

***Minutes of the meeting of the Commissioners held on Monday 13<sup>th</sup> May 2019 at 2.00pm  
in the Lymington Town Sailing Club, Bath Road, Lymington.***

**Present:** Richard Jenner (Chairman) (RJ), Bill Peach (BP), Alison Towler (AT), Jane Challener (JC), Paul Martin (PM), Andrew Richards (AR), Tim Harford (TH), Bob Mitchell (BM)

**Officers present:** Ryan Willegers (RW) (Harbour Master & Chief Executive), Sarah Maynard (SM) (Administrator)

**In Attendance:** Andrew Wilkes (AW), Rupert Wagstaff (RWag) (LHAG)

**1. APOLOGIES FOR ABSENCE**

1.1 Chris Lisher

**2. DECLARATIONS OF INTERESTS**

2.1 No interests were declared.

**3. MINUTES OF THE LAST MEETING**

3.1 The minutes of the meeting of the 18<sup>th</sup> March 2019 were approved.

**4. MATTERS ARISING**

4.1 Agenda Item 4.1 (Matters Arising – Life Jacket Lockers) – RW reported that the RNLI had supplied the signage but part of it needed some additional supports which had to be fabricated. The fabricated elements were completed on Friday and the lockers would now be installed by the end of the week. Once installed both the RNLI and LHC will publicise.

**5. LYMINGTON HARBOUR ADVISORY GROUP (LHAG)**

5.1 LHAG Awareness – At the March meeting AW highlighted that one of the LHAG members felt there was still a lack of knowledge in the wider community about the role of LHAG and how to contact LHAG members. As a starter, at the Commissioners annual public meeting on the 9<sup>th</sup> April the presentation included information on the role of the advisory group and contact information. The Chairman and Vice Chairman of LHAG also attended the public meeting.

AW indicated that LHAG was giving further thought to other measures to help improve awareness including giving greater prominence to the LHAG section on the LHC website including direct contact details and content published through in the LHC newsletter and social media channels. AW also suggested that LHAG might also attend events with LHC, such as the Lymington Sea Food Festival. There was a consensus that attendance at the Seafood Festival was a good idea and an invitation was extended to LHAG to join LHC on its stand on Saturday 10<sup>th</sup> and Sunday 11<sup>th</sup> August. **Action: RW/LHAG**

5.2 LHAG Attendance at LHC Meetings – In line with the resolution of the Commissioners at their March meeting, RJ had written to AW on the 29<sup>th</sup> March to confirm the Commissioners decision that in future the Chairman of LHAG or his/her nominated representative will no longer be invited to attend 'in committee' meetings of the Commissioners.

This decision followed a review of LHC's compliance with the latest Ports Good Governance Guidance published by the Department for Transport, prompted by Mr Wilkes decision to step down as Chairman in June. This raised the prospect of a new LHAG Chairman (either imminently or at some point in the future) potentially being someone who may hold a senior position as a director of a company which is a major stakeholder on the river and potentially also a competitor.

The letter to Mr Wilkes gave a full explanation for LHC's decision and highlighting the governance concerns arising from LHAG continuing to attend the private section of the meeting. The letter also confirmed that the LHAG Chairman would continue to be invited to the open session of Board meetings and reiterated the Commissioners appreciation of the value of the work the Harbour Advisory Group does on behalf of stakeholders on the river. It also confirmed the full range of existing consultation measures that will continue to apply going forward in full compliance with Government guidance. This also included an offer for the Harbour Master/Chief Executive to meet with the LHAG Chairman after each Board meeting to brief him/her on matters within the 'in committee' session that are deemed appropriate for onward briefing at that time.

Mr Wilkes responded on behalf of LHAG expressing disappointment at the decision and requesting a meeting to discuss. A meeting was held on the 10<sup>th</sup> May where AW and RWag reiterated LHAG's disappointment at the decision and explained the benefits of attending as they saw it and indicated that they felt there should have been further consultation once the Commissioners had formed their view. In an effort to find a mutually acceptable way forward, an offer was made for LHAG Chairman to be able to request to have a 'closed' session with the Commissioners immediately after the open session of the meeting to discuss matters that LHAG wanted to raise in private. Thereafter, the Commissioners would move on to the 'in committee' meeting. An offer was also made to provide LHAG with the agenda showing the headline 'in committee' items so that they could have the opportunity to enquire why any item was not listed for the public section of the meeting.

RW asked if LHAG had considered the matter further since the meeting on the 10<sup>th</sup> May. AW indicated they had formed a position and read a statement out setting out their views. In summary, the statement highlighted their view that there was a lack of consultation prior to the Commissioners formulating their decision and suggested a mechanism for trying to deal with conflicts of interest, but did not propose how to deal with matters of confidentiality or a personnel nature. LHAG proposed that the status quo should remain until there had been further consultation. A copy of their statement was circulated to Commissioners. RJ thanked AW and indicated that the Commissioners would consider the matter further 'in committee'.

- 5.3 LHAG Chairman - On the 28<sup>th</sup> April, Mr Wilkes wrote confirming that with effect from the 1<sup>st</sup> June 2019, Mr Rupert Wagstaff (Director – Lymington Yacht Haven) has been appointed as LHAG Chairman.

RJ and RW thanked AW for his work as LHAG Chairman since January 2015 and before that as Vice Chairman from April 2011. It had been very much valued and appreciated. AW expressed his appreciation of the work and professionalism of the Commissioners and indicated that the stakeholders were lucky to have such a professional group of people giving up their time to work on their behalf.

## **6. OFFICERS REPORTS**

- 6.1 Harbour Masters Report - Questions were invited on the items within the report that were not listed for consideration as an agenda item. There were no questions arising.
- 6.2 Operations Manager Report – RW referred to the report and commented on the visitor and temporary mooring statistics from the report. RJ noted RW's comment that the uplift in winter temporary mooring lets was influenced by the change in policy to cease giving priority for summer season lets to persons who did not have a winter licence and noted that the uplift started in November 2018. RW confirmed that the policy was amended following the November mooring committee meeting. More recently, the policy had been reviewed again to prioritise local resident applications based on their length of time on the waiting list.

6.3 Treasurers Report - RW drew attention to the key points of the Treasurers report. Questions were invited. TH asked if there were any points that had come out of the audit that RW was aware of. RW indicated that he was not aware of any points but had yet to receive the report. TH congratulated the Treasurer on producing another accurate budget.

6.4 Business Rates – RW reported that he had recently received notification from the Valuation Office that the rateable value for the 2017 assessment had been reduced from £75,000 to £50,000 following a successful appeal. In line with most harbours around the UK, LHC saw a significant increase in the valuation (from £32,000 in 2012 to £75,000 in 2017) because the Valuation Office had concluded that ports and harbours were undervalued.

## 7. SAFETY & PORT MARINE SAFETY CODE (PMSC)

7.1 PMSC Compliance Audit – The Commissioners noted the findings of the external audit by Nicholsons Risk Management which concluded that LHC’s Safety Management System is working effectively and was compliant with the provisions of the Port Marine Safety Code (PMSC). A copy of the audit report and PMSC compliance statement has been published on LHC’s website.

The Marine Safety Management Plan was reviewed and updated as part of this process and had been circulated in track change format for approval by the Board. Following a review of the changes, it was proposed that the Commissioners formally adopt the updated Marine Safety Management Plan (v12 dated 13<sup>th</sup> May 2019).

**Proposed: AT**

**Seconded: BP**

**Vote: All in Favour**

7.2 Designated Person – RW reported that he and CL had discussed the provision of ‘Designated Person’ services and had agreed that after 10 years with Nicholson’s Risk Management, the time was right for a fresh pair of eyes. It was now proposed to identify a new provider of Designated Person services. Quotes will be sought from two or three providers with the appointment taking account of both cost and ‘fit’ with LHC’s operation. Once a new provider had been identified, RW will write to Mr Nicholson notifying him of the decision and placing on record his thanks for his work over the last ten years. **Action: RW**

## 8. 2020-2025 STRATEGIC PLAN CONSULTATION

8.1 RW reported that LHC had published its consultation document on the new Strategic Plan. The consultation period will last until the 1<sup>st</sup> July 2019. Information on the consultation has been promulgated by:- email to LHAG; email to LHC customers; directly to major stakeholders (Wightlink / Marinas / Sailing Clubs / Lymington Sailability / RNLI); through the LHC Newsletter; on the LHC website; through notices placed in the New Milton Advertiser and Lymington Times; through social media channels. Face to face meetings were also offered to LHAG, Sailing Clubs and the Marinas.

The consultation period will last for 8 weeks, ending on the 1<sup>st</sup> July 2019. Thereafter, the Commissioners will take time to consider feedback received and whether to make changes to the plan before finalising and publishing on the 1<sup>st</sup> October 2019.

AW indicated that there was a perception amongst some LHAG members that the harbour was becoming more commercial. RW indicated that the Government expects Trust Ports to operate in a commercial manner and this was clearly reflected in the guidance published by the Department for Transport but welcomed more specific feedback as part of the current consultation on the next strategic plan.

## 9. TOWN QUAY PROJECT

9.1 Contract Award for the Provision of Pontoon Power, Lighting and Water Services – In line with the approval given at the Commissioners March 2019 meeting, RW reported that a contract had been awarded to Sureline Electrical to fit out the water, electrical and lighting equipment on the new pontoons.

9.2 Water & Power Supply to Pontoons – RW reported that the route for the new power and water supplies to the pontoon cannot be finalised until the location of the new washrooms has been finalised. The project board and delivery groups for the new washrooms led by NFDC were fully aware of the requirement to incorporate power and water supplies into their consideration of the new washroom project. The water supply to the existing pontoons has been traced to the current toilet & shower block which will be demolished.

9.3 New Washrooms - NFDC have appointed Snug Architects and an outline scheme was recently presented at a meeting of the NFDC led project board. The outline scheme received positive feedback and showed the new washroom in a different location and also reorganised the car parking and community space. The design would now be subject to discussion with the NFDC/National Park Conservation Officer. Subject to the Conservation Officer's feedback it is intended that the design will be firmed up ready for consultation and working up a detailed planning application.

Because of concerns over whether the new facilities will be ready in time for the new season (March 2020), RW reported that he had started work to identify what temporary washroom facilities are available and their cost.

## **10. BUSINESS DEVELOPMENT**

10.1 Visit Lymington & Visitor Offer Promotions – RW reported that the 'Visit Lymington' leaflet had been circulated in electronic and printed versions. As in previous years the printed leaflet was distributed to marinas, harbour authorities, sailing clubs and associations within 50 miles of Lymington with 3,400 leaflets being distributed to 88 venues before the Easter weekend. The larger electronic version (incorporating more things to see and do) was distributed to the relevant electronic mailing lists including the mailing list held for Dutch sailing clubs and associations. LHC had also sought to build local awareness of the promotion through the February newsletter.

The 2019 visitor offer campaign had been refreshed with Coffee & Drift, Figures Cycles and Yachtmail coming onboard to join previous partners Royal Lymington Yacht Club, Lymington Town Sailing Club, New Forest Bus Tour, The Ship Inn and St Barbe Museum in providing offers on dining out and activities to visitors using LHC moorings. This is part of LHC's strategy to provide 'added value' to its visitor mooring offer while at the same time working with local partners to boost tourism to the Town. Offer details had been circulated electronically to the relevant databases. Printed copies will also be handed out to visitors when collecting mooring fees. LHC have also sought to build local awareness through a news item on the website and through the April newsletter.

## **11. ANNUAL PUBLIC MEETING**

11.1 LHC hosted their annual public meeting on 9<sup>th</sup> April at the Lymington Town Sailing Club. A total of 41 stakeholders attended with the presentation reporting on progress on the objectives from LHC's 2015-2020 Strategic Plan, the consultation arrangements for the new strategic plan covering the period 2020 to 2025, stakeholder engagement, safety on the river, financials, environment and conservation and a detailed explanation of the current mooring waiting list process. At the end of the presentation there was a question and answer session covering subjects such as erosion rates within the river since the introduction of the W Class ferries (reduced), the expansion of beneficial use of mud dredged from the river to try and prevent the need for future breakwater construction, and enforcement of General Directions and the rules of the road.

AR noted that although meeting attendance was better than the previous year it was still low. He noted the positive experience engaging with stakeholders at the 2018 Seafood Festival and felt that LHC should continue to identify opportunities to extend our reach to engage with stakeholders. For example giving a periodic presentation as part of the talk series run by both Clubs. AW noted that RW had previously given presentations to the Chamber of Commerce.

## **12. AOB**

12.1 There was no other business

**13. DATE OF NEXT MEETING**

13.1 The next meeting will be held on Monday 15<sup>th</sup> July 2019 at 14.00 hours.