

NORTH BERWICK HARBOUR TRUST ASSOCIATION

Registered Charity N° SC045318

Chair: Jane McMinn

Secretary: Bill Roberts

Treasurer: Sandy Knox

Full Meeting – Minutes: Monday 5th June 2017

Council Chambers

Present:

Jane McMinn (Chair: JMcM)

Colin Aston (CA)

David Farmer (DGF)

Charlie Marshall (CM)

In attendance Terry Denton (TD)

Isabel Anderson (IA)

Stewart Auld (SA)

Sandy Knox (SK)

Donald Wright (DW)

Bill Roberts (Minutes: BR)

1. Welcome

JMcM extended a welcome to the members and introduced Terry Denton as a person sitting in on this meeting - with a view to joining the Association as Minute Recorder.

2. Apologies

No apologies received by BR.

3. Minutes of Meeting of 10th April 2017

All the new safety signs have been erected around the harbour. A speed limit sign for the Fairway will be erected as part of a second phase of signage.

Action: DW

BR met with John Irvine (JI) NBRC to discuss skiff parking. JI has made a proposal to use the area that would be needed to locate NBRC's shed/workshop. BR will respond.

Action: BR

BR confirmed that the Management Rules are now completed and ready for distribution to all relevant parties. An extract will be send to clubs and organisations.

Action: IA

CM reported that Ros (FLAG Administrator) advised him to submit another report to FLAG. CM will gather all relevant invoices and receipts and send to NBT to claim payment of the £4,500 which was awarded to NBHTA earlier.

Action: CM

CM reported that Lyle Crawford has informed us, NB Trust will be making payments of awards soon.

BR has confirmed the completion of a lease template for the beach hut tenants.

The minutes of the previous meeting are to be amended and reissued to included DGF's offer to prepare the Association for imminent changes to the Data Protection Act.

Action: BR

It was suggested that we request quotes for the completion of Data Protection which has a closing date of May 2018

The minutes were approved by IA and seconded by CM

4. Safety Incident Reports

There were no incidents recoded during the period since the last meeting.

5. Declaration of Interest

The Chair noted that there are likely to be conflicts of interest when discussing the SSC proposal for an NMC. The meeting will decide how to handle the conflicts at the agenda item.

6. Finance

VAT

SK and BR had attended a meeting with WW. The verbal advice passed by WW is to be confirmed writing. SK reported that HMRC are seeking a settlement. A report of the total invoices issued, since the signing of the lease, with VAT included is being prepared.

Action SK

Accounts

SK has received the 1st draft of our accounts. A meeting has to be arranged with WW to discuss the contents

Action: SK

Public Liability Insurance

The rules regarding claims and settlements have changed; continuing low interest rates have led to the capital value attached to claims rising dramatically. It is recommended that we revise our level of insurance cover. At present we pay approx £2,500 for a cover of £5M. If we were to double our liability to £10M we should be adequately covered for future years. We should be for quotes for £10M and £20M overall cover. If the Association can obtain cover for under £1,000 we should go ahead. Anything higher will have to be brought back to the table for discussion

Action: SK

7. HEO

ELC have updated their information regarding Transport Scotland (TS); TS are reviewing the current draft. ELC have confirmed a separate document will be required to pass title (ELC will bear the cost of preparation). A teleconference with ELC's parliamentary agent (BDB) is arranged for 28th June to discuss the redrafting of the HEO to accommodate the Association's decision to become a corporate body.

8. Next Phase of Development

All huts are in place, and leased out. Hut 6 to be retained for NBHTA - unless required for leasing JMcM has a full list of Leaseholders, and their business. The website will be used to promote the success of the lets.

Action: DGF

9. SSC / NMC

The Trustees had, before them five resolutions to consider. Before moving to these matters the issue of conflict of interest was discussed. Jane McM and CA both considered they were conflicted and excused themselves from voting on Resolution 2. CA also excused himself from voting on resolutions 4 and 5. When excusing themselves the relevant parties left the room before any vote was taken.

The meeting discussed various aspects of the proposal including the concept of a NMC as distinct from the extension/external alteration of the buildings. It was noted that the plans presented to the Association on 3rd April had been changed and that a planning application by SSC was imminent.

The role of NBHTA as a lease holder, neighbour, registered charity and harbour authority representing its stakeholders (as defined by the draft HEO) were considered. The visual and physical impacts of the significant and permanent change to the harbour area were discussed. An initial report written by the independent consultant engaged by NBHTA to prepare an economic and social impact study of the development was referenced in the discussion. A meeting of all stakeholders (chaired by the consultant) found no support for the extension of the properties. The concept of an NMC within the existing footprint was not opposed.

Members who attended meetings believed that SSC had not engaged in any meaningful consultation on the need for and the impact of, the building development.

There were 5 draft proposals put before the members tonight for their consideration:-

1. The following resolution was proposed by SK. Seconded by IA and was unanimously approved by the Trustees.

The Trustees, having taken account of the views expressed by our Stakeholders during two meetings with them, and having considered at length the limited information presented by the Scottish Seabird Centre to support their proposal to create a National Marine Centre have concluded that we support the concept of a National Marine Centre within the buildings which currently exist and which are occupied by the Scottish Seabird Centre

- 2 The following resolution was proposed by BR, seconded by DW and was unanimously approved by the Trustees present. JMcM and CA left the room for this vote.

Having taken account of the views expressed by our Stakeholders during two meetings with them, and after having considered at length our own responsibilities under the terms of our Constitution and Charitable purposes, North Berwick Harbour Trust Association has reluctantly concluded that we cannot support the planning application recently submitted by the Scottish Seabird Centre for the construction of extensions to the existing buildings used by them in their current operations.

- 3 The following resolution was proposed by CM and seconded by DM and was unanimously approved by the Trustees.

The Trustees of North Berwick Harbour Trust Association have therefore resolved to devote such time and resources as they consider appropriate to formulate and implement ways by which to oppose the planning application of the Scottish Seabird Centre and so preserve the fabric and amenity of the Harbour and its environs for our Stakeholders, visitors and other Harbour users and for future generations.

- 4 The following resolution was proposed by BR seconded by JMcM and was unanimously approved by the Trustees. CA left the room for this vote.

The Trustees, having taken legal advice in relation to access rights to the property for which The Trustees are currently responsible under the terms of the lease with East Lothian Council, have concluded that, in the best interests of The Harbour, its environs, our Stakeholders, visitors and other harbour users, access for construction traffic, or traffic related to the proposed construction project, will not be approved.

- 5 The following resolution was proposed by CM, seconded by SA and was unanimously approved by the Trustees. CA left the room for this vote.

The Trustees have given careful consideration to all the information currently to hand and have given weight to the representation made at the Stakeholders meeting as to the importance of Anchor Green for elderly and disabled people. This includes the view of the Harbour, which is a listed structure and its amenity value for those elderly and disabled people. This view will be adversely affected by the proposed plans and, accordingly, the Trustees can determine no reason to agree to the moving of the stairs which give access to the Harbour area from Anchor Green. The Trustees also consider that maintenance, for public benefit, of access to the ladies toilet located in the Sun Lounge and part of the property which is leased by the Trustees, is of paramount importance.

The meeting agreed to a schedule of letters advising of the above, to be sent to interested parties. JMcM will attend a meeting of NB Community Council on Tuesday 6th June and will advise them of the above. It was agreed to issue a press release. The meeting agreed to explore the appointment of a PR agency and engage if appropriate.

10. North Wall Update

David Narro Associates have been asked to prepare a list of contractors with the appropriate skills who could prepare budgets costs for the works identified as "Urgent" in their engineering report on the North Wall

Action: BR

11. Safety Management System

Following confirmation that he has appropriate public liability insurance in place, G. Vale was approached and accepted the post as Designated Person in terms of the SMS.

12. North Berwick Coastal Area Partnership – Design Charrette

Jane attended the Design Charrette and contributed to ensure consideration of the harbour environment in their deliberations. IA will attend the Coastal Partnership meeting on 19th June.

13. Funding Applications

Finnish off present application

It was thought there were no further bodies to approach - Watch this space

Action: BR to update and circulate funding matrix

14. Kayak Business

The business is continuing with the current tenant involved in the Beyond Boundaries charity.

15. Dinghy Parking Area - Allocation of Spaces - Allocation of areas to clubs

BR has approached ELYC and NBRC with a view to allocating them a defined area within the dingy park which they will manage on behalf of their members. Discussion will continue toward implementation in 2018.

Action: BR

16. AOCB

Sweet Traditions: The meeting decided against allowing a visiting drinks bar to be set up in the Harbour area.

The meeting discussed the behaviour of several watercraft owners whose behaviour in the West Bay and Fairway was observed to be irresponsible and potentially dangerous to other vessels and persons in the water. A ban on launching and using watercraft within the Association's area of authority was considered. The Management Rules regarding authority, signage and action to ban will be checked.

Action: DW

Bill received Good Wishes for a speedy recovery re his hospital visit

17. Date of Next Meeting

The next meeting will be held on Monday 10th July 2017 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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