

**TO ACT AS ACCOUNTABLE BODY FOR THE URGENT REPAIR OF WHITEHAVEN HARBOUR**

**EXECUTIVE MEMBER:** Councillor Gillian Troughton  
**LEAD OFFICER:** Pat Graham and Ann Treble  
**REPORT AUTHOR:** Pat Graham

**SUMMARY:**

Following substantial damage to Whitehaven Harbour during two severe weather events in December and January, a successful funding bid was made to the Environment Agency (EA) to repair the damage. With the support of the EA, work progressed quickly and notification of a successful bid was received in late February 2014. Copeland Borough Council as the local authority had supported the bid and was asked formally to act as accountable body for the project. Given the importance of Whitehaven Harbour, and the opportunity of an urgent repair, an Urgent Action was confirmed to enable the Council to receive the funding on behalf of the Whitehaven Harbour Commissioners in March 2014 and progress the works without delay.

**RECOMMENDATIONS:**

That Members note the Urgent Action and the decision to act as accountable body for the sum of £324k to enable the completion of the urgent repair works for Whitehaven Harbour.

**1. INTRODUCTION**

- 1.1 Following severe storms in December, and again in January, the historic harbour of Whitehaven suffered unprecedented structural damage, images of which were broadcast around the world.
- 1.2 The owners of the Harbour, the Whitehaven Harbour Commissioners, worked quickly to seek funding to repair the harbour following the December incident, and they received strong and positive support from the Environment Agency. This bid was extended to allow for subsequent damage in a similar incident in early January.

## **2. PROPOSALS**

- 2.1 In order for the Harbour Commissioners to receive this funding it was necessary for the Council to act as accountable body. After due consideration and assessment of the terms of the funding and the risks, and the tight timescales involved, it was concluded that the Council could and indeed should assist in this way.
- 2.2 The need for urgency was driven by the concern regarding further deterioration of the historic structure during the sustained period of severe weather the associated risk to the historic harbour and the risk of serious flooding of the town itself. A suitable agreement was drawn up locally with Harbour Commissioners, and the work has now commenced, and is indeed well underway. The agreement requires the Harbour Commissioners to comply with the terms of the grant funding and indemnify the Council in respect of any matters arising from the project.

## **3. ALTERNATIVE OPTIONS TO BE CONSIDERED**

- 3.1 If the Council did not Act in this manner, then the funding to repair the Harbour could not have been made available in accordance with the funding regime, and the funding would not have been readily available, resulting in significant delay, or even loss of funding.

## **4. CONCLUSIONS**

- 4.1 Although it not always possible for the Council to respond quickly, or indeed to always adhere to the requests of others, after full consideration and negotiation, we felt on this occasion that this was the correct course of action, and demonstrated our ability to work flexibly with our partners when our assistance was urgently needed.
- 4.2 Members are asked to note the urgent action taken in this matter.

## **5. STATUTORY OFFICER COMMENTS**

- 5.1 The Monitoring Officer's comments are: The Council exercised its powers under the Coast Protection Act 1949 to assist the Harbour Commissioners in repairing the harbour. The Council's position is protected by an agreement with the Harbour Commissioners which protects payments of funding, requires compliance with EA grant funding conditions and puts in place appropriate indemnities.

- 5.2 The Section 151 Officer's comments are: The grant from the EA must come via Copeland Borough Council because we are recognised as being the "Responsible Authority", ie the host LA for the scheme. Because of this, we have been asked to support the bid and therefore act as accountable body. Within this role we will have the grant awarded to us, we will submit a claim(s) for the receipt of the funding, we will receive the funding and pass onto the Harbour Commissioners whilst ensuring the funding is spent in accordance with the EA offer letter. There is no requirement for the Council to make any financial contribution to this scheme, but to safeguard our position, we have received and will retain proof of appropriate spend from the Harbour Commissioners prior to releasing funds. This undertaking and any other obligations are covered in an agreement between the Council and the Whitehaven Harbour Commissioners.
- 5.3 EIA Comments: None
- 5.4 Policy Framework: This demonstrated that the council is a strong and supportive partner

**6. HOW WILL THE PROPOSALS BE PROJECT MANAGED AND HOW ARE THE RISKS GOING TO BE MANAGED?**

- 6.1 See 151 comments above.

**7. WHAT MEASURABLE OUTCOMES OR OUTPUTS WILL ARISE FROM THIS REPORT?**


- 7.1 A fully repaired harbour.


**List of Appendices - A Completed Urgent Action**

**List of Background Documents:**

Urgent Item Whitehaven Harbour dated 11/3/14.

## Urgent Business Application

<b>Subject</b>	Accountable Body To Environment Agency for Release of Funds to Whitehaven Harbour Commissioners to repair Whitehaven Harbour Storm Damage 5 December 2013
<b>Background</b>	<p>The severe storm along with low pressure, high tides and 80-100 mph wind gusts that took place on 5 December 2013, resulted in unprecedented structural damage to Whitehaven Harbour. The Whitehaven Harbour Commissioners have sought funding to rectify this damage and protect the integrity of Whitehaven's Flood Defense scheme, from the Environment Agency (EA). The monies required - £324k has been approved by the EA, but must be paid to this authority (as Lead Flood Risk Authority). This requires CBC to become the accountable body for this money and this requires approval.</p>
<b>Reason for urgency</b>	<p>The works are classed as emergency and need to be completed asap, with the EA asking that the funding is drawn down immediately to enable to the project to be completed before further deterioration results in the inner reservoir becoming incapable of retaining the inundation from the sea, resulting in the flooding of the town.</p>
<b>Action taken</b>	<p>Support offered to the bid, and an offer letter has been issued. Practical Accountable Body arrangements agreed with the Harbour Commissioners. Work starts immediately.</p>
<b>Officers consulted and views</b>	<p><b>Monitoring Officer comments:</b></p> <p>No Comments</p> <p>Signed: </p>

	<p><b>151 Officer comments:</b></p> <p>The grant from the EA must come via Copeland BC as we are the 'Responsible Authority' , because of this we have been asked to support the bid and therefore act as accountable body, and within this role we will have the grant awarded to us, we will submit claim(s) for receipt of the funding, we will receive the funding and pass on to the WHC whilst ensuring the funding is spent as intended by the EA. There is no requirement for the Council to make any financial contribution to this scheme, but in order to safeguard the council's position we will need to receive and retain proof of appropriate spend from WHC prior to releasing the funds. This undertaking and any other obligations will be covered by an agreement between the council and the WHC.</p> <p>Signed: Ann Treble 06/03/14</p>
<b>Proposer</b>	Pat Graham
<b>Department</b>	
<b>Date</b>	11 March 2014
<b>Chief Executive Decision</b>	
<p>Signed: </p> <p>Paul Walker, Chief Executive</p> <p>Date: 11/3/2014</p>	