

**NBHTA Business Meeting**  
**Wednesday 25 March 2009**  
**Council Chambers North Berwick**  
**7.30 p.m. [following on from AGM]**  
**Minutes**

**Present:**

Gerry Hughes            Chairman  
Jackie Tagg             Minutes  
Stewart Auld  
Derek Braid  
Colin Cumming  
Alison Hall  
John Hookway  
David Lombard  
Jane McMinn  
David Reid  
Jim Sandison  
Bruce Todd

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

**1. Apologies**

Ken Burchell, Benjie Pearson

**2. Minutes of Meeting 23 February 2009 and Matters Arising**

**Mooring Rules**

Gerry and Jackie have looked at the rules with regards to the following:

a] Person wishing to give up a mooring to take a smaller or in fact a larger space

b] 2 people both with moorings wishing to give up both spaces to obtain a larger space

Flexibility is really important to managing the harbour. However the rules that cover both cases are in the document Conditions relating to the allocation and use of mooring/dinghy parking bays.

It is clear that moorings are in one name only [exceptions prior to 1.4.08]

Paragraph 1 clearly states that mooring holders should submit a new application for larger or smaller moorings. They will be considered in the normal way.

Paragraph 12 point b. Where two people want to join forces and currently have two spaces – an application would be considered for a new 50/50 partnership, if it is deemed as beneficial to the harbour in general ie a space is given up.

**Memorial Benches**

Alison and Jane confirmed that one memorial bench is in stock.

**Unknown Laser**

The owner of the unknown laser in the pound has been traced. He has found a person willing to purchase it by paying the 2008/09 dinghy fees.

Other items covered in the main agenda.

**Minutes Proposed: David Lombard**

**Seconded: Alison Hall**

**3. Legal Issues – David Reid**

Officers of the NBHTA and David Reid had met with two Solicitors from Gillespie McAndrew on 27 February 2009. They had a tour of the harbour followed by a meeting in the Council Chambers to gain an understanding of issues, concerns and the NBHTA current position.

The Solicitors had subsequently submitted a detailed report answering questions and making recommendations. One was that the Order be changed to give over the land and titles to a Limited Company rather than a Trust. However David R was not convinced that this is possible as it is contrary to the Order and guidelines.

There was discussion about Trust v Limited Company and personal liabilities. David was confident that a Trust is the way forward and safeguards can be put in place.

The meeting agreed that Trust status was still the preferred option and the ELC should not be approached with regard to Limited Company.

A further recommendation was that the Trust should not take over the harbour until there were funds available of £120 000 [to cover litigation should things go wrong]. In addition the Trust should not take over the harbour until agreed work had been completed. This was discussed but the view was that relationships with ELC were positive and the risk in proceeding without work being completed was low, especially as such work should have started. It was agreed that as long as commitment to undertake work had been given and even some work commenced we would likely be happy to continue. Gerry emphasised that it would be fairly clear when the time came, whether to proceed or not, and the decision to proceed would be taken by the full NBHTA membership.

Transfer of Harbourmaster to the Trust was also of concern with regard to pension provision. This depends to some extent on the personal preference of the harbourmaster with regards to pension provider. He is in discussion with Alison.

It was also suggested that the Crown Commissioners be approached to transfer the land on which Galloways Pier stands to the Trust.

**Action: David R to approach Crown Commissioners.**

There were some questions with regard to the plan of the harbour area and Gillespie McAndrew are clarifying the position.

Gillespie McAndrew had been asked to give a timescale of how long it will take from confirmation of go ahead to full Trust status. They have reminded us that should any one object then there could be a Public Enquiry which takes years and is expensive. They advise that we should consult ~~now~~ with all interested parties to avoid any objections.

ELC have indicated that they will contribute to the legal expenses and this will probably be 100% contribution.

**Agreed David R to advise Solicitors that we will proceed down the Trust route [not Limited Company nor at present to gain Charitable Status].**

#### **Report Back from East Lothian Council – Bruce**

Since our last NBHTA meeting on 23 February, and various things had happened. Gerry and Bruce met with Tom Shearer on 18 March. Tom assured them that there is a substantial sum available in the 2009/10 budget which should be enough to put right all of the outstanding items: crane, wall, fencing and H&S issues.

Tom will write, to the NBHTA, by 1 June a 'letter of comfort' to assure us that works will be undertaken and the budget is available.

Halcrow are due to send the feasibility study and costs for the crane and SW wall this week. Bruce will be sent a copy of the detail for our comment. We would press for work to be started as soon as possible.

**Action: The feasibility study to be discussed at a full meeting.**

Eamon John has also confirmed that there are funds remaining for feasibility studies [2008/09 budget] and this would be transferred to the NBHTA. The condition being that in 6 months we account for the money or identify projects [see item 6]

Public Toilets – this issue has now been resolved. It has been agreed that cleaning, maintenance and running of the toilets will be done by ELC, but the land will be owned by the Trust.

**Action: David R to ensure this is in the minute of agreement.**

#### **SSC Proposed Lobster Hatchery – Jane McMinn**

SSC have now confirmed that funding for the feasibility study has been raised. Jane will be attending interviews on 1 April. Three companies who have tendered for the feasibility study will be making presentations. The NBHTA still has no view at present and will not be able to comment until the feasibility study has been completed. The communication from the SSC has been appreciated.

#### **Pontoons – Proposed Way Forward – Bruce**

A satellite group is being set up with Bruce as chair, to look at the option for pontoons [inside and outside the harbour and for improvements to Galloway's Pier]. Some of the feasibility study money can be used for this project.

Anyone who is interested in helping please contact Bruce.

#### **Esplanade and Traffic Management – Gerry**

Jim Sandison has offered to look at the esplanade and what are the options for the space. He will also look at traffic management in the harbour area.

Anyone who is interested in helping please contact Jim.

#### **Finance and Administration – Alison/Jackie Administration**

After some problems with the mail merge [thanks to Derek for helping] Jackie reported that 114 invoices and enclosures for the dinghy park had gone out [which includes 1 invoice to ELYC for 12 spaces]. 39 people had paid as at close of play 23 March 2009.

16 people are on the waiting list and Ross is now contacting these people to offer them spaces. This year there will be 130 in the main park and 11 on pier. This is an increase of 10 spaces or extra revenue of £1150

There was a slight glitch in the process as the pier invoices were not printed. Thanks to Jim Sandison who alerted the office and this was rectified quickly. A learning point for next year.

43 invoices plus 1 [for 16 ELYC moorings] for moorings/tenders had been sent out. 22 have been paid.

Thanks to Derek and Alison for helping to stuff the envelopes. Ross is doing a good job of keeping the database up to date as payments are received.

Currently the HMT are looking at allocating 3 vacant moorings. C/3 and C/4 and SE/6.

Delivery was taken today of new work wear for Ross. All badged clearly 'Harbourmaster' front and back.

The office has also had a tidy up/reorganisation. A new mobile phone has been delivered which will make life easier as the old one would not hold its charge.

## **Finance**

### **January and February Accounts.**

Alison had circulated her report prior to the meeting. As it is still early in the year there is little to report at present. Alison will be looking in detail at the budget for 2009 to get a good idea of projected income and expenditure targets.

**Action: Alison will also write to ELC to ensure that we do get the money transferred to the NBHTA at the right time.**

Alison is setting up a new bank account for the £18 000 which is ring fenced for feasibility studies/projects.

The Community Banking Account is being set up. It is taking longer than expected as HBOS had lost the applications [compensation is being given].

Alison suggested that, similar to Dunbar, the NBHTA should consider paying for admin. work which is increasing as we develop. Based on the administrative work that Jackie/Ross currently undertake she recommended a day a week in the summer and half a day a week per winter. This person would be used on days when Harbourmaster is off duty and can also to collect fees which may contribute to the cost. The benefits were considered by the meeting and it was agreed that it could be trialled for a year and that Jackie was the obvious choice. Jackie indicated a willingness to undertake the role.

**Action: Alison to write to advise the ELC.**

Gerry thanked Alison and Jackie.

### **4. Harbour Manager Report – Gerry**

Gerry presented his report. A written copy was circulated prior to the meeting. He emphasised the importance of Ross being given instructions from him alone to avoid confusion. Gerry also reminded everyone of the need to be mindful of not distracting the HM for too long.

Colin raised a concern about parking outside the Fishermans Store. Gerry advised that this is a highways issue.

Colin asked about the liability of the NBHTA with regard to people jumping off the harbour who are not able to read a written sign. David R confirmed that people jumping did so at their own risk. It was confirmed that the ELC were happy with the current sign. However the meeting felt it was a valid point and picture signs were discussed.

**Action: Jackie to investigate a picture sign**

Gerry advised the meeting that description of 'Fishing Boat' in the conditions for moorings is being re considered and will be discussed at the next meeting.

### **5. A.O.B.**

None

### **6. Date of Next Meeting**

20 May 2009 at 19.30