

IN THE MATTER OF THE HARBOURS ACT 1964
IN THE MATTER OF AN ORDER IN RESPECT OF
THE ABOLITION OF PORTSMOUTH AND GOSPORT JOINT BOARD

Statement in support of the Order, explaining why the Order is necessary and how the requirements of the legislation have been met

This statement relates to the application by Portsmouth City Council ('the City Council') for the Portsmouth Harbour (Abolition of Portsmouth and Gosport Joint Board) Revision Order 2013. The City Council is the harbour authority for Portsmouth Harbour. Portsmouth Harbour means the harbour area situated between Portsmouth and Gosport bounded on the south by a line joining the easternmost point of Fort Blockhouse and Round Tower, Old Portsmouth.

The application is made to the Marine Management Organisation ("the MMO) under section 14 of the Harbours Act 1964 ("the Act"). The application is accompanied by:

1. A draft of the proposed order;
2. The Statement of Need
3. The fee for the application, payable to the MMO, in the sum of £4,000.

The application is for a harbour revision order to be made under the powers conferred by the Secretary of State for Transport by section 14 of the Harbours Act 1964 and delegated to the MMO with effect from 1 April 2010 by the Harbours Act (Delegation of Functions) Order 2010 (S.I. 2010/674).

Section 14 (2A) of the Act provides that the "The objects for achieving all or any of which a harbour revision order may be made in relation to a harbour includes repealing superseded, obsolete or otherwise unnecessary statutory provisions of a local application affecting the harbour..." Section 14 (2A) further provides that subsection (2)(b) of section 14, which imposes a condition that the Minister must be satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour, does not apply to an order in so far as it is made for objects mentioned in subsection 2A.

The City Council's powers as a Harbour Authority are derived from the Harbours Docks and Piers Clauses Act 1847 and under the Portsmouth Mile End Quay Harbour Revision Orders 1966 to 1991 and the Mile End Gardens (Portsmouth) Act 1978.

The City Council as applicant also notes that the Joint Board (whose members are appointed from the City Council and Gosport Borough Council) have by a resolution dated 19th April 2013 determined to seek the abolition of the Joint Board. The Joint Board has also delegated the power to the City Solicitor of the City Council to make the application for a harbour revision order on its behalf.

The City Council gave notice under paragraph 3 of Schedule 6 to the Harbours Act 1964 to the Marine Management Organisation ("MMO") of its intention to make an application for a harbour revision order. MMO informed the City Council under paragraph 6 of the said Schedule that the application relates to a project which does not fall within either Annexe I or Annexe II to the Council Directive No. 85/337/EEC on the assessment of the effects of certain public and private projects on the environment and does not constitute a relevant project for the purposes of that Schedule.

Since the early twentieth century the Portsmouth and Gosport Joint Board has overseen and managed the licensing of Watermen in Portsmouth Harbour. The underlying legislation dates from the early nineteenth century, 1809, and in 1919 the Joint Board took over from commissioners who had earlier carried out that work.

The local licensing arrangements were effectively made redundant by The Merchant Shipping (inland Waterway and Limited Coastal Operations) (Boatmasters Qualifications and Hours of Work) Regulations 2006 ("the Boatmasters Regulations") at regulation 21 paragraph 2.

Local licence holders who wish to retain licensing under local arrangements can still be granted licence to operate under the powers granted to local authorities under section 94 of the Public Health Acts Amendment Act 1907, and the City Council and Gosport Borough Council have both put in place all that would be needed for that course to be taken should local Watermen wish to avail themselves of it. However, it is not anticipated that many local people would wish to take this course as an alternative to national accreditation.

The Portsmouth and Gosport Joint Board follow government advice about seeking efficiencies in public service by seeking its abolition in the knowledge that there will be no consequential loss of safety or good governance. It is preferable for all local boatmen to make use of the national regulation procedure and they should be encouraged to do so wherever possible. There will be savings in administration by ceasing to have what is, in effect, a standalone licensing system that shadows the national Boatmasters licensing arrangements which in any event have been disapplied by the Boatmasters Regulations.

Abolition will also remove the need to appoint twelve councillors to be members of the board and for them to be required to attend regular meetings, incurring costs. There remains no need for the Joint Board to continue in existence and there is good reason to abolish the Board and to repeal the local legislation that supports it.

The City Council therefore respectfully submits to the MMO that the making of the proposed harbour revision order is desirable for the purpose of repealing superseded, obsolete or otherwise unnecessary statutory provisions of a local application affecting the harbour in compliance with section 14(2A) of the said Act.

Mr M L Lawther
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