NORTH BERWICK HARBOUR TRUST ASSOCIATION

Wednesday 7 February 2007 @ 7.30pm, Council Chambers, North Berwick

Minutes

Present:

Gerry Hughes	Chairman
Jackie Tagg	Notes
Stewart Auld	
Derek Braid	
Ken Burchell	
Colin Cumming	
Alison Hall	
David Lumbard	
Jane McMinn	
Benjie Pearson	
David Reid	
Jim Sandison	
Bruce Todd	

Apologies:
John Hookway
Gary Lawson
Cameron Small

Circulation: As above plus NBHTA Web Site (www.nbharbour.org.uk) and NB Library

1. **Apologies**

2. **Minutes of meeting of 18 December 2006 and matters arising**

Item 5 Noted - Derek Braid had also attended the meetings with the ELC.

Harbour Masters Office – this was in a poor state. Gerry had spoken to Brenda Torry who had confirmed that up until 2.5 years ago ELC had been taking rent from NB Business Association. Gerry had spoken to the Secretary and Ferguson Chemist. They would be happy to move out when required.
Action: Stewart to look at fabric of the office including EL&P and report back

Minutes agree. Proposed: Stewart Auld Seconded: David Lumbard

3. **Report Back from Meetings (Bruce Todd)**

11 January
Gerry, Bruce and Derek met with Bill Axon to discuss progress.

Bill was still waiting for the H&S report. This had been delayed due to the sick absence of the H&S Advisor.
Bill listened to the list of requirements that the NBHTA had in terms of fabric and structure work. Specifically covered was the Addendum to the Fabric report and Harbour Masters Office. Bill believed that most of the items would need input from the Council Engineer, Murray Hutchinson. He would arrange a site meeting and advise the NBHTA of the date.

The Management Agreement was also discussed.

The public toilets were mentioned and contact with the ELC representative is expected shortly.

15 January
Gerry and Bruce met with Sir Hew Dalrymple to bring him up to date with progress. Hew was enthusiastic and in favour of trust. He now has only small amount of land at the harbour and much of this leased out for 100 years.

1 Feb
Bruce met with Tom Brock the CEO of the Scottish Seabird Centre to discuss progress and share information and concerns. The SSC Board were at this stage against the Trust taking over the Lands on which SSC stands. The Board would prefer ELC to keep ownership.
Tom said that the agreements set up with SSC Funders were on the basis that the Council owned land. He further added that the Board saw no advantage to SSC in the Trust taking over the land. SSC has two Boards – Trading and Charity. It is the Charity that speaks on the issue of Land.
Bruce advised the meeting that the Sun Lounge Building was slightly different as it was not wholly occupied by SSC so it would not be sensible to split the ownership of the Land. Tom was inclined to consider it as the same as the main building, but would be prepared to give further thought to this.
The SSC are supportive of the principal of a Trust, but are against the change of land ownership.

5 February
Gerry and Bruce met Dave Berry [Councillor] to bring him up to date. Neil Rankin has also been offered the same courtesy, but it has not yet been possible to arrange a date.
Dave supported idea of Trust but had a few issues largely concerning how the Commercial Boatmen using the Harbour would be effected by the changes.

Next Steps
It is now necessary to go back to the Council for an update with regard to; legal, lands and titles, fabric, H&S, admin. etc. Bruce had spoken to Tom Shearer and provisionally arranged a meeting for 1 March 2007.
Tom had not presented the proposals at the Cabinet Meeting of 30 January 2007. However Tom had spoken to the key people since then and he had been given the OK to proceed. The next Cabinet meeting is scheduled for the middle of March. If the proposals are not heard then the issue will go straight to the full Council Meeting in March. After that date there will be no Council meetings until after the Elections.

Gerry asked for confirmation that the Trust should continue to seek the SSC land to be included. Also that clarification was needed with regard to the area of the esplanade.

There was then a general discussion.

A query was raised about the land through which the SSC tunnel [flyway] runs. This is to be determined.

The sun lounge leases were discussed . It was confirmed that there are two tenants; about 17% of space leased by the Yacht Club and SSC 83%. A small rent was received from the SSC and rather larger from Yacht Club.

The Fabric Report suggests the sun lounge building is in a poor state.
The SSC has applied and been granted permission to put solar panels on the roof of sun lounge. There was concern about this as the roof would need to be strengthened, but this would be addressed by ELC Building Control.

It was agreed that the Trust Association should continue to progress discussions on the basis that all the Lands originally identified would be included in the NBHTA application. This includes the sun lounge and the land on which the SSC stands.

24 January - Harbour Management Committee – Gerry
Gerry and Derek attended the HMC meeting. He presented the NBHTA constitution which was accepted.

Gerry advised the meeting that a North Berwick Commercial Boatman's Association had been formed and constituted. The constitution was circulated after the meeting. There had been no prior discussion or notification of this Association which was disappointing given that the NBHTA had been open and tried to communicate fully.

Gerry was concerned that the content of this Associations Proposed Constitution was diametrically opposed to what the Trust aims are.

Benjie was asked to comment. He said that there was concern about the Fishermen's Store and rents going up. He added that there was also concern that there was no space for boat repairs.

Gerry proposed that the Trust Association ask for the Constitution of this new Association to be explained and clarified. He would approach the Association.

Comment was made about a Councillor and Council employee [Harbour Master] being on the group when ELC is already in discussion with the NB Harbour Trust Association.

Though there was concern about openness and trust it was accepted that perhaps the Commercial Boatmen's Association were simply taking the same stance as the SSC. It was acknowledged that the Commercial Boatmen were uncomfortable about the uncertain future.

Gerry emphasised the Trust Association want to protect all interests. Particularly the livelihoods of the Commercial Boat Owners.

It was agreed to continue with the proposals. However to try to allay the fears a meeting of the Commercial Boat Owners and representatives of the NBHTA would be arranged.

Action: Gerry

4. **Management Agreement (David Reid) – Draft Circulated prior to meeting**

David explained that this is an interim agreement until there is full Trust status. The document was discussed. Regarding NBHTA helping to collect arrears, it was stated that this would only be from 2007.
There were issues about Data Protection in terms of information about the list of boats and owners and status of the fee collection. One possibility is for one person to be treated as part of the ELC in some way so that Data Protection requirements would be covered.

Item 3 f and item 10 were reworded. See new document.

Management Agreement with amendments agreed.

Proposed Jane McMinn Seconded Ken Burchell

The Meeting thus formally adopted the Management Agreement

Action: David R to re draft the Management Agreement with alterations agreed and e mail to Derek.
Derek will arrange a covering letter to be sent with the Management Agreement to the ELC for consideration.

5. **Harbour Rules (Gerry Hughes)**

Gerry advised that it is very difficult for the ELC to change the rules and it takes time. It was therefore decided that it was not practical to try at this stage.

6. **Harbour Management Team (Gerry Hughes)**

Gerry suggested that the new Harbour Management Team would be made up of:
Gerry Hughes [Harbour Manager]
Bruce Todd
Ken Burchell
Jane McMinn
Benjie Pearson

Proposed: David Reid Seconded: Jim Sandison

7. **Finance and Administration (Alison Hall)**

Alison reported on behalf of herself Jane and Jim
They had been preparing for the parallel running with the ELC.
There were three main issues
1. Liaison with ELC – the initial meeting had been held and the minutes had been circulated. The timetable was still to be agreed.
2. Setting up finance and administration processes- A meeting had been arranged with the Dunbar Finance expert on 21st February at 10.30 [provisional]. They are keen to help. Jane, Alison and Jim would also arrange to meet Ellie Harbour Trust later.
3. Details of the software and hardware requirements would emerge as things progressed.

8. **A.O.B.**

Ken – Had looked at Galloways Pier and had some concerns about standard of repair. He said that the roof of the cavity was not supported. Jim Sandison agreed. Ken would take photographs for Bruce to take to Tom Shearer. Bruce reported that ELC have inspected it but Bill Axon had not seen the report.
Alison offered her underwater camera and would try to organise a diver.
Would the Yacht Club retain their block of moorings? Gerry advised that this would be discussed between the YC and the Harbour Management Team.

Alison – concerned about the need to discuss the proposals with Neil Rankin to ensure he is onboard. Gerry has been trying to arrange a meeting and would continue to do so.

Alison was concerned about what would actually happen on 1 April- the date of the change. Should the occasion be marked in some way? Gerry agreed that this needs to be discussed by the Harbour Management Team.

Colin asked who owns the Old Rocket [Slaters] Store. It was confirmed that this was owned by the Dalrymple family.

9. **Date of Next Meeting**

   Provisionally Wednesday 14th March 2007 7.30 p.m Council Chambers North Berwick.