

AT A MEETING of the RIVER HAMBLE HARBOUR BOARD held at the Royal Air Force Yacht Club, Rope Walk, Hamble on Friday 26 March 2010.

PRESENT:

Hampshire County Council

Councillors:

p K. Evans (Chairman)

p G. Hockley

a K. House

Independent Members

p T. Lovell

p C. Moody

p Dr S. Tomson

Marine Director

p D. Evans

Also present:

Councillor S.D. T. Woodward (Chairman of the River Hamble Harbour Management Committee and River Hamble Select Committee)

John Tickle, Assistant Director, Culture, Community and Rural Affairs

Ron Meekings, Head of Finance, Culture, Communities and Rural Affairs

Liz Ellam, Principal Solicitor

Amanda Clark, Solicitor

Wendy Stowe, Acting Deputy Harbour Master

Alison Fowler, Assistant Harbour Master (Environment)

46. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor K. House.

47. DECLARATIONS OF INTEREST

Members were mindful that, where they believed they had a personal or personal prejudicial interest in any matter to be considered at the meeting, they should normally at the time of the debate declare their interest, and having regard to the circumstances described in paragraphs 9, 10, 11 and 12 of the County Council's Code of Conduct, consider whether to leave the meeting whilst the matter was discussed save for exercising any right to speak in accordance with Paragraph 12 of the Code.

Mr T. Lovell, Dr S. Tomson and Mr D. Evans declared personal, non prejudicial interests by reason of (i) their being River Hamble mooring or berth holders and (ii) members of local Yacht Clubs.

In respect of agenda item 10, relating to the River Hamble Select Committee's report, members of the Board who had declared interests as a mooring or berth holder (Mr Lovell, Dr Tomson and Mr Evans) advised that their interest was both personal and prejudicial in so far as it related to discussion of harbour dues, as they were harbour dues payers. Councillor S. D. T. Woodward declared a similar personal, prejudicial interest as a berth holder. Recommendations 1 and 2 within the River Hamble Select Committee report related directly to the issue of harbour dues and as such, all indicated that they would leave the meeting during the Board's consideration of these recommendations. Dr Tomson, Mr Evans and Councillor Woodward all indicated that they would, however, make formal deputations and representations in respect of these two particular recommendations prior to leaving the room.

48. **MINUTES – 29 JANUARY 2010**

The Minutes of the meeting of the Board held on 29 January 2010 were confirmed as a correct record, and signed by the Chairman.

49. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman indicated that in light of public deputation requests he proposed to amend the order of business and take the report of the River Hamble Select Committee (agenda item 10) and then the proposed Harbour Office staffing structure (item 9) as the first substantive items of business.

50. **RIVER HAMBLE HARBOUR MANAGEMENT COMMITTEE – 5 MARCH 2010**

The Minutes of the meeting of the Management Committee held on 5 March 2010 were noted.

51. **REPORT OF THE RIVER HAMBLE SELECT COMMITTEE**

The Board considered the explanatory report of the Chief Executive and the accompanying report of the River Hamble Select Committee (Item 10 in the Minute Book).

Prior to the start of their formal consideration of the reports, the Board received deputations. Mr Michael Sterne, a local resident and also Vice Chairman of the River Hamble Select Committee, made a deputation in which he offered his support to the Select Committee's recommendations.

He asked that the Board accept the report's recommendations in full.

Councillor S. D. T. Woodward, Chairman of both the River Hamble Harbour Management Committee and the River Hamble Select Committee also addressed the meeting. He reminded the Board that the recommendations before them had received the unanimous support of both the Select Committee and the River Hamble Harbour Management Committee. He also urged the Board to accept the recommendations in full.

Although not bound by the Members' Code of Conduct, Captain Mark Capon (Designated Person) indicated that he would absent himself from the Board's consideration of recommendation 4. Recommendation 4 related to consideration of the Port Marine Safety Code and the role of the Designated Person (a role which he currently undertook and received a level of remuneration for). Captain Capon left the room while the Board discussed that particular recommendation.

The Board considered the report's recommendations section by section, asking questions at various points during the debate. During the Board's deliberations, Councillor S. D. T. Woodward (Chairman of the Select Committee) also answered a number of questions from Board members.

Before the Board's consideration of recommendations 1 and 2 of the Select Committee report Dr Tomson, Mr Evans and Councillor Woodward all made formal deputations in respect of those recommendations. Dr. Tomson queried whether the environmental impact of sailing dinghies was as negligible as the Select Committee had presumed. She also pointed out that additional categories of craft being exempted from having to pay harbour dues would increase the financial burden on other river users who did have to pay and add some confusion. Mr Evans asked the Board to consider an amendment to recommendation 2 (d) in light of the unintended financial consequences it would have. While accepting that the Board might wish to make minor amendments to the Select Committee's recommendations if there were unintended consequences, Councillor Woodward urged that the Select Committee's recommendations be agreed, unless there were good reason not to. Mr T. Lovell, Dr S. Tomson and Mr D. Evans and Councillor Woodward then left the room, i.e. in accordance with their earlier declarations of interest, while the Board considered these two recommendations.

The Board welcomed the principle behind recommendation 1 of the Select Committee report, i.e. that all craft using the River Hamble should pay harbour dues, albeit that some categories of vessels could be zero rated. The Board recognised that that the range of craft covered within recommendation 1 (a) currently realised very low levels of income, with

relatively high costs of collection, as well as there being difficulties in enforcement. Recommendations 1(a) – 1(d) were approved without amendment.

The Board acknowledged and confirmed their support for the principle behind recommendation 2 of the Select Committee report relating to equalisation of harbour dues. It noted that pro rata weekly payment of dues could cause a number of financial and administrative difficulties, leading to an inadvertent reduction in income. “Pro rata” was therefore deleted from recommendation 2 (b). Recommendations 2(a) – 2(m) were otherwise approved without amendment.

The Board welcomed the Select Committee’s confirmation that the activities set out within the current Strategic Plan were acceptable. In considering recommendation 3, the Board expressed some concern as to whether every activity set out within the Strategic Plan was measurable and capable of easy definition and therefore amended recommendation 3(a). The Board did, however, ask that the Strategic Plan should be submitted for review and reconfirmation on an annual basis in future.

The Board did not accept the principle of a Harbour Authority member of staff being confirmed as the Designated Person (DP) in respect of the duties laid out in the Port Marine Safety Code (recommendation 4). Board members stressed that, in their view, the DP should be wholly independent of the Harbour Authority and they therefore amended the principle that underpinned the Select Committee’s recommendation 4.

Board members indicated agreement to the principle of a review of the current cap on the mooring capacity (recommendation 5), although indicated that this should be on a ‘without pre-conditions as to its outcome’ basis, given that removal of the current cap could theoretically result in a reduction in mooring capacity on the River.

The Board noted that if the cap on mooring capacity was removed, environmental assessments would need to be carried out in respect of each fresh application for a mooring. The Board indicated that it would wish to see a report outlining the full resource and environmental implications of removal of the current cap before confirming their acceptance of such a move. It therefore requested that a sub-group be formed to explore all of the issues outlined in recommendations 5 (a) – (e) inclusive, with membership of the sub-group being agreed by the Chairman of the Board, in consultation with the Chairman of the River Hamble Harbour Management Committee and the Marine Director. The main principle underpinning recommendation 5 of the Select Committee’s report was therefore amended accordingly with minor amendments to recommendations 5 (a) - 5 (e).

The Board welcomed recommendation 6 of the Select Committee's report. The Board noted that it had already received an indication of the terms of the current contract with the Crown Estate at its meeting on 29 January 2010. The current terms had been explained as part of the Marine Director's 'current issues' report and were of considerable value to the Harbour Authority. Recommendation 6 was agreed without amendment.

Having already agreed that the Designated Person should be independent of the Harbour Authority, Board members noted that recommendation 7 required amendment to be consistent with their earlier decision. The Director of Culture, Communities and Rural Affairs also reminded the Board that a separate item (agenda item 9) was to be considered later in the meeting. This dealt with a proposed staffing structure for the Harbour Office and responded directly to the Select Committee's staffing recommendations. The Board noted that the main Select Committee recommendation relating to senior management (recommendation 7 (a)) was, however, in accordance with the recommendation in agenda item 9.

The Harbour Authority Officers present at the meeting left the room during consideration of recommendation 7. Mr D Evans (Marine Director) made a deputation to the Board prior to doing so, pointing out that the staffing structure that had been in operation for the past 9 months at the Harbour Office (and which was also being proposed in item 9 on the agenda) involved only 3 senior management posts, i.e. one less than that envisaged in the Select Committee report. He also stressed the importance of adopting job titles that both properly reflected the content of these roles and relate to similar roles undertaken at other Harbours. This principle was acknowledged by members of the Board who, in the course of their discussion, expressed support for three senior roles within the Harbour Office.

While accepting that a synchronised programme of meetings might be helpful, i.e. so that each Board meeting was preceded by a Management Committee meeting, the Board did not accept that it was a constitutional requirement for them to only be able to consider items that had previously been considered by the Management Committee. The Board received advice from the Head of Legal Services' representative confirming the decision taken by the County Council on 16 May 2005, and the planning and scrutiny protocol regulating the relationship between the River Hamble Harbour Board and River Hamble Harbour Management Committee that had been considered and agreed at that meeting (see <http://www.hants.gov.uk/decisions/decisions-docs/050516-countc-R0509093340.html>).

The Board were advised that this protocol sets out the working

arrangements that are intended to provide for the involvement of the Management Committee in strategic planning and scrutiny of individual decisions while ensuring that, in general, there is speedy and effective decision-making by the Board. It provides for compliance with the requirements of the River Hamble Revision Orders 1969 to 1989, so that under the umbrella of the Strategic Plan (which it was noted, is approved by the Board, in consultation with the Management Committee), the Board can exercise its powers without further reference to the Management Committee unless the Management Committee (i) are asked by the Board to give them advice on any particular matter or (ii) call in a particular decision of the Board. Accordingly, the Board regarded recommendation 8 as one that was potentially helpful but one which it was not obliged to adopt.

Board members accepted that the Operating Review Sub-Committee had made a number of extremely helpful suggestions within recommendation 9 but noted that some of those recommendations may not be wholly achievable or fall within the County Council's current financial management practices. The Board made similar comments in relation to "Further recommendations" 1 and 2. Minor amendments to reflect this were therefore suggested to recommendation 9 and "Further recommendations" 1 and 2. It was also noted that some of the financial recommendations had already been reflected in the budget report considered at the January meeting.

The Board asked that their thanks be formally recorded to members of the Operating Review Sub-Committee, in respect of the work that they had undertaken so far. Board members also indicated that they would welcome a review of relevant recommendations contained within the Select Committee report, by the Operating Review Sub-Committee, after a period of time had elapsed and the impact of their implementation could begin to be judged. The Board also paid tribute to the work undertaken by all members of the Select Committee and the officers and members of the public who had assisted it with its work.

RESOLVED that :-

1. **All craft using the River Hamble should pay harbour dues, although the following categories of vessel shall be zero rated.**
 - a.
 - Sailing dinghies (but not craft with keels), of less than 6m LOA;
 - All craft primarily intended to be powered by oars or paddles, including rowing boats, canoes and kayaks, unless also fitted with an engine of 10hp or more;

- Windsurfers;
 - Tenders up to 4m LOA, with engines less than 10hp, providing that their 'mother ship' has paid appropriate dues;
 - Craft either wholly or primarily used in a safety role operated by sailing clubs and/or established maritime protection and prevention agencies, e.g. the Police, Fire Service and RNLI;
- b. These zero ratings do not apply to craft primarily intended to be mechanically-powered, including RIB's and personal water craft (PWC)
 - c. All craft that are subject to harbour dues are required to display a clearly visible sticker on or near the port quarter to confirm payment before launching from anywhere on the river or as soon as is practical after entering the river as a visitor and using a Harbour Authority, commercial operator or other facility, whereupon they will be issued with a sticker or tag, as appropriate, which is to be prominently displayed.
 - d. Payment of dues by river users will be rigorously enforced. Those who evade payment will be subject, through action in the county court, under Section 43 of the Harbours, Docks & Piers Clauses Act 1847 to triple penalty of the amount due if unpaid within 7 days of a served enforcement notice. Non-payers' craft can be impounded under Section 44 of the Act.

2. Equalisation of Harbour Dues for all collective and individual payers will continue and will be fully implemented by 1st January 2012.

- a. The current and planned equalisation of harbour dues rates for all payers will be published each year by the Harbour Authority and maintained on its website together with payment forms and information.
- b. Harbour dues for periods of less than one year will be determined by the Harbour Authority. Details will be published on the Harbour Authority website with payments being collected by the Harbour Authority, or collective payers as appropriate, on a weekly basis.
- c. Collective payers, be they sailing clubs, associations, commercial operators or deemed similar, will continue to pay a total invoice cost at the standard rate. The rate paid by collective payers will, on completion of the planned equalisation, be approximately 10% lower than that paid by mid-stream mooring holders to reflect the

cost, risk and database management associated with collecting harbour dues on behalf of the Harbour Authority.

- d. Individual payers will pay in advance of the commencing year and will be invoiced in October for settlement within 28 days. This assists a timely change of surrendered moorings to those on the waiting list. The feasibility of introducing a direct debit payment option should be explored to minimise the costs associated with payment and collection of dues.
- e. Collective payers will be invoiced in January for settlement, within 28 days, for the current year.
- f. No settlement discount will be permitted for any Harbour Authority invoice. Any extended settlement period will incur an agreed premium. (While it may be only a nominal premium it provides consistency and accommodates smaller commercial operators who may be unable to settle their invoices until April.)
- g. Harbour dues for midstream mooring holders will continue to be calculated on the basis of the maximum LOA available for the allocated mooring (for either individual or collective payers).
- h. Harbour dues for pontoon berth holders managed by sailing clubs, associations or commercial operators will continue to be calculated on the overall capacity of the pontoon meterage using the currently agreed and established TYHA/BMF formula.
- i. Harbour dues for dry-stacked craft will be based on the overall capacity of the facility and an agreed formula applied.
- j. Harbour dues for dry-sailed craft will be based on the individual LOA and the collective dues agreed with the Harbour Authority (enforcement to be clarified).
- k. Sailing clubs, associations, commercial operators and Councils who provide dedicated storage areas for dry-sailed boats (other than i and j above) and charge for the facility will be responsible for collecting harbour dues on an agreed basis (to be determined and transparent) other than for zero rated craft.
- l. Sailing clubs and associations that host visiting boats using the river and or its facilities (primarily regattas and included in entry fee or as and when arrangements agreed).will collect harbour dues on an agreed basis, other than for zero rated craft.

- m. Individual visiting craft or craft launched anywhere in the river (other than zero rated craft) are expected to make themselves known to the Harbour Authority and pay the agreed harbour dues (Harbour Authority patrol boats to intercept and validate such craft).

3. The current activities of the Harbour Authority to fulfil its Mission Statement as set out in its Strategic Plan are acceptable, providing:

- a. These activities are clearly necessary, defined and measured wherever practical and their effectiveness is reviewed as part of an annual review of the strategic plan.
- b. The mission statement is amended to include the 'enhancement of access and facilities for river users and the well-being, enjoyment and economic benefit of the river for all'
- c. The strategic plan is reviewed and published annually setting out the need, cost and benefit of repairs, maintenance and improvements and capital investment schemes necessary in fulfilling its mission statement.
- d. It continues to seek ways to mitigate operating costs and optimise income to improve its overall efficiency and effectiveness.
- e. Hampshire County Council and the other local authorities recognise their wider environmental and amenity responsibility for the River Hamble and its surrounding shoreline and actively work with the Harbour Authority for the greater good, wider recreational use and enjoyment and/or consider funding to support the Harbour Authority in its delegated roles and responsibilities on their behalf.

4. The Board's support for the principle of a wholly independent Designated Person (DP) be reaffirmed, in the belief that it would be inappropriate for the role of DP to be carried out by a member of the Harbour Authority staff. When the current DP contract becomes due for renewal (and to ensure that the Harbour Authority continues to receives value for money) the Board will undertake a re-tendering exercise which will include the possibility of a joint arrangement with another Harbour.

- a. The appointee to the role of the designated person will report to the Harbour Board.
- b. The role and responsibility of the designated person and the twice annual audit reports required by the Port Marine Safety Code will

be published on the Harbour Authority website.

- c. In the event of legal advice or enforcement action being required the Harbour Authority will first seek the support of Hampshire County Council's (HCC) legal team or in turn its nominated advisors.

5. A review of the implications (resource, environmental, legislative etc.) of removing or modifying the current cap on mooring capacity should be carried out. Dependent upon the detail of the implications identified in such a review, the Harbour Authority will determine whether, in consultation with local planning authorities (LPA's), the Crown Estate and other appropriate consultees/agencies, it should seek to remove or modify the current cap on the mooring capacity. Irrespective of the outcome of the mooring capacity review, the Board will use its best endeavours to enhance the access and facilities for all users of the river. (The Board notes, however, the key role of the LPA's in relation to the specific impacts of any mooring limits).

- a. The Harbour Authority, in conjunction with The Crown Estate and other interested parties, will examine the scope to provide additional moorings and/or ways to improve the capacity and/or utilisation of existing moorings while having due regard for navigational safety and possible environmental impact.
- b. The Harbour Authority, in conjunction with other interested parties, will, at an appropriate time, agree with The Crown Estate on what basis they would permit new and replacement private pontoons to be installed on mid-stream moorings but balancing the additional cost, if any, that may be attributed to additional wear caused by the pontoons against the gain in safer boarding and disembarking from vessels.
- c. The Harbour Authority in conjunction with The Crown Estate and other interested parties will examine ways to provide additional facilities for the storage of tenders on and/or moored to 'walk-on' pontoons.
- d. The Harbour Authority in conjunction with LPA's and other interested parties will examine the scope to provide better access and adequate parking facilities for all river users, including overflow facilities for peak-user occasions bearing in mind that car parking is primarily the responsibility of the borough councils.
- e. Examination of all of the above should commence forthwith.

- 6. Having received and considered a report from the (Acting) Harbour Master at its meeting on 29 Jan 2010, the Harbour Board notes that the current terms of the Crown Estate mid-stream management agreement, in relation to the financial and resource requirements required in respect of that agreement, are of considerable benefit to the Harbour Authority.**
- a. The Harbour Board will, however, ensure that the implications of continuing with the current arrangement (operational, financial and the required level of resources etc.) will be analysed and reviewed sufficiently far in advance of the renewal date to ensure that if a decision to assign the management contract to others is approved, it will permit a seamless transition.
- 7. The Board accepts that Harbour Authority personnel issues need to be addressed and the management organisational structure reviewed. The following aspects and/or principles should be incorporated within a detailed review.**
- a. There should be only one senior management post, to be designated 'Marine Director and Harbour Master', with the duties for that post being an appropriate combination of the duties of the existing Marine Director and the statutory duties undertaken by the current River Hamble Harbour Master post.
 - b. Reporting to the Marine Director and Harbour Master (i.e. the post combining the current Marine Director and Harbour Master positions) should be two Assistant/Deputy Harbour Masters (specific titles of these posts to be confirmed at a later date) responsible for operational duties, environment and/or administration, and the personnel supporting those roles.
 - c. The Marine Director and Harbour Master and the Assistant/Deputy Harbour Masters (when required) would report directly to the River Hamble Harbour Board and be responsible to it in relation to strategic direction and operational implementation.
 - d. The Marine Director and Harbour Master's responsibility should include the engagement, reward and termination of all Harbour Authority employees, as determined by HCC employment terms and conditions.
 - e. The Marine Director and Harbour Master would consult with the Hampshire County Council Assistant Director for Culture, Communities and Rural Affairs in respect of those matters relating

to countryside responsibilities.

- f. The roles and responsibilities of the Marine Director and Harbour Master, officers and other personnel, along with information on their working regimes should be reviewed and their roles published.

8. The Board does not accept that Board recommendations are required to, or should, be made only through the Management Committee. However the Board did recognise that improved synchronisation of meetings would enable Board requests for Management Committee comments to be received and considered in a timely manner.

- a. Suitable training should be undertaken, on an ongoing basis, to ensure that Board and Management Committee members are capable of fully discharging their responsibilities. Members should be encouraged to attend whenever training opportunities are made available to them.
- b. The person specification and basis for the appointment of non-councillor members of the Harbour Board should continue to be published and widely advertised whenever there is a vacancy. Details of the person specification for non-councillor members of the Board should be advertised on the Harbour Authority website as a matter of course.

9. Other than where included above, the additional recommendations of the recent Operating Review should be accepted, with minor amendments as appropriate, i.e. as follows:

- a. The Management Accounts structure and reporting should clearly show sources of income and separate operating and support-services costs. This would make the need, cost and benefit more self-evident.
- b. The Board accepts that more detailed analysis of the source of harbour due incomes will aid the reporting process in lieu of being able to align the fiscal and calendar years.
- c. The Board accepts the underlying principle of the cost of providing dedicated facilities and specific services being recovered at commercial rates, wherever practicable.
- d. The policy for capitalising costs, corresponding depreciation and accruing and allocating reserves should be clarified and the reserve

funds re-stated if necessary.

- e. A business case should be prepared for capital expenditure proposals to aid the consultation, planning and budgeting process.
- f. The asset register should be reviewed to clarify ownership and responsibility for funding repairs, maintenance and improvements.
- g. The Board accepts that some supplies, services and discretionary costs may have scope for reduction and that this should be reviewed but noted that there are proposed savings for supplies and services within the 2010/2011 budget.
- h. Ongoing cost and income efficiencies should be encouraged. Resulting surpluses should be considered in deliberations on pricing levels.

10. The Operating Review Sub-Committee should be asked to work with the Marine Director and Harbour Master, the Hampshire County Council Head of Finance for Culture, Communities and Rural Affairs, and the Assistant Director of Culture, Communities and Rural Affairs to review the effectiveness with which relevant recommendations contained within this report have been implemented, after a period of at least six months has elapsed.

Further Recommendations

- 1. In order to address potential concerns at the cost of support services, the next budget report should include details of the basis of charging for support services.
- 2. The Complaints Policy should be publicised so that it can be followed by anyone having issues with the running or governance of the Harbour Authority.

52. PROPOSED HARBOUR OFFICE STAFFING STRUCTURE

The Board considered the report of the Director of Culture, Communities and Rural Affairs (item 9 in the Minute Book). Those County Council officers present who currently worked in the Harbour Office (Mr D. Evans, Ms W. Stowe and Ms. A Fowler) all indicated that they would absent themselves from the Board's consideration of this item and left the room.

Mr Michael Sterne, a local resident, made a deputation asking that the Board defer the report to allow the River Hamble Harbour Management Committee an opportunity to comment prior to a formal Board decision.

The Director of Culture, Communities and Rural Affairs advised that he was seeking authority in principle for the structure and management roles set out. He also stressed that the report took into account the results of the Select Committee process and would strengthen the effectiveness of the Harbour Office team while delivering significant budget savings from an operational perspective. A final decision would be sought from the Board once the required job and role evaluation exercises had been completed and the specific results obtained. Due to a significant period of reduced establishment and uncertainty faced by the Harbour Office team this process will be progressed as soon as possible.

Board members welcomed the report but requested that the role profiles be made explicitly clear in respect of staff who might be called upon to formally deputise in the absence of the Harbour Master and what limitations (if any) might apply in respect of any delegated authority. The Board also stressed that the structure 'organogram' should show the line of responsibility of the Marine Director and Harbour Master to the Chairman of the River Hamble Harbour Board.

The Board were reminded of the constitutional relationship between the River Hamble Harbour Management Committee and the River Hamble Harbour Board and the advice received during consideration of the previous item. It was the view of the Head of Legal Services that the Board *could* consider staffing matters such as this item, without it first having been considered by the River Hamble Harbour Management Committee, given that the nature of the business being transacted (staffing) was reflected within the approved Strategic Plan. The terms of the Board/Management Committee relationship had been agreed by the County Council on 16 May 2005 (<http://www.hants.gov.uk/decisions/decisions-docs/050516-countc-R0509093340.html>)

RESOLVED:

1. That the proposed new management structure for the River Hamble Harbour Office be approved in principle, taking into account the discussion and conclusions arising from section 7 of the River Hamble Select Committee's report (agenda item 10, minute 51) ;
2. That to secure and sustain operational effectiveness every effort should be made to implement a new structure in full by 31 July 2010, but no final decision will be taken by the Board until it has received detailed information on the results of the role and job evaluation exercises and any comments from the River Hamble Harbour Management Committee;

3. That a review of effectiveness should be carried out 6 – 9 months after the new roles and structure have been implemented.

53. HARBOUR MASTER'S REPORT

The Board considered the report of the Director of Culture, Communities and Rural Affairs (Item 7 in the Minute Book).

The Board noted with regret the theft of a 300hp outboard motor as reported in paragraph 3.3 of the report.

The Chairman indicated that, in the interest of openness and transparency, Captain Mark Capon (Designated Person) had been asked to investigate the incident on 21 February 2010 (reported in paragraph 3.7 of the report) as a result of the incident having involved a member of staff from the Harbour Office (albeit in a private capacity and in his own time). The DP had been asked to provide his observations in a report to the Board in respect of the interpretation of collision regulations in this case.

Members were advised that the Marine Director and Acting Deputy Harbour Master had again met with sailing club representatives and agreed a new code of conduct for the management of events. The whole of the Safety Management System (SMS) was, however, being reviewed including individual risk assessment modules.

The Board were advised that six of the twenty four piles due for replacement had already been replaced.

RESOLVED:

That the report be noted

54. ENVIRONMENT UPDATE

The Board considered the report of the Director of Culture, Communities and Rural Affairs (Item 8 in the Minute Book).

Members noted that an oil spill exercise had been carried out by Oil Spill Response Ltd on 4 November 2009. The Harbour Authority and also the new Tier 2 contractor, Adler & Allan, who would be called upon to assist in the event of a medium or major oil spill, had observed this exercise.

The 3 February 2010 response from the Highways Agency, in respect of the diesel spill that had occurred on the M27 bridge on 10 November 2009, was noted with disappointment (see paragraph 2.2 of the report and also Appendix 1). Board members indicated that they would be happy for the Chairman to continue to pursue the matter and to continue to highlight

the Board's wish to see inceptors fitted on the bridge.

Board members were reminded that the consultation deadline for the recently published draft North Solent Shoreline Management Plan was 23 April 2010. They also noted recent activities undertaken in partnership with the Solent Forum Nature Conservation Group and the Hamble Estuary Partnership (HEP).

Board members indicated that they wished to pay tribute to the detailed work undertaken by Alison Fowler, Assistant Harbour Master (Environment) in respect of ongoing negotiations with APB regarding their proposed capital dredge of the Southampton Approach Channel and asked that this be formally be recorded within the minutes.

RESOLVED:

That the report be noted.

55. ITEMS FOR FUTURE MEETINGS

The Board considered the report of the Director of Culture, Communities and Rural Affairs (Item 11 in the Minute Book) and noted they could also now expect an additional report on the proposed Harbour Office staffing structure at their next meeting.

RESOLVED :

That the report be noted.