

**CANTERBURY CITY COUNCIL**

**WHITSTABLE HARBOUR BOARD**

**Minutes of a meeting held on Friday, 1st February, 2019  
at 3.00 pm in Mallandain Room, Whitstable Castle, Tower Hill, Whitstable**

**Present:** Councillor R Jones (Chairman)  
Councillor Todd  
Councillor B Baker  
Sue Budden  
Councillor Dixey  
Councillor Fisher  
Paul Moore  
Peter Steen  
Councillor I Thomas \*  
Councillor N Baker

**In attendance**

**Officers:** Owen Croft - Principal Property Asset Surveyor  
John Davison - Principal Maritime Engineer (Harbour  
Development Officer)  
Robbie Higgins - Principal Solicitor (Property)  
Tricia Marshall - Deputy Chief Executive  
Mike Wier - Port Manager and Harbour Master  
Vanessa - Democratic Services Officer  
Montgomery

(\*present for part of the meeting)

**642 APOLOGIES FOR ABSENCE**

Apologies for lateness were received from Councillor Ian Thomas.

**643 SUBSTITUTE MEMBERS (COUNCILLORS)**

There were no substitute members.

**644 DECLARATION OF INTERESTS BY BOARD MEMBERS AND OFFICERS**

Councillors Brian Baker, Robert Jones, Ian Thomas made voluntary announcements they were members of the Planning Committee (Planning applications on Harbour land item).

Councillor Ian Thomas made a voluntary announcement he was a Kent County Councillor.

Councillor B Baker made a voluntary announcement he was a member of Whitstable Maritime.

Councillor N Baker made a voluntary announcement he was a trustee of the Whitstable Castle. (Landlord consent for a music festival in the harbour and planning applications on harbour land items)

Peter Steen made a voluntary announcement he was employed by the Port of London Authority and declared an other significant interest that he was a member of the Management Board of Whitstable Maritime.

Paul Moore made a voluntary announcement he was an ordinary member of the yacht club (Landlord consent for a music festival in the harbour and planning applications on harbour land items)

Councillor Pat Todd made a voluntary announcement he was a member of the Canoe Club (Property Action Plan Updates)

645 **PUBLIC PARTICIPATION**

There was one member of public registered to speak in regards to landlord consent for a music festival in the Harbour.

646 **MINUTES OF THE MEETING HELD ON 16 NOVEMBER 2019**

The minutes were confirmed as a true record.

647 **WHITSTABLE HARBOUR DREDGING REPORT**

The Principal Maritime Engineer introduced the report that outlined the dredging works that had been carried out in Whitstable Harbour. He then introduced Rob Thomas, the Coastal Process Scientist to the Committee who explained that a new laser scanner had been used to collect data of the seabed in the harbour. The laser improved accuracy and additionally had cost saving and health and safety benefits.

Images of the harbour before and after dredging were shared with the Forum to evidence the positive impact of the dredging on the Harbour and Harbour entrance. He explained the next scan of the beds would be in March with the next dredge due in April, this would then continue annually.

It was suggested by a Councillor and agreed by general assent that the dredging report be added to the Whitstable Harbour Board website.

The committee NOTED the report.

648 **LANDLORD CONSENT FOR A MUSIC FESTIVAL IN THE HARBOUR**

(Councillor N Baker made a voluntary announcement that he was a trustee of Whitstable Castle and this could be relevant to this item regarding noise levels impacting on the Castle.)

(Prior to the consideration of the report one public speaker, Joanne Asquith, was heard.)

The Chairman introduced the item that requested the Board to consider whether to give support for a music festival to take place in the Harbour and to authorise the Head of Property and Regeneration and Head of Legal Services to issue the relevant

consent to Whitstable Yacht club, and to allow the event to take place on the land outlined.

The Chairman invited Joanne Asquith, the event organiser to speak, who outlined the plans contained in her report.

The Board members discussed the proposal and asked questions, covering matters that included the following:

- 1) Concerns were raised regarding the noise levels from the proposed festival and the impact this would have on the local residents.
- 2) The Shuck during the Oyster Festival, erected on the same piece of land, resulted in numerous noise complaints from nearby residents.
- 3) The fisherman had been leased land in the harbour compound for storage and the festival would impact upon this area.
- 4) The proposed event walkway would intrude on the access used by the Harbour fisherman.
- 5) The event is proposed to be held during the Waverley season and passengers embark and disembark in the compound, the two events would not be compatible.
- 6) Discussions were held regarding the possibility of the festival being held in a different area of Whitstable, and these discussions should be carried on with the council Events team.

It was proposed, seconded and when put to vote agreed that the proposed music Festival to take place in the Harbour is not given support.

RESOLVED: That the proposed music Festival to take place in the Harbour is not given support, and that the Head of Property and Regeneration and Head of Legal Services does not issue the relevant consent to Whitstable Yacht Club and other tenants.

**Reason for the decision:** The proposed festival does not support the Whitstable Harbour Strategic Plan. The noise would have a negative impact on nearby residents and would impact the operating capability of the Harbour.

Record of the voting:

For: B.Baker, N.Baker, Fisher, R.Jones, Todd, Budden, Steen (7)

Against: None

Abstain/Did not vote: Dixey, Moore, (2)

Not present for the vote: Councillor I Thomas (1)

## 649 **PLANNING APPLICATIONS ON HARBOUR LAND**

(Councillor Ian Thomas arrived late to the meeting at the start of this item)

(Councillors Brian Baker, Robert Jones, Ian Thomas made voluntary announcements they were members of the Planning Committee.)

(Councillor Ian Thomas made a voluntary announcement he was a Kent County Councillor.)

(Councillor N. Baker made a voluntary announcement that he was a trustee of Whitstable Castle who had a refreshment stand nearby so would not participate in the discussions)

The Principal Valuer introduced the report that outlined a planning application that had been received by the council to renew consent at the former engine shed site.

There were two further sites that the Board was being asked to consider if planning applications should be submitted. One was for renewal of the former welfare building, and another to erect a new chalet type building on a hard standing on part of the Beach Walk car park.

He explained the details of the Beach Walk proposal within the report, the board then discussed the proposal and the following points were made:

- 1) Expressions of interest had been sought for an annual ice cream concession on the site but received little responses.
- 2) The wellbeing of staff and working conditions should be considered if they were to work in an ice cream van rather than a more permanent structure.
- 3) A more permanent structure is more likely to yield greater income via a lease than an ice cream van concession.

It was proposed, seconded and when put to vote FELL that a planning application should not be submitted by the development officer in respect of the Beach Walk car park for a new chalet.

Record of voting:

For: Dixey, R. Jones, Todd and Moore (4)

Against: B.Baker, Fisher, I.Thomas, Budden and Steen (5)

Abstain: N. Baker (1)

It was then proposed, seconded and when put to vote AGREED that a planning application should be submitted in respect of part of the Beach Walk car park for a new building.

Record of voting:

For: B.Baker, Fisher, I.Thomas, Budden and Steen (5)

Against: Dixey, R.Jones, Todd and Moore (4)

Abstain: N.Baker (1)

**RESOLVED:** That a planning application should be submitted by the Development Officer in respect of part of the Beach Walk car park for a new building.

Reason for the decision: The potential extra income from a permanent building would justify the investment. The plan is consistent with the Strategic plan for economic growth.

The Principal Valuer introduced the request for the extension of temporary planning consent for the former engine shed site. This ended on 31 October 2018 pending construction of a larger more permanent building.

The Board considered the report and had no comments to make and agreed by general assent to support the application for temporary planning consent.

The Principal Valuer then explained that a request had also being made to extend the temporary planning consent for office use at the Former Welfare Building.

The Board agreed by general assent that a planning application be submitted by the Development Officer for the renewal of office use for the former welfare centre.

## 650 SOUTH QUAY SHED DEVELOPMENT

The Principal Maritime Engineer introduced the report that set out the next stages in the proposed redevelopment of the South Quay Shed.

The Board were being asked to consider if engineering services can proceed with the refurbishment, based on the estimated costings. Also to consider the next steps regarding the management options, and whether or not to consent to Property and Regeneration negotiating and completing leases for the units within the South Quay Shed.

He explained there were various management options detailed in the report post construction, which had been considered by the South Quay Shed Working Group. He outlined three management models, external, internal and the harbour management model.

The Board discussed these options, the financial implications and risks, and the Principal Maritime Engineer gave clarification where required, the following points were raised:

1. Only three responses were received from external companies interested in managing the complete facility on a lease of circa 15 years. This would offer returns of £35-45k.
2. The Council had the proven expertise to run all aspects in-house and deliver the project.
3. The external fabric of the current building was in poor condition since it has reached the end of its service life, and would soon require replacement at a cost of £120,000, therefore doing nothing had cost implications.
4. The Harbour team and council had the greatest knowledge and expertise of the Harbour and this building, and it should be utilised in the management of the development.
5. Financial implications contained in the report were examined and clarification was given that the original budget for construction of £550,000 was allocated in 2017/18, this had been reduced to £400,000.
6. The Harbour Management Option would require a specific South Quay Shed business plan which could be reviewed in the future once returns were evidenced.
7. There is an increased risk with internal management due to the uncertainty for demand for the units in the current economic climate.
8. Internal management allowed the Board the opportunity to ensure the aims and objectives of the Strategic plan are consistent and offered flexibility to resolve any issues in the early stages.
9. The Board thanked the officers for all their hard work.
10. It was proposed, seconded and when put to vote unanimously agreed that Engineering Services proceed with the refurbishment of the South Quay Shed

Record of voting: For: B.Baker, N.Naker, Dixey, Fisher, R.Jones,I.Thomas, Todd, Budden, Steen, Moore (10)  
Against: (0)  
Abstain: (0)

11. It was proposed, seconded and when put to vote unanimously agreed that the ongoing management of the new facility is dealt with by the Council rather than leasing the site to an external operator.

Record of the voting:

For: B.Baker, N.Naker, Dixey, Fisher, R.Jones,I.Thomas, Todd, Budden, Steen, Moore (10)  
Against: (0)  
Abstain: (0)

12. It was proposed, seconded and when put to vote unanimously agreed that The Harbour Board consent to Property and regeneration negotiating and completing leases for the units within the South Quay Shed.

For: B.Baker, N.Naker, Dixey, Fisher, R.Jones,I.Thomas, Todd, Budden, Steen, Moore (10)  
Against: (0)  
Abstain: (0)

13. It was then proposed, seconded and when put to vote agreed to continue to pursue the potential for a small scale/boutique cinema adjacent to the South Quay Shed and report back.

Record of the voting:

For: B.Baker, N.Naker, Dixey, Fisher, R.Jones,, Budden, Steen, Moore (8)  
Against: (0)  
Abstain: I.Thomas, Todd (2)

## RESOLVED

- a) That Engineering Services proceed with the refurbishment of the South Quay Shed based on the estimated costing. Construction works are managed on a sequential basis, procuring separate contractors for various elements in the refurbishment project all in accordance with the Council Standing Orders.
- b) That the ongoing management of the new facility is dealt with by the Council rather than leasing the site to an external operator, with the allocation of resources using existing staff from the Harbour, Property and regeneration, Legal, Finance and Community Services for event management whilst engaging with external agents for specialist services if required. Such arrangements are reviewed by the Board after 2 years of operation.
- c) That The Harbour Board consent to Property and regeneration negotiating and completing leases for the units within the South Quay Shed in accordance with delegated authority D34.
- d) To continue to pursue the potential for a small scale/boutique cinema adjacent to the South Quay Shed and report back.

**Reason for decisions:** That Engineering services and harbour resources have the expertise to manage complex maritime and building projects. The risk of managing the operation internally is acceptable and sufficiently awarded by potential additional income. It offers the Board the opportunity to ensure the aims and objectives of the Strategic plan are consistent. To investigate the market demand and feasibility for a small scale/boutique cinema adjacent to the South Quay Shed.

#### 651 **VARIATION IN THE ORDER OF BUSINESS**

With the agreement of the committee, the Chairman varied the order of business of the meeting.

#### 652 **HARBOUR LEASE RENEWALS**

The Principal Valuer introduced the report that asked the Board to consider whether to grant consent for the proposed lease renewals in order to enable delegated authority D34 to be exercised by the Director of Development for the grant of the leases.

He explained the details were contained in the confidential annex and discussions therefore took place under minute item (659).

#### 653 **PORT MANAGER AND HARBOUR MASTER'S REPORT**

The Harbour Master introduced the report which updated the Board on matters related to legislation and general harbour operations. The Board discussed the report and the following matters were raised:

- 1) The Harbour Master is working with the communications and web team to promote positive stories from the Harbour.
- 2) A concern was raised regarding the monitoring of animals coming in on ships. The Harbour Master explained only one ship comes in from abroad and they must have a rat certificate. He would check the procedure in place and notify the Board at the next Harbour meeting.
- 3) A question was raised regarding the pilot boat that was currently in storage. The Harbour Master confirmed the boat was not in working order and was over ten years old, but it could be valued. It was agreed by general assent that the Harbour master be delegated authority to sell or dispose of the pilot boats as seen fit.

The Board NOTED the report.

#### 654 **HARBOUR ACTION PLAN**

The Chairman introduced the action plan which updated the Board on ongoing matters and asked for any comments or questions.

It was raised that Mike Wier was spelt incorrectly in the report, this would be amended in time for the next meeting.

The Board NOTED the report by general assent.

655 **DATE OF NEXT MEETING**

3pm, Friday 12 April 2019

656 **ANY OTHER URGENT BUSINESS TO BE DEALT WITH IN PUBLIC**

None received.

657 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act or the Freedom of Information

658 **PROPERTY ACTION PLAN UPDATES**

(The information contained in this annex was exempt from being published because its disclosure was likely to prejudice the commercial interest of both the Council and third parties. The council considers that at present the public interest in maintaining the exemption outweighs the public interest in disclosing it. Both section 43 Freedom of Information Act 2000 and paragraph 3 of schedule 12A of the Local Government Act 1972 apply.) The Principal Valuer gave his updates. The Board members asked question and where appropriate the Principal Valuer gave points of clarification.

The Board NOTED the report.

659 **EXEMPT ANNEX: HARBOUR LEASE UPDATES**

(The information contained in this annex was exempt from being published because its disclosure was likely to prejudice the commercial interest of both the Council and third parties. The council considers that at present the public interest in maintaining the exemption outweighs the public interest in disclosing it. Both section 43 Freedom of Information Act 2000 and paragraph 3 of schedule 12A of the Local Government Act 1972 apply.)

The Principal Valuer gave his updates. The Board members discussed the lease updates and agreed by general assent that the proposed lease renewals set out in the report on such final terms negotiated by Heads of Property and Regeneration in order to delegate authority D34 to be exercised by the Director of Development, be granted.

660 **ANY OTHER BUSINESS WHICH FALLS UNDER THE EXEMPT PROVISIONS OF THE LOCAL GOVERNMENT ACT 1972 OR THE FREEDOM OF INFORMATION ACT 2000 OR BOTH**

None received.

There being no other business the meeting closed at 5.46 pm