

# THE CROUCH HARBOUR AUTHORITY

## MINUTES OF THE CROUCH HARBOUR AUTHORITY MEETING

HELD ON

9<sup>TH</sup> SEPTEMBER 2020

**CHAIRMAN:** D MacEwen

**PRESENT:** D Adams, E Buckley, T Dann, S Hollington, J James, M Mason, K Wickham, S Wootton

**APOLOGIES:** R Coyle, R Lingard,

**IN ATTENDANCE:** Susan Harrison Harbour Master, M Robarts, DP, R Noble Hon Treasurer

**MEMBERS OF THE PUBLIC:**

### **PART I (GOLD)**

(Matters of a non-confidential nature taken with the public and press present).

33 *Chairman's Announcements*

The Chairman welcomed members to the first face to face meeting since the lockdown. He also expressed his gratitude to Richard Lingard for organizing the meeting and for the Swallowtail's hospitality in providing the refreshments.

34 *Welcome New Member*

The Chairman then went on to welcome Councillor Simon Wootton representing Rochford District Council.

Cllr Wootton introduced himself and explained that RDC nominated who would stand on the CHA. He said he was the Portfolio Holder for Enterprise and normally it would be the designated holder but as Leader he had put that particular post on hold and had taken this role with him as Leader but was unsure how long he would hold this role. He confirmed that he had received the paperwork acknowledging his seat on the CHA for the next four years but pointed out his term at RDC ran out in three years' time.

The Chairman said there had been a query raised concerning Cllr George Ioannou and said that as he understood it Cllr Ioannou would normally act on Cllr Wootton's behalf and he was and would remain a member of the CHA until his term of office expired.

Cllr Wootton pointed out that Cllr Ioannou did not report to RDC. The Chairman concluded by saying that Cllr Ioannou had been elected as a member of the Authority and would remain.

35 **MINUTES OF VIRTUAL AUTHORITY MEETING HELD ON 13TH MAY 2020**

Mr James pointed out that it should be reflected on the Minutes that it was a virtual meeting.

It was proposed by Mr Hollington and seconded by Mr Buckley that Part 1 be approved as a correct record subject to the amendment that it was noted on the Minutes that it was a virtual meeting.

35.1 There were no matters arising.

36 **NOTES OF ADVISORY COMMITTEE RE PWC'S CLOSE  
DOWN DATE 10TH AUGUST 2020**

36.1 Mr Wickham reported it was because of the agreement to suspend the Advisory Committee meetings at the virtual meeting on the 13<sup>th</sup> May 2020, that there had been no Advisory Committee meetings held other than virtual meetings because not everyone had access to Zoom.

He said that two virtual meetings had been held but this was the most important one out of the two which concerned the request by CAYF to discuss PWC's on the Crouch but despite several people having raised the issue, including Mr James, only six people out of twenty-two had responded following a request for members comments.

Mr Wickham said this was an issue as the Authority were obliged to hold the meetings, but it was an issue getting members to pass comment.

After discussion regarding the rules for holding meetings, the Chairman pointed out that business matters were excluded. Mr Wickham said he had been advised that the Authority was not a business. The D.P. then went on to clarify that has a statutory Authority the Authority could hold business meetings.

Mr Wickham pointed out that members could be invited to attend but not everyone would want to attend. Mr Buckley responded by saying that whilst the pandemic was continuing members must either sign up for Zoom or step aside because the demand was still therefor the meetings to be held.

Mr Wickham asked for members agreement to suspend item 16 on Minutes of 13.5.20 where all meetings were suspended and asked that they are now reinstated.

Mr James proposed to hold an Advisory Committee meeting as soon as possible, as he believed that the only way the Authority was going to make any progress was to hold a face to face meeting. This was seconded by the Chairman to have a face to face meeting and if necessary, a Zoom meeting if members did not want to attend.

All in agreement and to hold an Annual General Meeting.

37 *MMO Consultation on Application for MLA/2020/00260, Little Hayes Railway Embankment Stabilisation*

The paperwork was circulated to CHA members prior to the meeting.

The MMO are seeking CHA comments by the 1<sup>st</sup> October. The Chairman said this matter should be referred to the Advisory Committee as required under the CHA Act and Crouch Harbour Revision Order and the CHA members should not be seen to influence the Advisory Committee in making a decision and went on to ask if everyone agreed.

Mr James said he did not agree and that the MMO should be doing their own advising and not be reliant on the Authority. He said that once the application had been made for a Works Licence the whole Authority could then consider it and then consider the comments when received from the MMO. He proposed that the MMO should be informed that they should issue their licence before the Authority consider a CHA Licence. This was seconded by Mr Wickham.

Mr Hollington declared an interest. He said the area was a non-navigable part of Stow Creek, which largely involved access to his land and was not relevant to anyone except him as the landowner and was of little consequence to CHA as the proposals were not affecting navigation but felt that the Advisory Committee should be notified of it.

He went on to say that the MMO were a Statutory Consultees on anything below the high-water mark, so they must be informed but did not think it necessary to make comment on this proposal and certainly not until the Advisory Committee had seen it.

The D.P. reported that the local Marine Management Office was in Harwich and he asked members if they would like him to contact the MMO to extend an invitation for them to give a briefing to the members. Agreed.

38 *Proposed Jetty at Creeksea Ferry Inn*

The paperwork was circulated to CHA members prior to the meeting.

The Chairman reiterated his comments that the item should be referred to the Advisory Committee for comment.

The Harbour Master confirmed that the item was on the Agenda as the owner was seeking feedback from the Authority regarding his intention to install a jetty at Creeksea Ferry Inn as he did not initially want to go down the route with the MMO and spend a lot of money if the Authority turned down the proposal. The Chairman said that this should come before the Advisory Committee and if the Chairman was organizing a face to face meeting shortly the quickest solution would be to bring this proposal up at the meeting.

Members then went on to consider items 7 & 8 on the Agenda.

39 *Annual Dredging Licence Application from Burnham Yacht Harbour to Plough Dredge 12,500 cu. m – Current Licence Expires 31.12.2020/MMO Licence L/2015/00360/2 – 1<sup>st</sup> June 2025*

40 *Annual Dredging Licence Application from Essex Marina to Plough Dredge 22,000 cu. m – Current Licence Expires 1st January 2021/MMO Licence L/2016/00377/2 – 8<sup>th</sup> December 2026*

The Chairman asked whether the Dredging applications should be referred to the Advisory Committee first.

Mr Buckley responded by saying that the Dredging Applications were always on the recommendation of the Harbour Master and signed off by the Authority Members and then passed to the Advisory Committee for information purposes only.

Mr James asked if everyone was satisfied with the applications, especially regarding Essex Marina who appeared to have ignored the request for drawings/details. The Harbour Master said she was satisfied with the applications which were submitted on an annual basis to carry out the dredging, albeit the quantities could differ slightly each year. She confirmed that in both cases the Marina's had been issued with an MMO Licence.

It was proposed by Mr Buckley and seconded by Mr Adams to issue the above annual Dredging Licences. All in favour.

41 *Safety Issues*

Mr Buckley said that he had asked for this item to be included on the Agenda as there had been several incidents recently concerning swimmers during the weekend racing. The Chairman reported that he understood it there were two issues that of PWCs and swimming.

The Harbour Master pointed out that this also applied to paddle boarders as well because during the Wednesday Night Weekly sailing it appeared that paddle boards were also included. She agreed with Mr Buckley that the Clubs who were organizing the races required clearer guidelines to say if they are going to include the likes of paddleboarders they must be told to keep clear of the Fairway, as the safety boats were not doing a very good job, as was the case in the swim organized from South Woodham Ferrers to the Corinthian a couple of weeks ago.

The D.P. reported that certain elements of this had been covered in his report and suggested getting all the information together and organize a meeting in the early part of next year with the HORCC and the Leisure Vessel Users Group.

The Chairman said he had contacted the RYA Legal Adviser to find out what their thoughts were but were not particularly helpful and have indicated that the regulation of swimmers for free swimming was down to the Harbour Authority. The D.P. went on to say that there were a multitude of statutory Harbour Authorities with even bigger problems than the CHA regarding recreational activities.

Mr James expressed his concern regarding the swimming taking place from the Town Pier in Burnham, especially in the last few months where the pier was in constant use from swimming activities.

The Harbour Master reported that she contacted MDC a while ago expressing her concern at the number of people on the jetty. She suggested that now there was a new Leader on the Council it could be timely to get in touch and get a dialogue going with the Council and get them to take responsibility for their jetty.

Mr Buckley said it was a serious problem and referred to the Wild Swimming Website where it set out that it was the responsibility of the Harbour Authority or River Owner. Mr James pointed out that there was the other problem of security and he had seen children jumping from private pontoons at various states of the tide. Despite the necessary barriers and notices it made no difference and would end up being the responsibility of the CHA if there was a serious accident or fatality.

Mr Buckley said he was happy to hear that the D.P. would be getting some information together. He said it was essential to get the information populated to the Ormiston School but also to get the information out on the River Crouch User Group.

The D.P. agreed that it was about education and making people aware of the consequences. Also, the fact of further policing and to identify the hotspots, which is what the CHA were already starting to do. He said he had prepared a Public Statement that could be revised if necessary. Mr Buckley said it was important to start making preparations in readiness for next Spring.

The Chairman asked if the D.P. could also contact other local Harbour Authorities to find out how they regulate it.

Mr Wickham then led on to say that there was a lot of swimming up at the top end of the river off Hullbridge slipway. He said he had been talking to the Clerk of the Parish and the residents have expressed their concern about the safety in their area of the river regarding swimming and the mixture of boats/craft.

Cllr Wooten pointed out that in terms of duty of care/duty of responsibility it is for the owners of the respective piece of land to make sure there is public awareness with signage. It did not fall within the remit of a Town or Parish Council but suggested it was essentially down to the owners of the particular property and the responsibility could not be discharged just to MDC or RDC.

The Chairman pointed out that at Woodham there was a big sign saying you are not advised to swim and queried whether one should be put up at Hullbridge. He also suggested raising the issue with the Department of Transport.

The Chairman also reported that there were thirty swimmers who disrupted a dinghy race in Fenn Creek, and the MAIB had been contacted and asking them to investigate.

Mr James said he agreed entirely but he was referring to the CHA patch in Burnham and the Town Pier owned by MDC. There is no sign there about swimming and in his view, it was down to MDC. Mr Buckley said that the CHA must take the initiative to make the public aware of these activities taking place and that swimming across rivers was not advisable

Mr Wickham then went on to report on the work that had been done in the last few months in consultation with the Hullbridge Parish Council concerning notices to be put up regarding information on swimming. This was in hand and the Parish Council have consulted with Essex Highways and is now a matter of waiting on Essex Highways to come back and confirm whether it can be done.

Although the issues being talked about related to swimming, Mr Wickham pointed out that as a whole, it had become a dangerous area with the combination of jet skis, sailing boats, paddleboards, wind surfers and swimmers being a big issue.

There being nothing further to discuss on swimming members then went on to discuss the issue with PWC's.

Mr Wickham said PWC's had been discussed with the Parish Council at Hullbridge mainly because it was an issue raised by CAYF that downriver from Hullbridge PWC's were causing a problem as they were being launched from either South Woodham Ferrers or Hullbridge. The Parish Council had suggested as a joint idea with CHA whether access to the public slipway could be restricted like they have done in other counties.

The Chairman said the problem was that there were more PWC's being put on private pontoons. The Harbour Master reported that she had carried out a patrol up at Hullbridge recently and the ones that were on their own private jetties were licensed. The biggest problems were those that generally launched from the public slipway at Hullbridge and have no CHA licence. There is no patrolling during the week and where people have had a lot more leisure time are going out a lot more during the weekday and consequently there are a lot of more unlicensed vessels.

The CHA is seeking the co-operation from the Marinas in asking them to ensure that anyone launching from their premises has a CHA Licence. She went on to say that it was a question of co-operation, as at the moment the CHA cannot ban jet skis and it was the ones that launched in the middle of the week with no licence which were the ones were that CHA needed to target. She said the CHA could not stop the likes of swimmers or the people using inflatables and paddle boards, but they could do something about jet skis because they needed a proper launching pad.

The Harbour Master said they were fortunate in that the Authority had the power to prosecute anyone without a licence if they were speeding.

Mr James queried why PWC's were banned on the River Roach and not in the River Crouch. He said he would like to propose a ban on PWC's in the River Crouch and change the Byelaws accordingly. The Harbour Master pointed out that changing the Byelaws would mean consulting with all stakeholders.

Mr James then went on to say that he thought many people would support a ban of jet skis on the river. Mr Mason disagreed and said that they had every right to enjoy the river and the CHA should be regulating it to ensure it was made as safe as possible.

Mr Wickham pointed out that at the last virtual meeting with the Advisory Committee regarding PWC's it wasn't so much the PWC's it was the nuisance value of the craft on the SSSI's which caused more problems. He said generally people do not respect the regulations that are in place already, if they did the Authority would not have these problems.

Mr Buckley said the Authority must think about and hopefully get some information as to what classification PWC's were going to fall under because at the moment they do not fall under any category. He said he thought it would be very unwise of this Committee to go forward with that because the Authority could fall foul and could have its Byelaws revoked for vessels being used in the Roach and that the CHA must go down the route to get the Byelaws sorted and it would then be in a better position to act.

The Chairman asked for a seconder to support Mr James proposal. There was no seconder to support Mr James proposal.

42 *Harbour Masters Update*

42.1 *Llys Helig*

The Harbour Master reported that the vessel was now upright and was currently being worked on and was now a matter of awaiting removal from the river. There had been talk that she could be gone before the end of October.

She confirmed that a Works Licence was not required to move the vessel, but the Authority must be satisfied with the RAMs and stressed that the vessel will not be allowed to move from the river until the Authority are certain that the vessel can be moved out of CHA jurisdiction without any issues.

43 Any Other Business:

There being no further business the meeting concluded at 8.42 p.m.