

NORTH BERWICK HARBOUR TRUST ASSOCIATION (NBHTA)

Minutes

Date: Wednesday 29 November 2006 @ 7.30pm

Place: Council Chambers, North Berwick

Present:

Gerry Hughes	Chairman
Jackie Tagg	Notes
Stewart Auld	
Derek Braid	
David Lumbar	
Jane McMinn	
Benjie Pearson	
David Reid	
Jim Sandison	
Cameron Small	
Bruce Todd	

Apologies:

John Hookway
Alison Hall
Ken Burchell
Colin Cumming
Gary Lawson

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

1. Minutes of Previous Meeting and Matters Arising [Welcome to New Members]

Welcome to David Reid, who will take on role vacated by David Robertson and provide legal advice. Also to Benjie Pearson who has been a Harbour user for many years. Welcome back to Cameron Small who was involved in Phase1.

Matters Arising [not covered as part of main agenda]

Bank Account – Alison has almost completed changing the bank account details but it still needed finalising.

Perception of NBHTA –meetings now to be held in Council Chambers and new members should help address this issue.

Preparation of the agenda – the agenda was circulated prior to the meeting for comments and submissions. This will continue.

Secretariat – Derek and Jackie now sharing tasks.

All other Matters Arising were covered as part of the Agenda.

Minutes agreed: Proposed Jim Sandison. Seconded Bruce Todd

2. Harbour Management Committee

Feedback from Gerry

Gerry handed out detailed notes to all at meeting. Gerry went through these notes.

Cameron was also at the meeting of 22 November with ELC.

ELC require NBHTA to be properly constituted. A Public statement will be issued in mid December in the Courier and the web site. Also in the next edition of North Berwick News. It was agreed that the NBHTA and ELC will run the Harbour in parallel from Easter Sunday 2007 with a gradual seamless transfer of responsibilities. No date yet set for full Trust status.

It was vital that a constitution be drawn up and formally adopted. The NBHTA would have no liability.

3. Feedback from ELC Meetings

Most of what the NBHTA has to do has to be with the agreement of ELC. In order to negotiate the NBHTA have been liaising with Tom Shearer Head of Community Wellbeing. Tom had given NBHTA details of key people in ELC who will need to be involved. These people had all been contacted and meetings arranged.

Tom was very encouraging and the ELC were prepared to offer assistance and funding [probably an annual grant and payment of legal fees].

A meeting had already been held with Ian Forrest, the ELC Solicitor, with regard to legal issues. A great deal of the Dunbar model could be used. Ian had laid out the main principals of what had to be done. Basically there was a need to establish a Harbour revision order in Scottish Parliament. This is an expensive process but ELC would be willing to provide the funding. Ian also touched on the pressing need for the NBHTA to be properly constituted and this constitution agreed by ELC. Dunbar set up a company limited by guarantee in tandem with association, which might be a way forward for us. David Reid will be looking at these issues.

The period of dual management will need a Joint Operations Manual [or Management Agreement] agreed by both parties. This will set out who will be responsible for what items. This will need to be drawn up prior to Easter 2007.

ELC are not sure who owns all the property at the Harbour. However they are in the process of reviewing all lands in the areas proposed to clarify the situation.

The ELC will make a report to the Cabinet supporting the formation of a Trust. NBHTA will make a contribution to this report.

Some matters are still to be discussed. A meeting with Brian Carr [ELC] has been arranged for 1 December to discuss Lands and Titles. This will look at the area NBHTA would like to take over from ELC [see previous detailed list]. Notes of this meeting will be circulated and comments would be welcomed.

A meeting has been scheduled for 7 December to discuss financial arrangements in more detail with Fiona Anderson from the Finance Department.

Unfortunately Bill Axon, Head of Sports Plus, had been ill. The meeting to discuss the Fabric report and what ELC have a duty to make good prior to take over had been postponed. It was accepted that the ELC would not undertake to make good items that have not been on their agenda e.g. changing rooms.

Gerry clarified the way forward to ensure everyone in agreement. The next milestone will be the Constitution. Then we will need to have the green light from the ELC Cabinet in order to have full ELC resource made available.

The Association will run until just prior to full Trust status. The NBHTA will then relinquish responsibilities to the appointed Trustees. The suggestion is that NBHTA continues until a date [not yet known] when the Trust is set up. This is a different approach to that discussed at the October meeting.

David R advised that a Constitution could be drawn up quickly and the Association proper formed to alleviate any concerns.

It was agreed that the Core team would help David with the draft Constitution and circulate for comments prior to the next meeting. David R to draft and send to Core team by Monday 4 December. It was noted that the Association has zero liabilities.

There was general discussion and questions.

This way forward was agreed by the meeting.

Financial Issues

Jane and Alison had done a great deal of work on financial systems. Jane presented their findings and suggestions.

Jane had not been clear that we were going to go ahead with parallel running from Easter so some points she had looked at may not be appropriate. Jane and Alison had looked at ways of maximising revenue before and after Easter.

She outlined the current process. Main income from mooring, dinghy parking, launching and visitors berth. SportsPlus manage this process. ELC have one person for 1 day per week for three months along with the Harbour Master to undertake the charging process.

Jane passed around a statement of income.

Current process has **no**:

Chase up, verification, physical sign of payment, management, breakdown of income or monitoring.

Looking at the future the suggestion is to let SportsPlus send out the letters to ask for payment. There is a question about where this money should go - ELC or NBHTA. If NBHTA has the money then they would be able to chase up and monitoring could be achieved.

Some suggestions were made by Jane with regard to future processes. She felt strongly that the rates should be changed now. The Joint Operations Manual will identify the processes, but at this stage the powers of the NBHTA was not clear.

It was agreed that we need to have an input in to the Joint Operations Manual to ensure we can have an influence on things like charging processes.

It was agreed that we need to include all of Jane's points to the ELC Joint Operations Manual particularly information to customers via the letters of charges.

Jane outlined some of the costs involved in the recommendations including human resource, equipment, software, services, office

Jane will produce a list of recommendations to take to ELC before the letters of charging go out.

There may be some funding available from ELC and this will be discussed at the meeting on 4 December.

Agreed Core Team to see if ELC will share the records of moorings and payments etc

4. Harbour By Laws

Ken had done a great deal of work on the Harbour By Laws. As Ken was absent it was agreed that a new version of his document, taking account of comments received, be circulated to all after the meeting for comments.

5. TUPE [transfer of undertakings and protection of employment rights]

Lead -David Reid

TUPE is a set of regulations that means if a business is taken over any employee has exactly the same rights and conditions as before. If these are not met the employee could claim constructive dismissal.

The ELC will have to give details of the Harbour Master's employment history to the NBHTA. This will include: personal details, grievances on either side, accident claims within last two years etc.

We would have to ensure that the HM has same conditions or he agrees changes prior to take over. Also there must be a clear line management structure. The HM must have one clear manager.

6. Health and Safety

Lead –Stewart

Stewart and John had met with Rab Pillans on 23 November. Rab had recently met with the HM and looked at the harbour area and review the Fabric Report. Stewart reported these key points:

Rab would draw up a H&S plan which would be acceptable to the NBHTA and the ELC. Responsibilities would be defined and relate to a) employees b) clients [paid up users] and c) the public.

There were particular areas of concern: the crane, S.W. Pier, broken handrails and steps, trip hazards and the Fishermen's store.

Stewart and John will be meeting Rab again. There is still some work to be done on how H&S will be jointly managed and the responsibilities/obligations.

Rab's report will reflect:

Management structure and responsibilities

Risk assessment

Making good defective structure and facilities

Development plan

Programme

Derek to write to ask for a copy of this report.

Bruce and Gerry will raise H&S issues with Bill Axon.

7. Appointment Process for Trustees

Lead -Gerry

Agreed that it is premature to advertise for Trustees at this stage.

8. Harbour Master Responsibilities

Lead –Gerry

Documents referred to ELC Job Description and Proposed Harbour Master Duties.

Derek will let Benjie and Cameron have these documents.

The final JD will be contained in the Operations Manual.

The current HM works 20 hours per week and there was concern about the expectations of what could be done in these 20 hours. It was noted that these hours varied between summer and winter. Also discussed was the need for HM to be visible and also easily to locate.

Jim Sandison has done some work on the duties and this will be discussed at a later date.

9. Prioritisation of Plans for the Future

Lead - Gerry

The previous document listing priorities suggested by members had been circulated.

This will form part of the business plan.

10. Date of Next Meeting 18 December 2006 at 7.30 Council Chambers

Items

Constitution

Joint Operations Manual [Gerry to get the Dunbar one from ELC]