

# NORTH BERWICK HARBOUR TRUST ASSOCIATION

Registered Charity N° SC045318

Chair: Jane McMinn

Secretary: Bill Roberts

Treasurer: Sandy Knox

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## Full Meeting – Minutes

Monday 14<sup>th</sup> November 2016

### Council Chambers

#### Present:

Jane McMinn (JMCM; Chair)  
Brian Anderson (BA)  
Colin Aston (CA)  
David Farmer (DGF)

Sandy Knox (SK)  
Isabel Anderson (IA)  
Charlie Marshall (CM)

Bill Roberts (BR: Minutes)

#### 1. Welcome

JMCM extended a welcome to the members.

#### 2. Apologies

No apologies were received in advance of the meeting. (Stewart Auld (SA) offered apologies after the meeting).

#### 3. Minutes of Meeting of 10<sup>th</sup> October 2016

JMCM read through the minutes of the previous meeting.

#### Declaration of Interest:

There is one outstanding declaration.

**Action: BR to pursue**

#### Lobster Container

Check for payment of final invoice.

**Action: BR to check payments**

#### Galloway's Pier Update

CA provided an update. CA is in touch with Dave Northcott of ELC who states that the current hand hold at the top of the access ladders complies with current legislation. ELC are unlikely to undertake any alterations. ELC are willing to let NBHTA install an additional support but ELC need to confirm this in writing. The location of any drilling into the concrete must avoid installed reinforcing bars. Signage will be installed to advise users that they take access at their own risk. The requirement for planning permission is to be checked. CA will prepare a drawing of the proposed handle.

#### Finance

Check that all passenger boat returns and payments have been made

**Action: BR to check returns**

The minutes were approved by CM and seconded by SK

#### 4. Safety Incident Reports

There were no recorded incidents.

#### 5. Declaration of Interest

No changes to members' declarations of interest were made. No declarations of interest were made with respect to items on the agenda or items likely to be discussed.

## 6. Finance

SK noted that debtors will only show in Sage accounts if the invoices are posted when they are raised.

SK noted that there is limited year-on-year financial movement and therefore not much benefit derives from reviewing management accounts. However individual project spend needs to be monitored and managed. IA expressed concern that we should have financial controls in place for projects that are about to start.

BR told the meeting that bank accounts and relevant signatories were being changed to reflect the recent change of members.

## 7. HEO

BR updated the meeting on progress with the HEO. Transport Scotland's comments on the draft submitted to them in July 2016 were received on 26<sup>th</sup> October. The Transport Scotland comments were compiled in a document with a proposed NBHTA response. The document was circulated to members on 2<sup>nd</sup> November. Members' responses were incorporated into a final version. This version was used as an agenda for a meeting held via teleconference with BDB (ELC's parliamentary agents), Ian Forrest (ELC's in-house solicitor), JMCM and BR on 11<sup>th</sup> November. The actions and agreements from the meeting were circulated to members on 12<sup>th</sup> November. BR and JMCM asked that BDB and ELC complete a revision of the whole HEO for submission to Transport Scotland during w/c 21<sup>st</sup> November.

The meeting discussed the process by which the current membership would translate into the first nine Trustees. The meeting agreed to adopt the principles in the HEO and have each member submit an application to be considered by a panel (as defined in the HEO). If there are less than 9 members of the Association at the time the HEO comes into force then advertisements will be placed per the HEO process.

The meeting also agreed that the member of the appointing panel who represents the community should be the chairperson of the Community Council or their chosen representative.

[Post-meeting note: These decisions were notified to ELC and DBD on 15<sup>th</sup> November]

The meeting also discussed the options for the legal entities to be created as part of the HEO process. SK is preparing a paper to discuss some options to include the implications for trustees' liabilities.

The meeting also discussed the potential requirement for authority to undertake tidal works to be included in the HEO. This authority may be required to provide for projects such as a new slipway in the west bay and maintenance of existing tidal structures.

## 8. Next Phase of Development

### a. Beach Huts

JMCM asked the meeting for approval to start the build process with two huts from each supplier. CM noted that FLAG would need to be informed at each step of the process. FLAG also require that any change to the supplier identified in the funding application process is agreed formally with them.

The planning application has quoted retail and distribution (Class 6) as proposed use. It is possible to change this class of use at a later date.

The meeting agreed to proceed with the construction of 4 units. They will be finished in blue, white and red.

JMCM said that we would not apply for a Market Operators licence at this time.

A public announcement regarding the start of the project will be required (**Action: BR**). CM will help provide the substance of the announcement.

**b. Changing Room Area**

JMcM noted that the full £10k grant from the Coastal Communities Fund had been received. The funds are identified as seed funding to include the engineering report and professional fees for the development of the changing room area at the east end of the Esplanade. Our architect Robin Sutherland (RS) confirms (from the engineering report) that works are needed to extend the life of the existing structure. RS has presented 3 options with a minimum spend of £50k on preservation and JMcM is to meet with RS to gain a fuller understanding.

Existing tenants are aware of the condition of the properties

The cost options are to be circulated to members for comment (**Action: BR**).

**c. West beach Slipway**

BR has met with interested parties (RNLI; NBRC; Harbour Residents Association: Beach Wheelchairs; ELYC) to discuss the possibility of building a slipway from the Lower Quay slip and the RNLI slip, down the west beach. The next stage is to create some concept drawings and budgetary costs.

**9. North Wall Update**

BR has offered a series of dates to Steve Wood (David Narro Associates) for inspection of the wall. Steve has still to confirm.

Daniela Parr is to be advised that we will not be engaging her on this project (**Action: BR**)

**10. Safety Management System**

John Hawley has declined to act as our designated person but he has provided some written comments on our documentation which will be circulated. John has been sent a letter expressing our thanks.

DW has submitted a detailed request for pricing of signs and is waiting on a response.

The warranties stipulated by our current insurers need to be checked for compliance. (**Action: BR**)

**11. Funding Applications**

JMcM thanked CM and IA for their work on the recent funding applications.

CM noted that OSCR are raising levels of transparency in the charitable sector and now publish annual accounts and reports.

The meeting agreed that acknowledgement and “thank-you” letters to funders would be sent from the Secretary. Funders also need to be asked about their requirements for having their contributions recognised.

CM noted that the North Berwick Trust has the potential to be a large contributor to local organisations.

A table of applications and allocation of grants is to be maintained (**Action: BR**)

**12. Planning Application at Rocketeer**

The Association has received notice of a planning application for permanent screening at the Rocketeer restaurant. The application was noted and no objections are to be made.

**13. Insurance Policies**

SK asked how the value set in the trustees’ executive and professional liability insurance was arrived at. The meeting agreed that an independent valuation should be instructed.

The meeting agreed that the Harbour north wall should be insured (**Action: SK**) and the wording of the Minute of Agreement with ELC is to be checked (**Action: BR**)

#### 14. AOCB

IS raised the issue of accumulation of water at the north wall. BR replied that various options were being considered (including the formation of an additional outlet through the south wall) and will be discussed with Anderson Group. (**Action: BR**)

BA suggested that the navigation lights (red at the harbour mouth and green on the Hope Rooms) need to be masked and the issue of responsibility for maintenance was raised. (**Action: BR to raise with the Harbour Master**) Responsibility for the two marker poles on the Maidens Rocks was also discussed. BR advised that they are not included in the area leased from ELC and remain the responsibility of ELC.

BR noted that the solicitor acting for the Association in the creation of the HEO/Operating Company structure would wish to meet with the members to explain the responsibilities and liabilities.

BR has prepared a letter to the MCA to seek confirmation that NBHTA have no further responsibilities or liabilities with regard to the apparent scuttling of yacht Bedouin.

#### 15. Date of Next Meeting

The next meeting will be held on Monday 12<sup>th</sup> December 2016 at 7.30pm in North Berwick Council Chambers.

Signed



**Bill Roberts**

*Secretary*

**North Berwick Harbour Trust Association**

**Registered Charity N° SCSC045318**

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