

# NORTH BERWICK HARBOUR TRUST ASSOCIATION

**Monday 18 December 2006 @ 7.30pm, Council Chambers, North Berwick**

## Minutes

### Present:

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

### Apologies:

John Hookway  
Cameron Small  
Benjie Pearson

**Circulation:** As above plus NBHTA Web Site ([www.nbharbour.org.uk](http://www.nbharbour.org.uk)) and NB Library

### 1. Apologies

As above.

### 2. Minutes of meeting of 29 November 2006 and matters arising

Jane asked that the following be amended:

Page 3 Under Financial Issues, Line 19 – delete the word ‘changed’ and insert ‘rationalised’.

Minutes Agreed: Proposed Jane McMinn Seconded David Lombard

### 3. Constitution

*(revised version dated 13 December) (members had version of 13 Dec)*

David R had been working on the constitution and had received feedback from the members and this was discussed.

David asked for questions. Alison asked for clarification about what constitutes a quorum. David read out the section that was relevant. There was general discussion about the way

meetings and the quorum would work. David pointed out that there would be 14 days notice before meetings it would be up to people to attend.

David suggested we could double the number for a quorum but this was not seen as necessary.

Colin queried item 5 a and it was agreed that the word Committee be deleted.

Derek understood that the purpose of the Officers was to provide a status in order to be able to meet third parties and also progress actions between the meetings.

Colin suggested the need for a Vice Chairman. This had been discussed and deemed not to be required. If the Chairman was not available then any of the Officers could chair a meeting.

David raised the item about 'dissolution' and if the Association should dissolve when the Trust formed. This was agreed.

Proposed with amendment: Gerry Hughes Seconded: Ken Burchell

The meeting unanimously agreed to adopt the Constitution. A new version taking account of the above amendment would be prepared and dated 18 December 2006. (Copy attached)  
Thanks expressed to David Reid

#### **4. Election of Officers**

Gerry proposed:

Himself as Chair,

Jane Hall as Treasurer

Derek Braid as Secretary

Other Officers: Bruce Todd and Jackie Tagg

Seconded: David Lombard.

The meeting unanimously accepted the election of these officers.

#### **5. Update from Bruce Todd**

Since the last meeting. Bruce and Gerry had met with Brian Carr and Alex Hay from the ELC. Both are knowledgeable about ELC Lands and Titles. They went through the list of 'lands' that had been previously identified by NBHTA. Only three potentially contentious items

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the ground on which SSC stands

the old Harbour Masters Office [ELC not sure if they own this office- Bruce is investigating],

the store building near the monument on Anchor Green [ELC say do they do not own this – it may be owned by Hew Dalrymple – Bruce investigating].

Alison and Colin would approach Nora McKenzie (who lives in adjoining house) to see if she knows who owns the old HM office.

Brian and Alex would look at the Burgh Charter to clarify ownership if possible. ELC will assume ownership of any property unless another owner is identified.

The main road down to the harbour could be difficult to transfer to the Trust. It is an adopted road. ELC expressed a reluctance to a transfer of this road. There was discussion about

this and the problems that could occur if the road was not under ownership of the Trust and thus access not regulated by the Harbour Master. Bruce suggested we wait until ELC come back to us and then we can take this forward. Jane suggested that we could have an agreement with ELC that the HM would manage the access but the road would be owned by the ELC. Although this was seen as a good option, it is probably not possible to control access to a public road..

Gary asked about the life boat slip. Bruce reported that the ELC states it is owned by them. However this had been challenged by the Lifeboat Station in the past.

Gerry had spoken to young Hew Darlrymple and updated him on discussions so far.

Further discussions will be held once ELC have made progress. The next meeting has not been scheduled but probably will be in a couple of months.

Bruce, Alison and Jane had met with the Finance Dept. and SportsPlus representatives. Fiona Anderson, Scott Anderson and Bill Axon. Again this was a very helpful meeting and information is still being sent through from the Finance team. See item 6.

Bill Axon and Bruce will be meeting on 11 January 2006 to discuss a range of issues including the Management Agreement and the Fabric of the Harbour.

## **6. Update from Alison Hall and Jane McMinn**

There will be more meetings to look at processes and information. Helpfully all ELC processes and procedures are on their web site. Alison and Jane will be arranging further meetings to get more information and details.

Alison is going to speak to Dunbar [and possibly others] with Jim and Jane to ascertain how they actually set up the finance and ledger etc. She felt it was vital to set things up correctly from the start. So, resource, pitfalls, processes need to be identified.

The next steps will be to look at on going processes once the trust has taken over [and also during parallel running].

Jane felt timescales were needed – what needs to be done and by when. There was a lot of discussion about funds and if ELC could pass monies to us in order for us to progress. There was also discussion about who would send out bills for dues this year. Bruce said that the ELC would have to send out the bills this year but we would hope to agree with ELC that monies collected would be transferred to the Trust Association and this could be used to fund such items as computer/software etc.

Bruce also mentioned that we could apply to the Economic Development Unit but monies may already have had been committed.

Jane was keen to improve the revenue, in cooperation with the ELC. The expertise and knowledge of moorings etc by people in the Association could help here.

Derek noted the precedent that Dunbar Harbour Trust received monies from Harbour dues during the period of parallel operation with ELC. This sort of thing would be part of the Management agreement.

Alison also hoped that we would be able to help improve processes with the ELC prior to parallel running.

One issue is the Data protection act and ELC not happy to give out names of people who have moorings. This will be resolved with the Management Agreement.

Generally the people in ELC are willing but the processes are cumbersome.

Bruce said we do need to identify equipment, software, training etc that would be needed so that we are ready to go. Alison asked for support for the proposal that Sage software is used. This all needs to be ready for the monies coming in.

There was a suggestion from Gary that members might consider making personal loans to get things set up. Bruce really felt that we needed a list of exactly what is needed.

Alison and Jane would put a specification together with costings for the next meeting. This would need to include things like hardware, software, procedures, backups, location of equipment, training and insurance.

## **7. Way Ahead**

Bruce, with input from Gerry has provided a summary to Tom Shearer to assist with his presentation to Cabinet on 30 January 2007. If they approve then we can move forward if not then obviously we cannot proceed.

The Management Agreement is the most important thing to get drafted. Dunbar had one which could be used as a template. This document could include things like revising the fees and other things that the Association feel strongly about.

Ken suggested that another item for the Management agreement will be how the waiting list is managed eg should people pay to be on the waiting list.

We need to do this early January.

Derek to get copy of Dunbar Management agreement out to all members

All members to list 5 items they individually would like to see covered on agreement and send to Derek by 10<sup>th</sup> January 2007.

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

The action list that Bruce had devised was passed out. This is an aide memoir and will be a living document that changes over time. It will show actions and progress. Bruce will be responsible for keeping this up to date.

Ken asked who owned Galloways Pier. Derek referred to the notes of the meeting with ELC who reported that ELC own the access to the Pier but as the Pier is below Low Water it is owned by the Crown Estates and ELC have a full repairing at £100 per year. The lease expires in 2007 and will be renewed, and ELC will be able to assign the lease to the Trust.

There was then discussion about the repair work and how good it had been. Gerry advised that that ELC would have statutory responsibility to intervene where major repairs needed in years to come.

Gerry and Derek will be reporting back to Harbour Management Committee Meeting early in January so they can endorse the Constitution of NBHTA.

**9. Date of Next Meeting**

17 January 2007 7.30 in the Council Chambers