

# 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 13<sup>th</sup> August, 2018

## Council Chambers

### Present:

Jane McMinn (Chair: JMcM)  
Stewart Auld (SA);  
David Farmer (DGF)  
Charlie Marshall (CM)  
Bill Roberts (Minutes: BR)

Issy Anderson (IA)  
Sandy Brodie (SB)  
Sandy Knox (SK)  
Donald wright (DW)

### Joined during item 8

Brian Anderson (BA)

Colin Aston (CA);

### In attendance

Geraldine Prince (GP).

## 1. Welcome

JMcM extended a welcome to the members present.

## 2. Apologies

Apologies were received from Alastair Macintyre (AM) and Sam Lowe (SL)

## 3. Minutes of Meeting of 9<sup>th</sup> July, 2018

The minutes of 9<sup>th</sup> July need to be amended to show DW in attendance

IA asked that written confirmation be sought from our insurers that cover is in place for all trustees.

Other matters and actions are to be covered during the meeting under agenda items

The minutes were approved by CM and seconded by DGF.

## 4. Safety Incident Reports

BR reported that a guide from the SSC boats trips slipped on the fisherman's steps. The incident was recorded by SSC and NBHTA have a copy of the SSC report on file. Formal review will be undertaken at the HMT

**Action: BR**

## 5. Declaration of Interest

There was no change to recorded interests from the previous meeting. The declaration forms of new members have been completed.

## 6. Finance

The item was taken at the end of the agenda. GP had left the meeting by that point. SK presented an update on the budget and a projection to the end of the financial year. Some expenditure has been deferred to next year. The Harbour Manager identified the items and is satisfied that the works can be undertaken next year.

A fixed passenger levy may be considered for next year.

## 7. HEO – Update

The HEO is with Transport Scotland for review and a meeting with them is scheduled for 23<sup>rd</sup> August in North Berwick

**Action: BR/JMcM/SK**

## 8. SSC / NMC

JMcM explained that it had not been possible to organise the stakeholder meeting the Association had agreed to hold. Formal confirmation of the availability of ELYC premises was not received before BR took annual leave.

JMcM introduced a discussion paper prepared by SK following meetings held with SSC and ELC. SK was also able to include a preliminary report on the SSC annual accounts which were filed on 7<sup>th</sup> August. SK presented the paper and proposed that a single agenda item meeting be organised so that sufficient time could be devoted to the discussion.

**Action: BR**

JMcM suggested some decisions could be taken at this meeting. IA suggested S&W could be approached for advice on the on the merit of pursuing recovery of professional fees incurred last year

**Action: SK**

IA suggested that we should gather any objective information to support the discussion including making a request for sight of the SSC legal opinion on access rights.

The potential roles of OSCR and HLF were discussed. CM outlined the circumstances in which OSCR might act.

JMcM emphasised that we should continue to seek a positive outcome from the is whole exercise and suggested a series of meetings to ingather information, views and ideas.

A provisional meeting date of 20<sup>th</sup> August was agreed.

## 9. North Wall Update

Examination of the North-West wall by bore-hole is arranged for Friday 17<sup>th</sup> August subject to presentation of satisfactory RAMS (Risk Assessment and Method Statement). Contractor insurance has already been presented. Trial pits by hand excavation will now be done over 5 days from 15<sup>th</sup> September.

## 10. Safety Management System

No new developments to report; No decisions required

## 11. Funding Applications

Funding grid needs

## 12. North Berwick Coastal Area Partnership

Nothing to report.

## 13. BBEL

BBEL have vacated the store which was leased to them.

The availability of the store was advertised via our social media platform and all previous enquirers were contacted. Applications were received from GoSup; Mr S Stewart and Beach Wheelchairs. A late informal application was received from a kayak Hire firm currently operating from the beach. This latter applicant was asked to submit more specific details of their requirements but this has not been received.

The meeting approved a proposal to split the store into three and offer GoSup, Mr Stewart and Beach Wheelchairs a section each. The term will be designed to align the lease with the current three year review cycle of other lets. Responsibility for environmental suitability will be passed to the tenants via the lease terms.

**Action: BR**

We will write to the Lobster Shack expressing concerns over the source of water for their operation.

**Action: BR**

The meeting noted Mr Stewart's intention to refurbish the Lobster Shack for next season and we await his proposals.

#### 14. Security

There was no report on progress with CCTV installation.

#### 15. Correspondence

Mr A Stewart has written to NBHTA accusing it of breach of contract law in relation to its charging for dinghy parking spaces; specifically in relation to arrangements around Fringe by the Sea. The meeting agreed to write to Mr Stewart to clarify our position and refute any breach of law.

#### 16. Illegal Fishing

Mr R Montgomery has applied and paid for an annual launching permit for a specific vessel in the name of a company. He has told NBHTA in writing and verbally that he is operating a commercial fishing company. Marine Scotland has advised "no licence has been applied for or issued against the vessel". The meeting noted that based on the observed level of activity, Mr Montgomery is likely to be exceeding the daily catch allowance for hobby fishermen.

The meeting supported a proposal to withdraw the use NBHTA's facilities from Mr Montgomery's company.

Mr Montgomery has written to Iain Gary MSP accusing NBHTA of breach its constitution and policies in relation to the allocation of mooring spaces in the harbour. Mr Gray has written to ELC who in turn have asked NBHAT for comment. The secretary will respond to ELC refuting any breach and tell them that facilities have been withdrawn from Mr Montgomery's company.

#### 17. AOCB

Organisations are being offered the chance to manage areas of coastline under a new pilot scheme operated by Crown Estate Scotland. More information at <http://www.crownestatescotland.com/the-assets/local-pilot-scheme> The submissions are complex and we will not be submitting a bid in this round

We have had an approach from an individual to fund restoration of the barometer on the cable end of the Granary. SB will explore access, ownership and costs.

#### 18. Date of Next Meeting

The next meeting will be held on Monday 10<sup>th</sup> September, 2018 at 7.30pm in North Berwick Council Chambers. DW presented his apologies.

Signed



**Bill Roberts**

*Secretary*

**North Berwick Harbour Trust Association**

**Registered Charity N° SCSC045318**

Harbour Master's Office

Victoria Road, North Berwick. EH39 4JL

Tel (home): 01620 894585 Mobile: 07736 774377

Email: [secretary@nbharbour.org.uk](mailto:secretary@nbharbour.org.uk)

Web: [www.nbharbour.org.uk](http://www.nbharbour.org.uk)