

# North Berwick Harbour Trust Association (NBHTA)

## Full Meeting - Minutes

**On Monday 30<sup>th</sup> November 2009 at 7.30pm at Council Chambers, North Berwick**

**Present:** Gerry Hughes (Chairman), Jackie Tagg, Cameron Small, David Lombard, Jane McMinn, Colin Cumming, Ken Burchell, Jim Sandison, David Reid, Alison Hall Derek Braid (Secretary)

**Apologies:** Bruce Todd, John Hookway, Stewart Auld, Benjie Pearson, Gary Lawson

**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 26/10/09 and Matters Arising

- **No Diving Picture Signs** – have been erected
- **Lifeboat Slipway** – uncertain about progress on problem with undermining. Gerry will follow this up
- **Mooring Chains** – Ken Burchell advised that two rope sections have been replaced with chain, and the poor back chains will be replaced
- **Safe Access to Boats** – this is being dealt with by the Harbour Management Team
- **Financial Year End** – Alison Hall advised it is not intended to change the year end for the Association, but when the full trust comes into being, then a year end of April to March is recommended to match when the bulk of the income is received
- **Condition of SSC Sun Lounge Building** – this had been overlooked at the recent meeting with East Lothian Council, and it will be raised at the next meeting.

**Minutes of 26/10/09 proposed by Jackie Tagg and Seconded by Jane McMinn**

### 2. Legal and Trustee Issues

Drafts of the Harbour Empowerment Order (HEO) and Trustee Guide, both dated 30/10/09 had been circulated to the members for comment. Bruce Todd had commented and the draft of the HEO and Trustee Guide, and changes had been made, and revised drafts dated 27/11/09 had been circulated. Alison Hall had subsequently commented and David Reid had responded with explanations which Alison accepted, except for the requirement for certain personal disclosures by Trustee applicants. David Reid also said he had concerns on the disclosure requirements, and the meeting agreed that the business interest declarations were not relevant and were too intrusive, quite apart from being totally unrealistic to expect that you know about the business interests of your parents, brothers, sisters & children. Therefore, these requirements would be deleted from the draft HEO.

David Lombard spoke to the Trustee Guide and to the amendment, which reduced the term of the Chair to 1 year, but with no restriction on the Chair being elected for further years while he/she remained a Trustee.

There were no other comments and therefore the draft of the HEO (minus the amendment to the disclosure requirements stated above) and the draft of the Trustee Guide, were agreed.

David Reid advised that he will now submit the draft of the HEO to the Parliamentary Agent David took the opportunity to suggest some operating procedures which he recommended the Trust should adopt when formed. Jane McMinn asked when it was planned to go ahead with the submission of the final HEO to the Scottish Government. Gerry advised, that that decision

remained outstanding, and would be taken by the full membership of the NBHTA, when the current harbour works were completed, or almost completed, to our satisfaction. The target of June 2010 for handover to the full Trust remained.

On behalf of all the members, Gerry Hughes thanked David Reid for all his work to date, and also thanked David Lumbard and Bruce Todd for their assistance.

A draft of the Minute of Agreement between NBHTA and East Lothian Council had also been circulated to members, and David Reid will now send this draft to East Lothian Council.

David Reid advised that he hoped to have a copy of Draft Bylaws, which would come into force when the HEO was enacted, by February 2010.

### 3. **Proposed Lobster Hatchery**

Jane McMinn described progress since the last meeting:-

- Jane had joined the Implementation Group (previously referred to as the Steering Group) and had been invited to Chair the Group which she had accepted
- One meeting had been held and a number of major issues are being addressed including sources of funding, taking the Feasibility Study to a Business Plan, Implementation Timetable, Architectural plan, Environmental Impact etc
- Planned to take proposals to stakeholders by end January 2010

Jane advised that the outline plan, shown at the last meeting, was only a 1<sup>st</sup> draft, and that full account would be taken into the ability to continue to hold public events on the esplanade and to accommodate a Spiegeltent for Fringe by the Sea.

Because Jane had been appointed Chair of the Implementation Group, another volunteer had been requested from NBHTA to sit on the group. Colin Cumming had volunteered and his appointment was proposed by Gerry Hughes and Seconded by Jane McMinn.

A number of questions were raised by members, including, why go for fundraising before a decision to go ahead had been reached, have there been studies on the impact of releasing juvenile lobsters into an area, will there be more public consultation, drainage of the esplanade would require to be maintained, is there a possibility of increase the height of the seawall to prevent flooding. These points were discussed and noted by Jane.

### 4. **Esplanade Sub Group**

Jim Sandison advised that another meeting had been held, and he reported on their recommendations. Due to proposed Lobster Hatchery, the area of the Esplanade may be reduced, and therefore it was not the time to consider other uses of the esplanade. The recommendations therefore, related to Traffic Management:-

- Temporary notice(s) at top of Victoria Road, to discourage casual visitors bringing cars down towards the harbour.
- A fully automatic barrier to control vehicle access to the esplanade. This would include separated pedestrian access and access for dinghies without operating the barrier.

Gerry Hughes advised that he will organise temporary signs by Spring 2010, and Jim Sandison will ask John Hookway to look at a barrier system in more detail.

Jim Sandison confirmed that this was not the time to consider any car parking on the esplanade. Jackie Tagg also advised that she had passed comments, relevant to traffic management, to David Reid for consideration during the drafting of the Harbour Bylaws.

## **5. Harbour Works**

In Bruce's absence, Gerry reported on progress on the work by East Lothian Council.

**Phase 1 - Health & Safety Work** – this is well advanced and is expected to be completed by Friday 4 December.

**Phase 2 - Replacement of Railings etc** – the contract has been awarded and work should start on Monday 7 December. The Victorian Balustrade style of railing will only be used on the flat areas, as it is not suitable for installing into the areas of rock.

**Phase 3 - Crane and Wall** – East Lothian Council have awarded the contract to Halcrow and ELC are setting up a meeting between NBHTA, ELC and Halcrow. It is expected that the contractors will be on site in early January.

Ken Burchell asked whether the new railings should be painted. Gerry's understanding was that they would not need to be painted, but he will follow this up with Bruce and the contractors. Gerry reminded all members that all queries should be routed via Bruce, and not directly to the contractors on site.

## **6. Feasibility Studies**

Gerry advised that Bruce had issued requests for tenders for feasibility studies for a) Pontoons on the Outside Wall and b) Improvements to Galloway's Pier. A response had been received from Royal Haskonings and a reply from Halcrow was expected. Details of the responses will be reported at the next meeting.

## **7. Administration**

Jackie reported that she had attended another HMRC course concerning payroll. The Oil Spill plan document had been revised and sent out to interested parties for comment. Jackie had also sent out draft logos for the full trust for comment, although not all members had received the email.

## **8. Finance**

Alison reported that she and Jackie had attended a half day Sage course in preparation to transferring the books to Sage when the trust is formed. Alison has been reviewing the books to plan the transfer and more time will be scheduled with the trainer. Discussions are ongoing with ELC about the amounts that will be specified in the Minute of Agreement for Harbour Master salary and emoluments, Utilities and Insurance. Alison has also simplified the main page of the Monthly Accounts and she is looking for feedback.

## **9. Harbour Manager's Report**

Gerry spoke to the report which had been issued before the meeting. One of the issues is with the Fuel Tanks owned by some of the commercial boat operators which ELC have said require planning permission. Cameron Small summarised the sequence of events, including the initial installation which ELC had said did not require planning permission. Cameron had taken the issue up with the local Councillor who had advised that he should do nothing, pending the allocation of another planning official who will review the situation.

**10. Any Other Business**

Jane asked who would be responsible for the Ladies Toilets when the full Trust was in place. Gerry advised that the Toilets will be included in the property handed over from ELC to the Trust, but that ELC will clean and maintain the toilets and this will be specified in the Minute of Agreement. Jane advised that there had been a lot of complaints about the ladies toilets during Fringe on the Sea and asked if there were plans to upgrade them. Gerry will take this issue up with East Lothian Council.

**11. Next Meeting**

Planned for Monday 18<sup>th</sup> January 2010 in the North Berwick Council Chambers at 7.30pm

*Derek Braid*  
*Secretary*  
*3/12/09*