

# **MALDON HARBOUR IMPROVEMENT COMMISSIONERS**

## **ANNUAL REPORT 2010/11**

**29 September 2011**

## **INTRODUCTION**

Trust Ports such as Maldon are required to produce accurate and pertinent reports for stakeholders and the public at large on certain aspects of their activities (Modernising Trust Ports – Second Edition – Department for Transport 2009).

Reports should be produced alongside the annual accounts and be provided to public bodies, the local library, the media and made available to the public.

There is some exemption, i.e. on the detailed aspects, for small Trust Ports like Maldon, whilst still ensuring that information on the Port's operations and future plans, progress against targets (if any), and their continuing compliance and improvement is included.

For a number of reasons, no reports have been made for several years. This is an omission which has been recognised and Commissioners are keen to rectify the situation. Consequently, this Annual Report, although relating to the year 2010/11, will look back to 1 April 2009, when the current Clerk was appointed, so that some of the current and future issues can be put into context.

### **1 2009/10 and 2010/11**

#### **(i) Financial Regulations**

Although financial issues were previously kept under control, no formal structure was in place to provide full transparency of financial matters. A new set of Financial Regulations was presented to and approved by the Commissioners at their meeting on 9 September 2009 and will be kept under review.

As part of the annual budgeting process, Commissioners consider the current and projected financial position, taking into account potential income, likely expenditure and the level of balances that should be maintained. In March 2010 the level of balances Commissioners felt it would be prudent to maintain was determined at between £10,000 and £12,000.

#### **(ii) Standing Orders**

As with formal financial control, no written processes or procedures were in place regarding the manner in which Commissioners' undertook their duties at meetings. A new set of Standing Orders, Terms of Reference and Delegated Powers was presented to and approved by Commissioners at their meeting on 9 December 2010.

#### **(iii) Port Marine Safety Code**

The original Port Marine Safety Code that was put in place in 2002 was overdue a review at the commencement of the period covered by this Report. This process

was commenced in June 2009 and has taken a considerable time to progress with new Risk Assessments undertaken of the known hazards and risks. At the end of the period covered by this Report, June 2011, a new Draft Code has been approved for consultation. The consultation period closes on 31 July 2011 and the outcome will be included in 2011/12 Annual Report.

The consultation involved stakeholders, including public authorities, through the Annual Public Meeting in February 2011 and the River Safety Meeting in May 2011.

#### **(iv) Liaison with Maldon District Council**

Commissioners acknowledge the necessity for close working arrangements with the local authority. A Member of Maldon District Council is nominated and is appointed as a Commissioner.

In addition, regular Liaison Meetings are held between the two bodies to discuss matters of mutual interest/concern as well as day-to-day liaison, as required, on a range of issues. Formal Liaison Meetings were held in October 2009 and November 2010.

#### **(v) Annual Public Meeting**

It is a requirement for Trust Ports to hold annual meetings with stakeholders. For a number of reasons this had not taken place for several years, a matter Commissioners are keen to rectify. Consequently, an Annual Public Meeting was held in February 2011 which was attended by over 30 people representing a range of local river users, yacht clubs, local businesses and residents and the Press.

The meeting was regarded as successful and covered a full range of river related issues and there is a commitment on the part of the Commissioners to ensure that future meetings are held as required.

#### **(vi) River Safety Meeting**

Several years ago, a meeting was organised to bring together a full range of river users to discuss concerns of safety on the river. The meeting was regarded as very successful. A further River Safety Meeting was held in May 2011, again attended by representatives of HM Coastguard, local yacht clubs, the local authority and other interested stakeholders. Again, the meeting was felt to have been very useful and there was support for the meetings to continue on an annual basis.

#### **(vii) Consultation Issues**

Commissioners are consulted on a range of issues with riverside implications such as planning applications, licensing applications, and various other issues as they arise on which representations are sought by various bodies. Commissioners have

established the criteria by which these issues would be considered to ensure only riverside interests affecting the role of the Commissioners were taken into account.

The issue regarding Harbour Dues has been the subject of regular discussion both within the Commissioners and with various stakeholders, in particular at the Annual Public Meeting in February 2011. At the conclusion of this report period, June 2011, Commissioners have agreed to commence discussions with the local authority to examine a possible alternative and joint approach to raising harbour dues and looking at ways of a joint approach on matters such as buoy provision/maintenance.

In recognition of the economic situation, Commissioners agreed a 10% discount on harbour dues for 2010 and continued this for 2011 for prompt submission of Passenger Returns and prompt payment of invoices.

#### **(viii) Public Interest Register**

The Commissioners are required to ensure that a public register is maintained showing Commissioners' various interests. During 2010, the Register was updated and all Commissioners submitted updated returns. A copy is placed in the local Library.

#### **(ix) Publication of Documents**

In order to show more transparency of Commissioners' activities, a range of documents is now lodged in Maldon Library and therefore available to the public. The documents lodged include Agendas and Minutes, Annual Accounts, the Register of Public Interests, Standing Orders, Financial Regulations, Commissioners' names and contact details for the Clerk and various consultation documents as they arise.

#### **(x) Port Aids to Navigation Availability Reporting (PANAR)**

The software for the above database, which relates to the recording and reporting (to Trinity House) of the local aids to navigation, was re-loaded during 2010 and the data relating to the eleven buoys (lit and unlit) entered so that 'availability' details are recorded and reported on a regular basis to Trinity House. Whilst no specific targets are set, Commissioners strive to ensure that the buoys are maintained on station and in good working order for as close to 100% of available time as possible and that down time is kept to a minimum.

A buoy condition report is commissioned each year allowing Commissioners to plan ahead for financing replacement/repair/maintenance in a timely and cost effective manner.

#### **(xi) SADD'S Wharf**

The Commissioners are consulted on planning applications that affect the river and the immediate riverside area. In response to an objection to the redevelopment of

the former Sadd's site, Commissioners were successful in 2010 in persuading the local planning authority to obtain an assurance that in relation to the potential loss of wharf facilities, the developers would consult the Commissioners before their detailed plans were finalised.

**(xii) Determination of the Fairway**

In December 2010, it was agreed that it was necessary to determine the extent of the fairway in order to ensure its position was properly and accurately surveyed and plotted for the benefit of all river users. That work was commenced by a small group of Commissioners undertaking the necessary survey work required to determine the fairway and by June 2011 the length of river from approximately Heybridge Creek to just up-river of The Queen's Head PH had been surveyed and the width determined and plotted.

**2 Future Issues/Plans 2011/12**

In looking forward to 2011/12, Commissioners have identified the following issues as on-going and scheduled for completion during the year.

**(i) Port Marine Safety Code**

The conclusion of the consultation period on 31 July 2011 will see the completion of the review of the Port Marine Safety Code. On approval, the updated Code will be circulated to relevant stakeholders and publicised in accordance with the Department for Transport's guidance.

**(ii) Determination of the Fairway**

Following the completion of the initial survey work to determine the fairway, the next stage (up to the position of the first navigation buoys) should be determined during the coming year and the results publicised.

**(iii) Consultation with Stakeholders**

The important work of consulting with local stakeholders developed over the last two years will be continued and built upon. This will include holding the next Annual Public Meeting and a further River Safety Meeting both in early 2012, continued liaison meetings with the local authority, further documentation being made available in the local Library, and developing either a 'stand-alone' or joint website with the local authority so as to widen the amount of information available on the Commissioners and their activities.

**(iv) Commissioners**

For a number of years there has not been a full complement of Commissioners (12 is the permitted maximum) and the process of seeking the two Commissioners required to attain the maximum will be undertaken.

**(v) Financial Issues**

The discussions with the local authority that were to commence in the summer of 2011 will be concluded with a move towards alternative ways for both dealing with the buoy repair/maintenance responsibilities and also raising harbour dues.

In future years, the Annual Report will be presented to the Commissioners' Annual Meeting in June in order that it can be published with the Annual Accounts, in accordance with the Department for Transport's Guidance.

NANCY HARRISSON

CHAIRMAN

MALDON HARBOUR IMPROVEMENT COMMISSIONERS