

## Dart Harbour and Navigation Authority

### Minutes of a Meeting of the Dart Harbour and Navigation Authority held at The Clifton Room, The Guildhall, Dartmouth on Monday 12<sup>th</sup> November 2018, commencing at 1830 hrs.

**PRESENT:** Zoe Briant-Evans (ZBE)  
Mike Burden (MB)  
Captain Mark Cooper (MC) - Harbour Master/CEO  
Tim Dewing (TD)  
Julian Distin (JJD)  
James Dodd (JD) – Vice Chairman  
Richard Eggleton (RE)  
John Ellwood (JE)  
Tristan Harwood (TH)  
Mark Hubbard (MH) – Chairman  
Tony Tudor (TT)

**IN ATTENDANCE:** Nick Clarence (Deputy Harbour Master)  
Kate Distin (Finance Manager)  
Simon Ellyatt (Designated Person)  
Penny Johns (PJ) Senior Administrator

#### 097/18 Apologies for Absence

Apologies were received from Owen Hill.

#### 098/18 Minutes of the Meeting held on 10<sup>th</sup> September 2018.

It was **proposed** by JD and **seconded** by JE with all in favour “**that the minutes represented a true record of the meeting**”.

#### 099/18 Action Grid - Status of Actions set on 10<sup>th</sup> September 2018.

##### Ongoing Actions

<b>Issue/Min No</b>	<b>003/18.1</b>
<b>Description</b>	Young Champion Award
<b>Action Required</b>	MC to approach Kit Noble at the Royal Dart Yacht Club to ask if he would be interested in being co-opted to the Board to run the scheme.
<b>Status</b>	Ongoing  <i>February:</i> MC advised that he had spoken to Kit Noble and Sue Pudduck and will continue to take this forward by arranging a meeting to discuss further. MC felt there was a need to broaden the membership on who can take this up. JD suggested that Anna Christie at Dart Sailability and the stakeholder groups. MH

	<p>recommended that representatives from Totnes are also included in this scheme.</p> <p><i>April:</i> MC advised that there is a problem with resource to run this project. He stated that Kit Noble and Sue Pudduck are keen to take part, but they are keen for a Board Member to take an interest. Following a discussion <b>it was agreed</b> that TT be the Board Representative for the Young Champions Awards.</p> <p><i>Sept:</i> It was noted that a nomination has been received via the website. Following discussion it was agreed that MC write to the school and award them £50 with an explanation that the scheme was under review. It was also noted that in order to continue the Young Champion Awards will need time and effort given to it by the Board. <b>It was agreed</b> that TT would contact ZBE to see if she would be interested in being the Board Champion for the Young Champions Awards. MC advised that TT had a high loading of board activity and that other Board members should fulfil this role. JD summarised that if the Board are not keen to support this initiative then a discussion should take place about whether to continue.</p> <p><b>ACTIONS:</b></p> <ul style="list-style-type: none"> <li>• (Feb) TT and MC to liaise with Sue Pudduck and Kit Noble to take forward and arrange a meeting in May. Complete – Kit ready to engage but does not want full responsibility</li> <li>• (Sep) On Agenda for the November board meeting to discuss the future of the awards.</li> <li>• (Sep) TT to speak to ZBE about taking over the lead on this.</li> <li>• (Sep) MC to write to the school in relation to their nomination Wrote on 17<sup>th</sup> September. Action Complete</li> </ul>
<b>Notes</b>	See Minute Ref 110/18 below. Action Complete.

<b>Issue/Min No</b>	<b>011/18.6</b>
<b>Description</b>	Cruise Ships
<b>Action Required</b>	MC and TT to liaise with Dartmouth Town Council to improve liaison and arrange a meeting with the mayor and David Gent.
<b>Notes</b>	It was noted that Dart Harbour are still marketing to attract cruise ships. This task would be better suited to a tourist office, for instance on decisions about shopping, leaflets and visitor experiences.
<b>Status</b>	Ongoing
<b>Notes</b>	<p>July – MC met with the Chamber of Trade to discuss cruise ship marketing on 5/6<sup>th</sup> July to inform them about the benefits of cruise ships.</p> <p>Sept - MC advised that at the meeting, in July, the Mayor and Cllr Gent advised they were very supportive, but wanted to get support from Town Councillors. It was noted that the matter has not yet gone to Council. MC suggested that Dart Harbour should meet with businesses to encourage their support to welcome passengers, to volunteer to help to support the TIC and to try and link some of the business</p>

	<p><b>It was agreed</b> that there should be more PR activity around cruise ships to gradually change opinions, to continue activity and to engage with the Town Council more.</p> <p><b>ACTION:</b> MC to develop the PR strategy with the Authority's Marketing and PR Consultant and to use our own PR to change the mood of the populace. Part of Marketing Strategy for 2019</p>
<b>Meeting discussion</b>	Progressing.

<b>Issue/Min No</b>	<b>012/18</b>
<b>Description</b>	<b>Marketing Report</b>
<b>Action Required</b>	<p>To increase the website budget and to begin the recruitment of the PR/Marketing contractor using the principles. Interviewed and companies with 8 people or more with an approximate hourly rate £30 per hour.</p> <p>To discuss this more broadly in one of our workshops with market research and mooring analysis.</p> <p><b>ACTION:</b> MC to progress the recruitment of a PR/Marketing contractor and the website upgrade. Completed Susie Hudson lead.</p>
<b>Status</b>	<p>Ongoing</p> <p>July: Began website scoping with the first meeting with the new contractor on Friday 6 July. Contract let for scoping activity in order to provide firmer view of cost estimate for design and implementation.</p> <p>MC advised that because of the high cost of the proposed website, it had been agreed to section the work and to review, approve and pay in phases. The innovative development is hoped to ease the visitor and mooring journey through site. All staff have been involved in developing FAQs to support the development of the new site.</p> <p>MC advised that the Instagram platform is building and showing what we do on the river posted by two River Officers on a regular basis.</p> <p>The Marketing Consultant will be developing a communications plan which will show how the Authority incorporates messages from the Board into positive messages to raise the reputation of the Authority.</p> <p>Nov: Marketing consultant engaged in Marketing, PR and communications on both on-line and off-line channels. Major projects include project management for new Dart Harbour website, developing a marketing and communications strategy, customer analysis and improving stakeholder engagement. Day to day tasks include report writing, social posting and authoring copy for publications.</p>

	In early 2019 there will be an additional task of managing and authoring the copy for the new website. It is anticipated that additional time will be required to complete this task in parallel with the commitments outlined above.
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<b>Issue/Min No</b>	056/18.3
<b>Description</b>	Planning (MMO and SHDC) Concordat
<b>Action Required</b>	MC to write to the MP to ask why SHDC are not participating in the concordat with the MMO.
<b>Status</b>	Ongoing July - Ongoing – SHDC said in June they are going to reply to the letter and to expect the response to be positive. Sept – Still no response from SHDC. MC advised that he would continue to progress this and write to Sarah Wollaston (MP)
<b>Meeting discussion</b>	It was noted that Chris Brook (SHDC) will speak to Guy Pedrick (SHDC) to progress this.

<b>Issue/Min No</b>	072/18
<b>Description</b>	<b>Draft Deed between SHDC and Dart Harbour</b>
<b>Action Required</b>	MC and TT to input to the wording in relation to the Act.
<b>Status</b>	Sept. TT/MC to continue to develop wording for Management Agreement for SHDC.

<b>Issue/Min No</b>	<b>074/18 Capital Plan and Cash Reserve</b>
<b>Description</b>	The Board considered reports and it was <b>proposed</b> by MH <b>seconded</b> by JD with <b>all in favour</b> to: <ul style="list-style-type: none"> <li>a. Set the cash reserve at £640k for 2018 and adjust this as required in future years based on RPI.</li> <li>b. Revise capital budget as follows with HM monitoring the expenditure to ensure that funds do not drop below the cash reserve.</li> <li>c. Engage Treasury Services and Conduct advance planning of the following years capital expenditure in advance of the budget meeting.</li> </ul>
<b>Action Required</b>	MC to implement the cash reserve, capital budget and engage treasury services during September 2018.
<b>Status</b>	Sep: Ongoing

### September Meeting Actions

<b>Issue/Min No</b>	<b>087/18.1</b>
<b>Description</b>	<b>Letter from Dittisham resident</b>
<b>Action Required</b>	<b>It was agreed</b> to take no further action but to ask the Parish Council to carry out some research and to come back to Dart Harbour with the best usage options for the pontoon
<b>Status</b>	MC to draft a response for the Chairman to the complainant

<b>Issue/Min No</b>	<b>092/18</b>
<b>Description</b>	<b>Saga Pearl II</b>
<b>Action Required</b>	It was unanimously agreed that the Authority respond according to Action Plan.  RE and the DP to report to the Board in November
<b>Status</b>	<b>Action Complete</b>

<b>Issue/Min No</b>	<b>093/18.1</b>
<b>Description</b>	<b>Proposal for Consultation Approach for Development Activity</b>
<b>Action Required</b>	It was proposed by JJD and seconded by JD, with all in favour to adopt Proposal 1 of the report.  PJ to put the consultation approaches into place and to publicise on the website. PJ to liaise with parish councils and stakeholder groups for their meeting schedules.
<b>Status</b>	<b>Action Complete</b>

#### **100/18 Urgent Business brought forward at the discretion of the Chairman**

There was no urgent business.

#### **101/18 Declarations of Interest**

Board Members are invited to declare any personal or disclosable pecuniary interests including the nature and extent of such interests.

- a) TD, TT, JE and JJD all advised that they had objected to the planning application for the development at Fish Hoek.
- b) MH advised that marketing support was being provided by his wife (Susie Hudson of Smart Brown Dog), but that this was a short term arrangement.
- c) TD also advised that he also had connections with the Sandridge planning application and with Ben Morris (Selection Panel member).

#### **102/18 Questions from the Public.**

Alan Sherratt suggested that the Authority carries out a plastic audit and thinks about what plastics the Authority uses. MH advised that this was a good idea. MC advised that the Dart Estuary Forum was still finding its feet, but that this could be investigated for the Authority.

Alan Sherratt asked if the Authority could write a note of observation to the relevant organisations on the response times of ambulances. MC advised that he would look back from cases we are aware of.

**ACTION:** MC to review the Authority's involvement with ambulance calls and report back.

## **103/18 Stakeholder Groups**

### **104/18.1 Dart Harbour Communities Group (DHCG) (Formerly Group Non Bens)**

It was noted that the name of the River Dart Non Beneficiary User Group had been changed to "The Dart Harbour Communities Group". JD advised that the last meeting was on 26<sup>th</sup> September and the next meeting due to take place in March 2019. It was noted that the Authority would like to get more engagement with DHCG in 2019 and encourage groups to participate more. JJD advised that he would like to help to progress this.

**ACTION:** JJD to assist JD to develop the DHCG in 2019.

### **104/18.2 River Dart Commercial Users Group (CUG)**

There had been no meeting. A discussion took place about Board representation on the CUG group in order to provide continuity of attendance following criticism from the group. It was felt that continuity of attendance was relevant on both sides as sometimes information was also missed by members of CUG on matters brought up at other meetings. MH advised that he was keen to do a relaunch of the stakeholder group relationships in the New Year which would be a good time to look at Board support for these meetings.

### **104/18.3 Association of Dart River User Clubs (ADRUC)**

JE advised that a meeting took place on 11<sup>th</sup> October, but no minutes had been circulated to date. He reported that it was a very positive meeting with the joining up of the DA/DB pontoons being well thought of. It was noted that there was no representation by rowing clubs and it was felt that this could be brought in as part of the relaunch activity.

MH also advised that the name of this group does not reflect their activity and thought this could be reviewed.

### **104/18.4 Dart Estuary Forum**

There had been no meeting, the next Dart Estuary Forum is taking place on Tuesday 13<sup>th</sup> November.

## **105/18 Operational Report (including PMSC and Safety)**

MC reported on the Operational Report, and the following matters referred to:-

- a) Six Low Water Landing pontoons have been replaced with further work planned for the New Year
- b) A report/quote is awaited from a solar panel contractor for the Hoodown roof area.
- c) MC advised that the coding of RIBS is being investigated and consideration being given to aligning the risk assessments to the category of waters, giving consideration to the weather conditions, sea state and other issues.

- d) MC advised that evidence has been gathered about speeding incidents and it was noted that one culprit is on his third strike and the Authority is close to being able to make a prosecution. A discussion took place and the following comments made:-
- RE advised that the Authority is getting better at noting incidents of speeding and sending patrols out at night had been valuable for this.
  - JD had concerns about when a wash became an issue.
  - TH advised that the Authority should be able to go straight to the third stage for severe speeding incidents and felt that the Authority was demonstrating a light touch as Poole Harbour issue a ticket straight away and then proceed to court.
  - MH advised that there would be opportunities to look at penalties. This is evolving with MC doing preparatory work to build a case.

**It was agreed** that the current 3 stage process of verbal, written then legal action was still appropriate.

### **105/18.1 Planning.**

A planning grid to track Planning applications has been developed and was enclosed with the board papers. MC advised that he had met with SHDC and there is a clear need for a further meeting with planning officers. It was noted that the MMO are not interested in small scale planning applications. MC advised that he had written to applicants for two planning applications to advise them about the need to apply for a MMO licence and to inform them that Dart Harbour is a statutory consultee.

A discussion took place about the planning application for Fish Hoek (2781/18/FUL).

- MC advised that an objection had been made to the planning authority to outline the statutory consultation responsibilities of Dart Harbour as a Trust Port and Statutory Harbour Authority.
- It was noted that the Authority had powers to object on the grounds of navigation, both as landlord and as licencing authority as set out in the Moorings' Policy

**It was agreed** to set up a small working group to make a judgment about whether the Authority should support or object to this planning application with abstentions from TD, TT, JE and JJD.

**ACTION:** A working group to be set up to review this planning application.

### **106/18 DP AUDIT REPORT**

MH invited SE to present his PMSC Audit report.

SE advised that MC had reinvigorated the approach to the safety management system (SMS) and informed the Board that the DP's role is to give the Board a sense of how the safety systems are working on an ongoing basis, in order to fully understand it.

Prior to carrying out the audit the DP sent pre-audit review lists with a set of questions based on the SMS to MC, DHM and MH.

The DP presented the key findings of his audit and advised that the background to these findings were contained in the full report, which had been circulated to all Board Members.

**Note:** Extract from DP report in *smaller italics*, discussion during the presentation is shown in normal text.

**Key Findings of the Audit:**

1) *The Designated Person can provide the DHNA Board (as Duty Holder) with independent assurance that the DHNA Marine Safety Management System is working effectively and is in compliance with the Port Marine Safety Code.*

2) *The DHNA MSMS is based upon the key elements of the PMSC. The DHNA MSMS is reviewed annually following an internal consultation process.*

3) *DHNA write very good Policy Documents, such as the MSMS and Pilotage Policy, but the Audit found that, on occasion, Policy is circumvented for one reason or other. It is essential that any diversion from Policy which impacts on the MSMS is specifically Risk Assessed and brought to the Duty Holder for further consideration. It is recommended that DHNA consider how Policies can be 'owned and managed' by the Duty Holder for reference in Board decisions.*

4) *It is noted that DHNA / SHDC negotiations over the Lease and Management of the Embankment and associated Assets are progressing towards a conclusion. The negotiations still require closure.*

5) *The DP found a very positive and proactive attitude to the MSMS within the Staff at Hoodown. Staff demonstrated how the MSMS is embedded in their daily activities. Conversely, the DP found poor morale in the Dartmouth Office, and, through audit, found some senior managers demoralised and undermined, especially in their Safety related roles and responsibilities.*

TD asked whether commenting on staff morale was part of the DP's remit. SE explained that this relates to how the SMS is managed and is relevant to the next point.

6) *The DHNA MSMS refers to the Organisational Chart. The Chart highlights the reporting lines for the Staff and Management. The MSMS also provides an overview of Job Roles. The Organisation Chart is under review for Edition 3 of the MSMS following a recent restructuring of the Management Team. The Duty Holder should be aware that the Audit found 'blurred' lines with regard to the responsibility for Safety at all levels of management; Job titles, roles, and reporting lines for the Management of Safety were found to be largely perfunctory.*

7) *The role of 'Duty Harbour Master' follows the 'Duty Phone' but there is no evidence of formal training or protocols in place for this responsibility.*

MC advised that the duty phone is held by DHM, MC or MM. When the MCA visited MC prepared a paper which was sent to MH. MC had asked for examples of best practice from the MCA, but had received nothing, which left to us to decide where the bar is. MC advised he would circulate the paper to the Board and DP.

Comments were made in relation to the use of the duty phone. TD asked if there was a roster for Duty HM to man the phone.

MH advised that the issue is whether the internal customs and practices are reflected in the SMS documentation.

SE agreed that was the case and suggested that the newly appointed junior managers could also perform this role.

MC advised that the junior managers would need training.

MH advised that the system is operating as it is meant to and the gap in definition has been passed to MC to move forward.

8) *The DP found that safety related information and meetings are at the heart of daily routines at Hoodown, but the Duty Holder must note that there are no (or at best: few) records or minutes of safety related*



*agendas, briefings or meetings. DHNA should know that the HM is aware that the lack of records could potentially leave the organisation exposed to increased risk in a liability situation. There is no evidence that safety briefings are structured or follow an agenda. Without records, the MSMS cannot be fully Audited.*

A discussion took place about the methods for recording safety related information and meetings.

JJD advised that these briefings need to be recorded.

SE had noticed that a lot of safety related meetings are discussed at ground level within the organisation, but less than 10% are being recorded. SE understood that it is hard to get everything down on paper as it slows the organisation down, however it leaves the organisation very exposed. SE felt that WhatsApp messaging was very weak and although SE liked the concept of WhatsApp, the chat thread also included a lot of irrelevant chat.

MC highlighted two incidences in relation to staff coverage during the snow in March that had worked well.

SE responded that he was looking for pre-planning so that in the event of snow, nothing would be left to chance, looking for some response across different incidences and not how the Authority reacted; for instance, who had looked at the weather conditions. SE advised that WhatsApp was very much in the moment.

MC advised that there is a plan, look at weather, poor weather routine conducted, brought third man in. Extreme weather, harder to do, welding confined spaces, have to do at the time, extreme could be heat, got both routines, highlighted last year. Keeping records of meetings.

SE explained that formal staff safety briefings should be recorded in the SMS.

MC advised that a safety briefing is held every morning.

SE explained that this is not what looking for.

RE suggested that daily toolbox talks are recorded on one small pad, which goes in a file as a simple way of recording safety briefings.

*9) The Duty Holder should be aware that Commercial Vessels (including DHNA vessels) which go to sea beyond Dartmouth and Kingswear Castles must comply with the relevant MCA coding and manning requirements. The HM has Risk Assessed the current arrangements (where DHNA Uncoded Ribs patrol to Harbour Limits) and is satisfied that Uncoded DHNA vessels only go to sea when the sea state is appropriate. DHNA would be advised to review and comply with the licensing requirements of DHNA Vessels with regard to the MCA Coding of their Vessels that go to sea.*

*10) At the time of the Audit, the Saga Pearl II incident report had been circulated to the Duty Holder, and was in final edit for submission to the MIAB. The Duty Holder is advised to consider how to take forward the recommendations of the report as per the requirements of the PMSC.*

*11) The Pilotage Policy is scheduled for review in November 2018. The 2016 / 2018 Pilotage Policy was subject to consideration following the Saga Pearl II Pilotage Act incident. The considerations are available to the Duty Holder by way of a separate Audit. The Duty Holder should consider how the Pilotage Policy can be kept under 'constant, and periodic review' (as required by the PMSC). It is noted that the DHNA 2016 Pilotage Policy was not reviewed as changes occurred during the last two years.*

A discussion took place about the review of the Pilotage Policy and SE pointed out that the published version on the website was out of date. RE advised that he would be carrying out a review of the policy imminently, by year end. MC advised that the document would be taken off the website.

MC also advised that the policy is reviewed as part of Board Meetings and the Board minutes and action grid would reflect any changes.

*10) The arrangement between the DHNA and the Pilots should be formalised and signed off by both parties.*

11) *The DP selected 10 Risk Assessments at random for Audit. All 10 were found to have been reviewed in the last 12 months. The DP then selected RA 045 'Public Transit of DH pontoons' for further audit: The Risks were clearly identified, and scored. Mitigation was also identified. Mitigation included : 'Safety signage' and identified as a way to alert the Public to the risks in three of the four risks assessed. The DP then visited the Dittisham pontoon, where the DP witness children crabbing from the pontoon; some of whom appeared to be unsupervised. The DP found there was NO Safety Signage in place at the landward end of the Dittisham Access Bridge or Pontoon, and therefore the public had no knowledge of the Risks identified by DHNA. Please note this is now subject to further consideration by the DHNA Management Team.*

A discussion took place about the level of detail that the DP should undertake in relation to risk assessments.

SE advised that he wouldn't want to review all risk assessments but review a selection of random risk assessments. The mistake was on a RA, signed by three staff. MC advised that he wanted the DP to check some RAs in detail and this one highlighted why it was important to do.

SE advised that he created a KPI for RAs and the scores were very good, with 10/10 for the number of assessors and 7/10 in view of the 5 different reviewers. This was a brilliant result.

SE advised that more KPIs need to be developed and this is something for MC to pick up as the way forward.

A discussion took place about SMS reviews in relation to external assessment, internal assessment and triannual external assessments.

MC advised that monthly spot checks are carried out covering 10 areas in order to pick up problems in the system.

SE explained that he would like to see MC, MH and SE prepare a rolling programme of how we audit the progress over the whole year and recommended the appointment of an auditor annually to look at the system critically in order to ensure it delivers what the Authority wants it to do.

SE advised that the Board would need to review whether he continues as auditor and he believes by next year, there will need to be a definite cut off point to consider whether the Authority should appoint another auditor.

12) *Following the Saga Pearl II Pilotage Act Incident and the Incident involving the Saint Christophe, the Duty Holder should consider an Incident Investigation Protocol for an occasion when an Incident or Accident involves the HM / CEO.*

MC advised that improved recording of accident/incident figures is taking place and analysis will be carried out on the entries. Four to five years ago only 24 incidents were recorded, although more incidents were likely to have taken place, but not recorded. He also advised that 176 incidents have been recorded in the first year. MC is considering how we do analysis to measure the trends in incidents and then slowly start to tackle these through the enforcement of byelaws, via a rolling programme. MH advised that the first year had produced enough figures to analyse.

13) *Accident and Incident Figures and Analysis will be provided by DHNA for publication in the Annual report and presented at the Annual Meeting. The analysis was not available at the time of the Audit.*

**It was agreed to accept the DP's report.**

**ACTION:** All Board Members to take on board the challenges and matters identified and to keep constantly in their minds.

### **106/18.1 BPA Workshop for Duty Holders**

The DP and the following Board Members (TT, JD, MB, RE, TD, ZBE and TH) attended a workshop for duty holders on 9<sup>th</sup> November.

SE advised that the course was very useful and he would like to post this audit and see what other harbours are doing.

### **106/18 Correspondence**

Board Members to advise on any correspondence received.

There was none to report.

### **107/18 Board Member Recruitment**

Prospective Board Members are selected by interview process following the guidelines set out by the Department for Transport's Guide to Good Governance. The selection Panel on this occasion comprised of Sir Geoffrey Newman (Independent), Anne Davis (DHCG), Ben Morris (CUG) and Mike Pearey (Non Bens). The recruitment process and interviews were chaired by the Chairman.

On this occasion there were 12 applicants for the two available positions. This is extremely pleasing and reassuring to know that there is considerable interest from within the community to support the work of Dart Harbour.

The selection panel shortlisted on 10 October and conducted interviews of seven prospective Board Members at the Harbour Office on 24 October.

The Selection Panel have recommended the appointment of Shona Duncan for an initial period of one year and Melanie Lessels for an initial period of two years, in order to keep the board appointment recruitment schedule intact, so that no more than four board members would be due to leave in any one year.

It was **proposed** by JD and **seconded** by JE with all in favour **“that the Board**

- a) Confirm the nomination of Melanie Lessels as a Harbour Board Member for an initial period of 2 years.
- b) Confirm the nomination of Shona Duncan as a Harbour Board Member for an initial period of 1 year.
- c) Note the Selection Panel's recommendation to extend the period of service as a Board Member of John Ellwood, Mark Hubbard and James Dodd for a further three years.
- d) Thank all the applicants for their time and interest and hope that the unsuccessful candidates will be minded to apply again in the future (already completed).

## 107/18.1 Other Board Members

**It was agreed** to appoint Richard Eggleton as a full Board Member for a term of three years.

MH advised that Owen Hill had contacted him to tell him he was resigning as a Board Member, but a formal resignation had not yet been received. **It was agreed** that MH write to OH to request a formal written resignation

**ACTION:** MH to write to OH in relation to his resignation.

## 108/18 Budget and Prices 2019

The Board considered the findings of the workshop meeting held on 8<sup>th</sup> October and it was noted as follows:-

### 2017

2017 loss to carry forward **£97K** (depending upon losses based on claims)

Capital element of the PNPf payment of **£28K**

Cash Reserve at Feb 18 – Forecast **£590K**, Bank reached **£640K**

### 2018 - Income

As of 7<sup>th</sup> November 2018 total income is **£46k** more than 2018 Annual budget forecast. (Due to income from material and work done for Premier Marina)

We have already invoiced a further £12,777 Pilotage and Harbour Assist £6,400.00

Once payments are received to cover invoicing anticipate **£85K** income over 2018 budget – Headlines include:

**£10K** Taxi Fares

**£24K** From Labour and charges for Commercial and private mooring work (includes 32K Chain see below).

**£26k Income from materials (Premier)**

**£25K** from additional moorings and relocated moorings

### 2018 Expenditure

Planned expenditure should be on budget (taking into account 32K Premier chain) with Capital spend of **£280k (see below)**. Headlines include:

**£11K** Pension Contributions

**£11k** Taxi wages

**£16K** Website (28K versus 12K)

Carrying 2017 **£97K** loss forward to 2018/9

### 2018 Capital Spend Revision:

	2018 Budget	2018 Revision
Pilot Boat	50,000.00	62,000.00
Pontoons	190,000.00	175,000.00
Outboard Engines	6,000.00	9,000.00

Replacement Rib (tubing)	5,000.00	5,000.00
Chain	29,000.00	29,000.00
Harbour Assist	5,000.00	600.00
Total	285,000.00	280,600.00

## 2019 Prices

It was noted that Dart Harbour increased charges by 3.9% in 2018 when the actual 2018 inflation only reached 1.9%. The forecast for RPI for 2019 is 2.2% which highlighted that in 2018 this produced slightly overinflated prices, which should be taken into account when setting prices for 2019 and would send out a positive message to customers that Dart Harbour are increasing income by converting visitor moorings to residential berths.

It was **proposed** by JD, **seconded** by TD with **all in favour** that Dart Harbour increase charges and staff wages for 2018 as follows.

1. Increase everything by 2% increase (not visitors dues or buoyage).
2. Increase staff wages by 2%.

**ACTION:** MC to implement the charges and staff wages for 2019.

**108/18.1** Public statement.

MH circulated a public statement for Dart Harbour financial planning as follows.

Optimise mooring use and income in order to fund repair, replacement and upgraded facilities and services allowing the Authority to keep increases in charges to a minimum.

**A: Dart Harbour are committed to refining their financial planning processes:**

- Plan and optimise investment in improved facilities and services
- Limit corporation tax payments by smoothing capital expenditure and making best use of the annual investment allowance (tax relief based on the level of expenditure)
- Plan and optimise investment in improved services)

**B: Dart Harbour are committed to continuing to provide a broad spread of moorings and services at very competitive prices:**

- Continue to provide a broad spread of services and berths at very competitive prices.
- Annual price increases to customers have over the last 10 years been pegged against the government forecast of the Retail Price Index (RPI) for the year ahead. Looking back over a ten year period it appears that forecasts have slightly over estimated inflation. During 2018 budgeting it has been decided that consideration should be given to any differences in the current years forecast and actual inflation in addition to the RPI forecast for the following year.

**C: Dart Harbour are keen to encourage behaviour from customer that deliver benefit to the whole customer community:**

- Improved communications with customers has helped us to understand when permanent moorings are unoccupied for a long periods. We have then been able to utilise these moorings for visitors during peak periods, which in turn has allowed us to reassign some underutilised visitors' moorings. Customers who have released berths in this way in 2018 will receive a 5% discount to their 2019 mooring charges.

Other examples of encouraging customers to help others includes the Renewal Pre-Payment fee (Mooring Renewal Pre-payment) which enabled moorings to be allocated more efficiently in 2018 reducing waiting lists more quickly.

### **109/18 Accounts Sign Off**

It was proposed by TD and seconded by TT with all in favour that the 2017 accounts be approved and signed by MH. The 2017 accounts were signed by the MH and the reconciliation accounts were signed by TD.

### **110/18 Young Champions Awards**

TT advised that he had spoken to ZBE who was keen to be involved in taking the Young Champion Awards forward.

ZBE felt that the current scheme was quite prescriptive and it was noted that the scheme had not been operated in this way for a number of years. The scheme is currently being run as an award scheme where Dart Harbour identifies a local Young Champion and awards them the prize money. ZBE advised that this scheme should be reviewed. The project is considered as a valuable PR opportunity for Dart Harbour and a way to involve young people with the river. ZBE advised that there was potential to improve the scheme and make it simpler to administer.

**It was agreed** that ZBE should review the scheme and report to the Board in January 2019.

**ACTION:** ZBE to review the Young Champion Awards scheme and prepare a proposal for the January 2019 Board meeting.

### **111/18 Annual Meeting – 5<sup>th</sup> December 2018**

The agenda and plan for the Annual Meeting on 5<sup>th</sup> December 2018 was considered.

It was noted that the chairs of the three stakeholder groups would be attending to inform attendees about the aims and aspirations of the stakeholder groups.

### **112/18 Dart Harbour Moorings' Policy - Update**

The Board considered a report prepared by MC on a review of the Moorings' Policy set out below:-

#### **1. BACKGROUND**

## References;

- A. Port Marine Safety Code 2016
- B. The Dart Harbour Navigation Authority Act 1975
- C. Dart Harbour Revision Order 2002
- D. Dart Harbour and Navigation Authority Byelaws 1998
- E. The Harbour Directions (Designation of Harbour Authorities) Order 2015.

**Moorings' Policy 2016-2020** The Moorings' Policy is a dynamic document which can be reviewed from time to time and will be subject to full review in 2020 (Forward to 2016-2020 policy). The moorings' policy is not a legal document allowing the board to apply discretion over any operational decision giving reasons where these differ from the stated policy (section 4 – Management Principles for all moorings). The Moorings' Policy has been used by the current HM for some 22 months and the following observations and recommendations for improvement are suggested in this report.

## 2. ISSUE FOR CONSIDERATION

### 2.1. Mooring Policy Observations and HM interpretation:

- 2.1.1. **Current Moorings' Policy is satisfactory pending re issue in 2020** - It is considered that on the whole the mooring policy is successful and this view is supported by the satisfaction of staff implementing the policy and the very low number of challenges by the public to judgement made when applying the principles contained in the policy. Only one formal objection was raised with the chairman in 2018 and the members who convened to consider the case found that the policy had been correctly interpreted by the Harbour Master.
- 2.1.2. **Principles of Mooring Optimisation** are included in the current policy in places including the management principles and in the section covering visitors moorings.
- 2.1.3. **Past Mooring Policies are superseded by current 2016-2020 Policy.** (section 2 second paragraph). In a small number of cases there have been questions about how past and present policies apply to those who either joined waiting lists or took up mooring allocations prior to the introduction of the current policy. Residential mooring arrangements are covered by conditions issued annually. These conditions can be updated as required and there has been no confusion over how these conditions apply since they are issued as part of the acceptance process for taking up a new mooring and to those who lease a mooring from DHNA. The situation in relation to those on the waiting list is less clear and the **HM has used the interpretation that it is the current policy that applies to those on waiting list as opposed to previous policies** that might have existed at the time of application or during the waiting period.
- 2.1.4. **Commercial Marine businesses have Priority.** (section 5 para 5.11, 5.12, section 6 para 6.1, 6.3) Commercial berthing is covered in some detail for the allocation criteria and re issuing of licences on the sale of marine businesses. There is some text on the treatment of commercial entities with respect to the waiting list which states that "DHNA is keen to facilitate and encourage commercial activity in the harbour. A proportion of Authority berths are let to marine businesses operating both within and outside the harbour." However,

there is no list of commercial berths (other than commercially operated berths rather than DHNA commercial berths) and current commercial operators seem to occupy a reasonably wide spread of berths across our facilities. KP pontoon and the Noss deep water moorings appear to be the only berthing areas with a high percentage of licence holders that are commercial. DHNA holds a commercial waiting list (17 applicants and growing) but allocation appears to have stalled. **HM intends to have the commercial waiting lists details confirmed and then prioritise the allocation of berths to those who meet the criteria detailed in section 5.12 a-d.**

**2.1.5. Beach Berthing.** (Section 7) Section 7 states that DHNA permission is required for beach berthing in foreshore leased from the Duchy of Cornwall and that DHNA will not permit craft to become an unsightly liability. Beached boats are liable for harbour dues. In 2017 DHNA do clear some of the more unsightly vessels at the Authority's cost where owners could not be traced. Since then the beach in Dittisham Mill Creek has been filled with vessels and some have berthed without the permission of the HM. **HM would like to introduce a beach berthing licence with an administration charge that would assist regulation and prevent vessels being left until owners cannot be traced. This will require consultation with ADRUC and the Dart Harbour Communities Group.**

## **2.2. Moorings' Policy areas that require consideration in advance of the 2020 re issue:**

**2.2.1. LOA or facility length charging (section 3.3.7 Charging).** There are circumstances where waiting the list order is ignored during deciding allocations owing to the size of the new vessel in relation to the size of the berth. This can result in those with larger vessels jumping significant numbers of people on the list who have a vessel considered in appropriate for a berth that is larger than the vessel. It can also result in those with small vessels jumping ahead of those on the list with larger vessels. In the short term mooring optimisation work has taken into account vessel size of those at the top of lists before creating new berths in each specific area. In the longer term consideration might be given to designing facilities to meet peak demand in terms of vessels size and then charging by facility length. This would not necessarily mean increased income if charges were adjusted accordingly, but if this idea was applied sensibly (using sensible limitations – for example not allowing 5m boats to use 10m berths) then it would be possible to allocate berths in closer alignment to waiting list order. This change would need to implemented along with a system for ensuring that those with small boats in slightly larger berths were shuffled when a more appropriate berth became available where allocation remains in order of application to the waiting list.

**2.2.2. Berth lists** (section 5 Management Principles for DHNA Moorings and Berths). Details on numbers need updating.

**2.2.3. Waiting List Systems** (section 5.1 waiting lists). The policy states that DHNA will contact customers when they do not accept an offer for two years in succession and not two offers! Perhaps this should be reviewed to say once only? Also, there is a system that allows customers to be on a list but not be contacted with offers until a future year. This seems to be unfair as some



customers basically stay at the top of the list but have no vessel and then can ensure an offer at a time of their choice.

**2.2.4. End of the berthing year** (section 5.6 end of year and 5.7 relinquishment).

This section needs updating to reflect the berth renewal fee system. This could be linked to the relinquishment section as the non payment is a trigger even though we would want to know as soon as possible.

**2.2.5. Licence conditions** (section 5.3 allocation of moorings and section 5.8 termination of licences). Some sections refer to annex D and this is updated annually as required on issue of licence. The Moorings' policy should state that the conditions for each year will be set in the conditions for that year (April – March) and there is an example at annex D of the Moorings' Policy. This suggests that annual conditions should be agreed by the board even if in outline.

**2.2.6. Annexes** (annex A – list of mooring stock, annex B list of visitor stock).

Annexes are out of date as they change inside the period of the policy. They should be held on line and updated as required and issued with allocations/licence renewal where required.

**2.2.7. Shared Boat ownership** (section 5.9 shared ownership). This section suggests that Dart Harbour want people to loiter at the top of a list even if they are joint owners registered on insurance for more than 5 years? We should choose one and stick to it – my preference is for joint ownership and 5 years insurance.

**2.2.8. Categories of mooring** (Annex A Berth Categories) . Annex A should include a subdivision of cat B moorings to add more discrimination between 1-3m depth of water at MLWS. A 3m mooring is actually very deep compared to the majority of DHNA moorings yet is described as shallow?

### 3. RISK

3.1. There is a risk to the Dart Harbour reputation if there are differences in the interpretation of the policy by the HM and the board or where HM interpretation is required in absence of clear policy. This risk is reduced by board discussion of any areas where the policy could be misinterpreted. When implemented and since there appear to be no known gaps in the powers conferred on the Authority the risk is considered to be insignificant. The risk is limited to a potential reputational risk from being unable to act to encourage or enforce any desired constraints on the activities of river users that impact upon safety, port operations or on the environment.

### 4. Discussion

- a) MC advised that he was interpreting the Moorings' Policy so that each iteration of the Moorings' Policy supersedes the previous one.
- b) JJD advised that the Authority should be sure that commercial berths were let to bonafide commercial businesses. The DHM advised that not all commercial waiting list applicants were fishing related and suggested that Dart Harbour should set the criteria for commercial mooring conditions. MC advised that every licence is

renewed every year and the Authority would ensure continued proper commercial ventures.

- c) JJD raised a concern that during the consultation for the current Moorings' Policy, there had been much toing and froing in relation to succession for private tackle mooring licences. He stated that the previous policy succession could go to the family, but the mooring would become a Dart Harbour mooring and not stay as a private mooring. JJD was surprised that Dart Harbour would disadvantage itself by permitting another private tackle mooring licence to be issued to the family.

## RECOMMENDATIONS

It is recommended that the Board:

- 1) Note the requirement to begin consultation for policy reviews in 2019.
- 2) Note and endorse the interpretation placed on the current mooring policy by the Harbour Master. Sections:

2.1c Application of current/past policy: HM has used the interpretation that it is the current policy that applies to those on waiting list as opposed to previous policies.

2.1d Commercial Marine businesses have Priority. HM intends to have the commercial waiting lists details confirmed and then prioritise the allocation of berths to those who meet the criteria detailed in section 5.12 a-d.

2.1e Beach Berthing. HM would like to introduce a beach berthing licence with an administration charge that would assist regulation and prevent vessel being left until owners cannot be traced. This will require consultation with ADRUC and the Dart Harbour Communities Group.

- 3) Note the other areas where there is room for improvement when the policy comes up for full review in 2020.

**It was agreed** to support the interpretation provided by MC.

### ACTION:

JJD to prepare a paper on potential mistakes in the Moorings' Policy.

### 113/18 Any Other Business

There was none.

### 114/18 Move "In Committee"

It was proposed by JD and seconded by JE with all in favour, "*that the meeting move into Committee*".

### IC 053/18 Decisions Made "In Committee"

It was proposed by TT and seconded by JD with all in favour "to ratify decisions made "In Committee".

**115/18      Date of next Meeting**

**Annual Meeting - Wednesday 5<sup>th</sup> December 2018 at the Flavel Centre, Dartmouth at 1900 hrs –**