

# North Berwick Harbour Trust Association (NBHTA)

## Full Meeting – Minutes

**On Monday 18<sup>th</sup> January 2010 at 7.30pm at Council Chambers, North Berwick**

**Present:** Gerry Hughes (Chairman), Jackie Tagg, Bruce Todd, David Lumbard, Jane McMinn, Colin Cumming, Jim Sandison, David Reid, Derek Braid (Secretary)

**Apologies:**, Ken Burchell, Alison Hall, John Hookway, Stewart Auld, Benjie Pearson, Gary Lawson Cameron Small

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

### 1. Minutes of Meeting 30/11/09 and Matters Arising

- **Lifeboat Slipway** – with Stewart Auld to progress
- **Condition of SSC Sun Lounge Building** – this had been raised with Helen Bruce of East Lothian Council
- **Temporary Sign to Discourage Cars** – a sign at the top of Victoria Road is in hand
- **Esplanade Sub-Group** – Jim Sandison has spoken to John Hookway about automatic barrier, but as already advised, John is against an automatic barrier for Health and Safety reasons. Jim considers that if anything is done, it must be an automatic barrier, otherwise it will not be used. As a budget is available for feasibility studies, it was agreed that we could get a consultant to look at solutions. Jim will arrange this.
- **Fuel Tanks** – Jane advised no progress and awaiting ELC to review the situation.
- **Ladies Toilets** – Gerry is meeting Pat Burton, Chair of the Community Council to walk around the harbour and explain what the NBHTA is doing around the harbour. Gerry will discuss the issue of the condition of the ladies toilets with her. It is noted that ELC will continue to clean and maintain the toilets when the Harbour Trust takes over, but this will not address the condition of the facilities. We will also contact Helen Bruce of ELC on this matter.

### Minutes of 30/11/09 proposed by Jane McMinn and Seconded by Jackie Tagg

### 2. Legal Issues

David Reid has contacted our Solicitors with questions and they have advised:-

- Existing leases can be assigned from ELC to the new Harbour Trust without difficulty
- When we record title of the properties we do not have to pay stamp duty but registration fees (up to £7,500) will have to be paid (to be funded by ELC).

**HEO** - The Parliamentary Agent has suggested adding to the Harbour Empowerment Order (HEO) the term 'retained infrastructure' which would be a method of the Harbour Trust not taking on the liability of works still to be done to bring it up to a suitable standard. However, the meeting decided that we did not wish this change to be made, and we would rather ensure that the work is completed before the HEO was enacted. David Reid will send the latest draft of the HEO to ELC for review. We believe that an earlier draft has already been sent to the Scottish Parliament.

**Minute of Agreement** - David Reid will produce a finalised draft of the Minute of Agreement for our next meeting. An early draft has been given to ELC.

**Bylaws** – all members have had an opportunity to comment or make suggestions about Harbour Bylaws. David Reid will work up the suggested bylaws over the next few months so that they will be ready for Day 1 of the HEO.

**Leases** – David Reid will ensure that the Assignment of Leases are ready for Day 1. David Reid will pass copies of the leases to Bruce Todd who will contact Helen Bruce of ELC to obtain the latest cost of the leases.

### 3. East Lothian Council and Harbour Works

Bruce Todd provided the following update:-

- **Harbour Wall and Crane** – the contract has been awarded and pre-site activity has commenced. Gerry and Bruce have met with ELC and Halcrow to discuss the detail. The contractors are expected on-site between 9/3/10 and 30/4/10. Discussions are ongoing with ELC about an electricity supply to the crane, rather than a portable generator which is not practical. The Harbour Master is liaising with harbour users concerning the disruption during the works.
- **Replacement of Barriers/Fencing** – this is well under way and it looks very good. The Victorian Balustrade work is due to start next week and is due to be completed during in Feb/March 2010.

Colin Cumming asked if the new barriers are up to Health and Safety Standards. Gerry advised that we believed this to be the case and ELC will perform an audit after the work and before handover to the Trust.

Bruce advised that ELC's Archaeological Services Department have produced a report on the works which says it is acceptable but they will keep a watching brief. Planning Permission for all the work is expected shortly.

### 4. Composition of the Trust

Based on the previous approved Transition to Trust Status paper, David Lumbard outlined the steps required during 2010:-

- 4 of the 16 Association Members will be required to stand down on Establishment Date (current target date 1/7/10), so that there will be 12 Trustees.
- Adverts will be placed and prospective trustees asked to apply by 31/10/10
- 4 more existing trustees to stand down and selection panel as described in described in the document, to select 4 Trustees to be appointed at first meeting after this date
- This process to continue each year i.e. 4 stand down and 4 new Trustees selected and appointed. By 2012, all trustees will have been selected by appointing body

It was agreed that Gerry, as Chairman will manage the situation about 8 of the existing Association members having to stand down during 2010, although they are welcome to apply to become Trustees via the application and selection process.

There was discussion about the selection body which includes the Chair of the Harbour Trust, a nomination from the NB Community Council and a representative from East Lothian Council. The wording will be amended to clarify the situation in case there is no nomination from NB Community Council and also, that the 4 terms of office (of 3 years) that individuals can serve, will not include the interim stage between Establishment Date and the First Application date.

## **5. Lobster Hatchery**

Jane McMinn who chairs the Lobster Hatchery Implementation Group, and Colin Cumming who represents the NBHTA on the Group, provided a progress update. There was a wide ranging discussion. Reference was made to the revised concept plan for the building, which encloses the existing SSC building, rather than being added on as a wing to the existing SSC building. This revised plan has been adopted by the Implementation Group.

Although recognising that it is a concept plan, and while supporting the principle of establishing a Lobster Hatchery, the meeting expressed serious concern at the impact the new plan could have on the esplanade and the various uses made of the esplanade. Colin Cumming agreed to take on board these concerns at future meetings of the Hatchery Implementation Group.

## **6. Administration**

Jackie reported that although there was plenty of activity, there was nothing particular to report.

## **7. Finance**

The draft accounts had been distributed and there were no questions. David Lumbard advised that had agreed to audit the accounts and he would be arranging to collect the papers from Alison Hall. It was noted that outstanding amounts due from East Lothian Council would be referred to in the Minute of Agreement which was legally enforceable.

## **8. Feasibility Studies**

Bruce Todd advised that NBHTA had awarded a contract to Royal Haskoning to produce a Feasibility Report about improved landings at Galloway's Pier and pontoons on the outside wall of the harbour. This will include a Topographic Survey which will happen shortly. Funds were also available for other Feasibility Studies.

## **9. AOB**

**Nature/Environmental Projects** – Jane McMinn asked if NBHTA would consider any projects relating to environmental issues, such as assisting the creation of oyster beds in the area of sea which will be controlled by the new Harbour Trust. The meeting agreed this type of project would be looked upon favourably if brought to the association.

## **10. Next Meeting**

**Monday 15<sup>th</sup> March 2010**, which will be held immediately after the AGM which will start at 7.30pm on 15 March 2010.

*Derek Braid  
Secretary  
21/1/10*