenge / expert advice on business incubation.
- The SQS was intrinsically linked with how the Harbour wanted to position itself and would fit in with the wider Strategic Plan, but was currently difficult to brand / promote as it was such an eclectic mix.
- 1 or 2 members of the WHB should be involved in developing / selecting the public art brief in April.

The report was NOTED by general assent.

7. Whitstable Harbour Strategic Plan

The Head of Engineering presented the report, which updated the board on the proposed final draft of the strategic commitments and goals, and proposed a timeline for completion of the Whitstable Harbour Strategic Plan.

Members asked questions, made clarifications and raised points, including the following:

- The United Nations Sustainable Development Goals should be listed out in full in the final draft.
- The Strategic Plan could be considered operational as of April, so at the next meeting in June the Board could talk more about how each of the items on it could be achieved.
- A dedicated Whitstable online presence should be developed and tied in with a destination and marketing plan. An online presence that was both useful and interesting was needed; something like 'Visit Canterbury'.

The report was NOTED by general assent.

8. Whitstable Harbour Board Governance Arrangements

The Head of Engineering presented the report, which reviewed the governance proposals for the Whitstable Harbour Board previously put forward by Harbour Board members for consideration, and which were now set out again, some with some suggested changes and either / or options.

Members went through each proposal one at a time, asking questions of the officers, making clarifications and raising points. Discussion points included the following:

Proposal 1 – That the WHB become a committee of Council and not Cabinet.

- The proposal was agreed.

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

- The proposal was agreed.

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

- The proposal was agreed.

Proposal 4 – 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.

- The officer advice was discussed and the revised form of words considered.
- With the caveat that early input and involvement of WHB was needed in the budget setting process in future, it was agreed that the officer-suggested revised proposal be adopted, as follows; 'That proposals for a ring-fenced reserve for quay maintenance are referred directly to the Service Director for Finance and Procurement to consider the financial implications on the wider council budget. These implications will be fed into the future budget-setting process.'

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.

- Members felt more transparency was very welcome.
- It was agreed that the word 'confidentially' should be removed from the proposal.
- The revised proposal was then agreed.

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.

- It was agreed that the words 'in line with the delegations set out in the Constitution' be added to the proposal.
- The proposal was then agreed as follows: '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, in line with the delegations set out in the Constitution.'

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

- It was agreed to remove this proposal as per the officer's advice and to continue with the current arrangements.

Proposal 8 – That the WHB will have full discretion on the formation of 'task and finish groups' (previously referred to as working groups)

- WHB working groups / task and finish groups were usually fairly light work for officers.
- It was agreed that the words 'subject to officer capacity being available' be added to the end of the proposal.
- The revised Proposal 8 was then agreed as follows: 'That the WHB will have full discretion on the formation of 'task and finish groups' (previously referred to as working groups) subject to officer capacity being available.'

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

- The proposal was agreed.

Proposal 10 – The size of the WHB 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

- Could an independent member become vice-chair?
- Ideally the additional independent post would be filled before September 2024.
- The proposal was agreed.

Proposal 11 – That the appointment of independent members be made by a panel of the WHB and ratified directly by Council and not via the Appointments Committee

- It was agreed that this proposal should be deleted.

It was proposed, seconded and, when put to a vote

AGREED to adopt the recommendations to the Governance Committee as set out on page 24 of the agenda and above, these being the revised form recommended by the officer for proposals 4, 5, 6, 7 and 11.

Record of the Vote:

For: Councillors Chris Cornell, Dixey, A Harvey, Howes, Jones, N Smith, Turnbull, Independent Persons Peter Steen, Sandy Lynam, Neil Webster (10)

Against: none (0)

Abstaining: None (0)

9. Harbour and Foreshore Manager's Report

The Harbour and Foreshore Manager introduced the report, which updated the Harbour Board on matters pertaining to legislation, management, harbour operations, staff, communication, publicity and general port marine issues.

The Board members discussed the report, asked questions and made points, including the following:

- While the trial by Aggregate Industries of utilising a barge for cargo from the Isle of Grain at East Quay had been successful and had already been repeated, it would not replace the work of the regular aggregate ships.

- The West Quay lay-by berth was limited in terms of what craft it could accommodate for repair works. Reduction in shingle had allowed more craft to access it, but this was always subject to tides. The safety of repair operations had been improved, but it was not something that could be actively promoted. The setting also meant that repair operations were limited to rudder and propeller repairs; it was not somewhere you could strip a craft of paint, for example.

The report was NOTED by general assent.

10. Engineer's report

The Technician Engineer introduced the report, which provided a summary for the Board of key points and forthcoming works.

The Board members discussed the report and made points, including the following:

- Additional repair works to the harbour launch ramp had been completed. They had been paid for from the existing maintenance budget without the need to request additional funding.

The report was NOTED by general assent.

11. Date of next meeting

The date of the next meeting was confirmed as 3pm, on Friday 21st June 2024.

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

There was no other urgent business to be dealt with in public.

13. Exclusion of the press and public

It was proposed, seconded and AGREED unanimously by general assent:

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

This item was not discussed under the exempt provisions.

15. Property Action Plan Updates

(Councillor Dixey made a voluntary announcement that he was Cabinet Portfolio Holder for Property, Performance and Oversight in relation to Item 15, Property Action Plan Updates)

The Lead Property Surveyor introduced the report, which gave updates on active property cases.

The recommendations of the Lead Property Surveyor, in terms of the matters detailed in the report, were agreed by general assent.

16. Any other business which falls under the exempt provisions

There was no other business that fell under the exempt provisions.