



## Full Meeting – Minutes from Monday 16<sup>th</sup> November 2020 at 7.30pm

### By Video Conference

#### Present:

Jane McMinn (JMCM: Chair)  
Issy Anderson (IA)  
Sandy Brodie (SB)  
Ken Hutchison (KH)  
Sam Lowe (SL)  
Charlie Marshall (CM)

Brian Anderson (BA); Part Meeting  
Scott Black (SAB)  
David Farmer (DGF)  
Sandy Knox (SK)  
Hugh MacKenzie (HMCK)  
Donald Wright (DW)  
Bill Roberts (BR: minutes)

#### In Attendance:

#### 1. Welcome

JMCM extended a welcome to the members present and in particular to our new members Scott, Ken and Hugh.

#### 2. Apologies

Alastair Macintryre (AI). Bill Macnair (BM) was unable to find the link to connect to the meeting. Stewart Auld (SA) is unable to join video conference format meetings and has presented an apology.

#### 3. Minutes of Meeting of 19<sup>th</sup> October 2020

The minutes were approved by CM and seconded by SB

#### 4. Declaration of Interest

There were no changes to the register of members' interests.

Prior to the meeting BA declared an interest in the arrival and mooring of Sula III and left the meeting for that item. CA has also declared an interest in the same item, but he was not present for any part of the meeting.

#### 5. Port Marine Safety Code – Safety Management System

There were no incidents to report in the period

#### 6. Finance

SK provided a brief update for trustees noting the current cash position; expenditure in the period; debtors, and VAT account.

SK noted that this year's discretionary maintenance policy was containing costs.

SK asked the meeting to consider next year's budget now for discussion at the December or January meeting. We need to agree a target for level of reserves, pricing strategy, and self-funding contributions to future projects. We should then be in a position to give stakeholders advance notice of any potential price rises next April. The exercise would also provide an opportunity for new members to contribute to these policies.

JMCM agreed that members should be contributing now to ideas for next year's budget and asked members to send suggestions for projects/expenditures for the 2021/22 period to SK. This list is to include the HMT maintenance programme. **Action: All/HMT**

CM advised that high levels of reserves can make external funding bids difficult. SK responded noting the costs to complete the NWW project and also the associated retentions which will have to

be paid during 2021. These will bring our reserves much closer to our current policy. In addition, there are identified strategic projects which will incur start-up costs and self-contributions. CM will need details to be able to demonstrate to potential funders which projects these funds are earmarked for.

**Action: BR/SK**

## 7. Incorporation

The most recent version of the proposed articles of association had been circulated to members. JMCM thanked the new members for their feedback.

The meeting discussed the number of directors that the new company should have and how a quorum would be defined. JMCM proposed there be five directors with a structure that would include additional board members as required. The meeting agreed to have five directors noting that directors will have the ability to nominate a proxy to act on their behalf.

SAB asked how a director who nominates a proxy can be part of a discussion leading to a vote. JMCM noted the question for consideration and resolution.

**Action: JMCM**

JMCM noted one other change. The name of the new company will be North Berwick Harbour Trust Limited.

JMCM said the document can be changed in the future and proposed that this version of the document (including changes noted by members) be sent back to our solicitors to progress. Versions for comment will also be sent to Transport Scotland, OSCR and ELC for copying to their parliamentary agents.

**Action: BR**

JMCM anticipates changes arising from these comments but she is keen to start the process. The meeting supported this approach.

**Action: BR**

## 8. Succession Planning

The meeting discussed the previously circulated applications from Andrew Dunns and David Thomson. Andrew and David had met with JMCM and positive comments were received from members who know them. Both CV's offered skills which could help the Association although there is a degree of overlap with other new members. David will be able to devote more time to the Association later in 2021/22 and offered his assistance as a member, or the benefit of his professional experience on a project-by-project basis.

The meeting agreed to accept Andrew's application at the moment, and to ask David if he would still be willing to join at a later date.

**Action: BR**

JMCM offered thanks to SAB who is working on defining roles, responsibilities, and matching skills for an organisational structure to suit our proposed incorporated status.

To provide continuity through the period of transition to a company limited by guarantee, JMCM offered to continue as Chair. The meeting supported this

## 9. North West Wall Update

BR spoke to the previously circulated estimate of costs to complete the NWW repair project. There is insufficient budget to install grout slabs at the top and bottom of the scuntion (the area at the harbour mouth where the booms are inserted). The figures do not include for repair of some depressions in the surface of the pier where machinery has been operating and one near the Lobster Shack. BR believes that an additional £14k may be needed for these repairs.

Some items claimed by the contractor are being disputed by our consulting engineer. These sums have not been paid to the contractor at this time. The estimate above assumes that all of the above claims will ultimately prove to be unsuccessful.

SK asked what additional costs we are likely to incur to complete the project. BR to provide figures to allow SK to clarify our cash position. **Action: BR**

KH asked whether grout slabs at the top and bottom of the pier were necessary now or later. BR said the grouting was introduced as "let's have a look and see" at the make-up of the core. An Initial budget of £59k was identified but subsequently revised to £39k. The whole amount needs to be spent before any benefit is derived.

## 10. SSC

There is nothing to report regarding progress of discussions on leases and management of the whole harbour area during SSC's recruitment of a replacement for their Chair.

The SSC has changed to winter hours until February 2021 and are now closed Monday to Wednesday inclusive.

## 11. Safety Management System

The invoice for Designated Person services is to be paid

**Action: BR**

## 12. Funding

CM reported NBTL are taking applications for grants at two levels: up to £3k and up to £30k. CM read the objectives and themes of NBTL grant awards. The meeting discussed the suitability of NBHT grants for the SWW repair project.

Applications to HES for a grant toward repair works are being accepted up to the deadline of 31<sup>st</sup> December 2020. CM is checking whether a separate EOI (Expression of Interest) is required. The fund will provide grants up to £500k as a fixed contribution toward the overall eligible costs of a project. There is no standard percentage. An engineering report and costing is required to support the application. KH and BR are meeting an engineer on 18<sup>th</sup> November to progress this. The meeting decided to authorise the Chair, Secretary, and KH to exercise judgment in respect of costs for this work; if the costs are considered to be excessive the decision will be referred back to members. CM asked for this work to be completed by the end of November.

CM said excellent work had been done by HMCK and the SSC Project Officer on the education and heritage project. This will form an essential element of the HES application. A budget of £15k has been identified by the team. CM asked that any remaining work be completed by the end of November.

**Action: HMCK**

HMCK said that applications which had been successful in applying to NBTL had tended to support community groups and projects. CM felt that NBHT would support applications which enhance or preserve facilities which benefit the community. JMcM noted that NBHTA had hosted a visit of NBHTL members to the Harbour during which we had put that case.

SB asked if more than one application could be submitted. CM replied that only one application at a time can be submitted. JMcM asked for costs for specific projects to be brought to the next meeting. CM reiterated that the harbour is a community asset and preservation and/or enhancement benefitted the wider community. IA reminded the meeting that visitor data is published by ELC.

## 13. North Berwick Coastal Area Partnership

JMcM was unable to attend the last meeting because of technical issues. No report

## 14. ELYC Proposal for Pontoons

The meeting discussed the proposal from ELYC to introduce pontoons to the area currently given over to ELYC's management. Concerns were raised over the lack of a formal agreement to support the current arrangement; the increased area required to operate a pontoon system for 16 boats circa 7m LOA; limitations imposed on future reconfiguration; impact of piles on space, visual amenity and the ability to dredge the area.

The meeting agreed not to support a pontoon system at the moment. The arrangement with ELYC needs to be formalised in an agreement. The desire to improve accessibility was noted and the meeting committed to review the overall management of moorings in the harbour and their layout.

**15. AOCB**

Nothing raised

**16. Sula III**

BA left the meeting at this point.

The meeting discussed the mooring of Sula III

**17. Date of Next Meeting**

The date of the next 14<sup>th</sup> December 2020 at 7.30pm by video conference.

Signed



**Bill Roberts**

*Secretary*

**North Berwick Harbour Trust Association**

**Registered Charity N° SCSC045318**

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