

# Dart Harbour and Navigation Authority

## Minutes of a Meeting of the Dart Harbour and Navigation Authority held in The Green Room at the Flavel Centre, Flavel Place, Dartmouth, on Monday 10<sup>th</sup> March 2008, commencing at 1400 hrs

**PRESENT:**

Mr S Ellyatt	Chairman
Mr E Fleck	Vice-Chairman
Mr M Cast	
Mr J Distin	
Mr N Hockaday	
Mr R Humphreys	
Mrs S Pudduck	
Dr J Walker	
Captain David White	

**IN ATTENDANCE:**

Mrs P Johns	Senior Administrator
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### 1. Apologies for Absence

There were no apologies.

### 2. Questions from the Public

There were two members of the public present. One had a question.

Mr J Bradbury representing Stoke Gabriel Boating Association (SGBA) asked the board to comment on progress regarding the correspondence relating to repairs to the wooden slipway in Stoke Gabriel and if the repairs could be instigated before the start of the season in May.

The Chairman responded that the matter was an agenda item and would be discussed at that time.

### 3. Minutes of Meeting held on 10<sup>th</sup> February 2008

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

### 4. Matters Arising from Minutes held on 10<sup>th</sup> February 2008

#### Capital Projects

Mr Hockaday reported that he would like to see the Capital Projects progress report included in the monthly financial report. **It was agreed** that the report should include project title, commencement date, progress, total anticipated cost and a running total of costs to date.

**ACTION:** Finance Manager to include in the monthly financial report.

## Beechcroft

A meeting had taken place on 6<sup>th</sup> March between Mr Andrew, Mr Fleck and the Harbour Master. Mr Fleck reported in response to the Authority's 10 agreed recommendations as follows:-

1. Mr Andrew does not accept Eager Beaver is a commercial vessel. He claims to have correspondence from the MCA stating that it is a private vessel not used for hire or reward. However, he refused to show us the letter or reveal which surveyor in the MCA had signed it. The HM contacted the MCA Plymouth on 12<sup>th</sup> February but their surveyors have no record of any letter and without a signature are unable to shed any further light on the matter.

The board **agreed** that Eager Beaver is definitely classed as a Commercial Vessel in accordance with Definition 1.2.5 of the Dart Harbour Schedule of Charges. "Recreational vessels of 50m LOA and over and all other vessels, including naval vessels used for any purposes other than recreation with the exception of, licensed passenger vessels, fishing vessels, or training vessels as defined in 1.2.2, 1.2.3 and 1.2.4 above."

2. Not acceptable to Mr Andrew. He insists that he has the right to establish a mooring on his own fundus after being informed by a previous HM that leisure vessels of up to 8 mts had previously been moored there. He stated the Dart Harbour interpretation of the Lightman judgment as quoted in the 2005 Moorings Policy was wrong.

The board **agreed** that advice given by an ex-harbour master was not valid if provided since his employment terminated. The Board also identified that Mr Andrew already has a mooring on his fundus in the form of the pontoon.

3. Mr Andrew disputes this possibility during the summer months. His structural engineer from Nichols Basker in Teignmouth states that the Beechcroft sea wall is structurally sound and fit for use as a mooring. He also claims that his situation is different from other properties in the area because he owns the fundus. He stated that the barge is insured (as a leisure vessel) for public liability but has so far refused to produce a copy for our records. He claims that his insurers are not happy to insure the barge in place of his pontoon and require pontoon access to the barge.(But this can only be achieved if Eager Beaver is moored alongside the pontoon rather than alongside the wall) Mr Andrew disputed the weight of Eager Beaver was 26 tons and stated it was only 18 tons.

Discussion took place concerning insurance and the board felt that we need to know details of Eager Beaver's insurance cover. It is a condition of a Dart Harbour mooring contract that insurance details are provided to Dart Harbour and failure to provide this is a breach of the contract to hire a mooring.

The Board **agreed** to insist that Mr Andrew provide insurance details for Eager Beaver and applies for a licence for a commercial project before Eager Beaver may be used to facilitate progress to the works.

4. Mr Andrew accepted that Mooring WO6 would revert to leisure use from 31<sup>st</sup> March 2009.

5. Mr Andrew noted that there is no permanent mooring available for a commercial vessel of the same size as Eager Beaver.

6. Mr Andrew does not accept that the project is "commercial" and the Licensing Terms do not apply to the Beechcroft project, which he claims is a simple home extension managed by

himself and is therefore not a commercial project despite the fact that he employs commercial tradesmen.

The Board **agreed** that from Dart Harbour's definition it was a "commercial" project regardless of who was carrying out the works. The Board agreed to insist that a Licence for the project be applied for.

7. Disputed due to claim that project and barge are not commercial.

The Board **agreed** that a Crane Load certificate is essential as the load will be carried over Duchy fundus.

8. Mr Andrew noted. Only two named skippers for Eager Beaver – Mr Andrew and Jason Bush.

9. Noted, but Mr Andrew states that Risk Assessment, Safety Management System or Waste Disposal Plan should not be required as the project is not commercial.

The Board **agreed** that Licensing Commercial Projects issues must be addressed.

10. Disputed – Mr Andrew claims that fishing vessel "Bushwacker" charges (£800.94) are the responsibility of the operator (Jason Bush, a builder) and not the owner, but does not admit to any formal agreement being signed – Bushwacker is owned by Sarah Jane Fishing, a company of which the only director is Mr Andrew. The boat has been subject to an MCA detention order in Brixham for the last 6 months.

Mr Andrew acknowledges that he is the sole owner of "Silver Shadow" but claims that he was not responsible for the boat being moored on DA pontoon in March/April 2007 when this boat was apparently being moved from Baltic Wharf to Noss for dry storage. (£438) However, he now intends to investigate the outstanding invoice.

The Board **agreed** that the financial issues must be resolved.

Mr Fleck **proposed with all in favour** that the Authority write to Mr Andrew as follows:-

- Eager Beaver is classed as a commercial vessel;
- Project is commenced as soon as possible;
- A Licence for a Commercial Project is applied for and agreed before Eager Beaver commences work;
- No Charge will be made for the Licence for the first year, but the Authority reserves the right to charge an administration fee for meetings and advice and relevant charges for year two if appropriate;
- To resolve outstanding financial matters; and
- That any other moorings used (in addition to WO6) will be charged at Visitors' rates.

**ACTION:** Harbour Master and Mr Fleck to prepare letter. Mr Distin to check with regards to any fundus issues.

### **Totnes Dartington Local Development Framework**

Mr Fleck attended a meeting in Totnes. He reported that the discussion did not progress beyond the proposed housing developments.

## 5. Agenda Items

It was agreed to bring forward item 5.6 and item 7.1 as Mr Hockaday needed to leave the meeting at 4.00pm.

### 5.6 Provisional Year End Financial and Pension Review

Mr Hockaday reported that he was not in a position to report fully as the tax computation is not ready. The FRS17 report on the pension fund is also not yet available and Mr Hockaday reported that he has had to chase this for the last two years. Mr Hockaday also reported that the draft accounts had not yet been produced.

He mentioned that there was a surplus of £50,000 at the end of December, but the Stamp Duty and Deem contribution reduced this surplus to around £20,000.

The surplus was budgeted as £15,000 but should be £0 as Dart Harbour is a Not for Profit organisation. The Authority should be spending any depreciation and be breaking even as depreciation is not a cash item.

Mr Fleck reported that the Board need a review of figures for next year's planning and to provide an indication of likely implications looking ahead to 2009.

Mr Hockaday responded that the balance in the bank is currently £417,000 compared to last year of £420,000, so we are at nearly the same point as last year.

The Authority should look at the capital programme and adjust over a period time. Mr Hockaday reported on the forthcoming gap in cash flow with this year being on target, but that 2009 will be more difficult and 2010 being even more difficult to manage.

Mr Fleck requested that the board give consideration to

- (a) restricting increases to future harbour dues and mooring fees, as the costs had been rising considerably above inflation over the last four years.
- (b) review the whole Capital Expenditure Programme, correct any anomalies and consider delaying new projects.
- (c) review the capital project for staff facility improvements at Hoodown.
- (d) Consider discussions with staff concerning the final salary pension scheme and salary considerations.

Dr Walker felt that the Authority should make as many capital improvements as possible. He felt that we are not expensive and that mooring holders receive good value for money.

Mr Distin expressed his opinion that this was a matter for consultation with Stakeholder Groups and felt that they need to feel actively consulted so there is a direct link between Dart Harbour and its customers.

Mr Hockaday reported that there were two different issues for capital expenditure.

- (i) A replacement programme to keep things going. The improvements to staff facilities at Hoodown are overdue as the original project was not completed and may have health and safety implications. The Kingswear pontoons, with an anticipated replacement cost of £1.3m, will not last. Other facilities for replacement will be the Low Water Landing and the Dartmouth North Embankment Dinghy Rack.
- (ii) Upgrades to facilities which the Authority should talk to Stakeholder Groups about.

The Harbour Master reported that the current facilities at Hoodown were inadequate with only one hot water source, 1 basin, and was contained in a single skin building with an asbestos roof. The project will be based on an update of the original plans.

Mr Hockaday felt that a review should take place in May or June.

Mr Hockaday in his role as Trustee reported on the pension. A letter had been sent to all the pension holders of the old scheme outlining the performance of the scheme. He also reported that the longevity issue is being considered as conservative and that the pension costs may rise as a result of this.

Discussion took place concerning the possibility of earlier salary negotiations with the staff with the option of taking into account the different pension schemes currently supported.

Mr Hockaday reported that he would need to obtain details from the Actuary.

**ACTION:** Mr Hockaday to contact the actuary and report in due course.

## 7.2 Financial Report

### Bank Accounts

	February 07 £	February 08 £
DHNA	Not available from 2007	11,262.18
Cater		418,727.84
Pilot		10,215.60
Waiting List		106,905.00

Mr Hockaday reported that the yacht EOS' stay has had an impact on the income for the Main Stream buoys for February. There was a query concerning the expenditure on Printing and Stationery, but it was explained that this was because the harbour guide and newsletter invoices had both come in the same month. The electricity expenditure was high, but the income generated from the meters was not shown.

**It was agreed** that the electricity income should be shown in the budget reports.

**ACTION:** Finance Manager to incorporate electricity income into the budget reports.

## 5.1 Estuary and AONB Partnership

Mrs Pudduck reported that the interview had taken place with the proposed Estuary Officer. She reported that the candidate had not been informed that Dart Harbour wanted a six month trial period to take place. South Hams District Council had a one month trial period which may be extended. The candidate gave a good enthusiastic presentation. There were some concerns over the more strategic issues. Robin Toogood is to watch carefully and give specific targets. The Harbour Master reported that Dart Harbour's support had been the catalyst to ensure other funding partners participation with Devon County Council now supporting with funding. The post commences on 1<sup>st</sup> April 2008. Nigel Mortimer will be attending the Board Training Day.

## 5.2 Licensing Commercial Projects on the River Dart

Mr Fleck reported on progress on the implementation of this scheme. An application form had been prepared.

Mr Distin raised a question over the definition of “commercial” in view of the discussions with Mr Andrew.

**It was agreed** to incorporate the word “Development” into the title of the licence scheme to read “Licensing Commercial and Development Projects on the River Dart” and a definition should be prepared.

It was suggested that a press release be prepared to raise awareness of the scheme.

Mr Hockaday was interested to learn what the anticipated income may be for the first year, which was anticipated as being in the region of £5,000 to £15,000 but pointed out that the Authority had no control over the timing and number of applications.

The Chairman indicated that the terms and conditions should be referred to on the application form.

The Board **approved** the application form subject to the addition of a reference to the terms and conditions and title being amended.

**ACTION:** Mr Fleck and Harbour Master to implement

## 5.3 Stoke Gabriel Project

**It was agreed** to drop (a) Sluice and (b) Pontoon from the agenda until the Autumn.

### (c) Slipway

The Harbour Master reported that the slipway was now closed to the public as the structure was unsafe.

He also reported that he had spoken to Dart Pleasure Craft who are planning a boat service to Stoke Gabriel. The full detail of this was not yet available.

The Chairman reported that he had spoken to Roger Baron who was adamant that the slipway had been built by Dart Harbour at the request of the SGBA, with the clear understanding that SGBA would take responsibility for the maintenance and upkeep of the slipway. The slipway has been maintained by the SGBA until recently.

The costs of refurbishing the slipway are likely to be in the region of £6,000 to the Authority and the Authority will have to consider how this cost is recovered. The SGBA have offered to contribute £300 per annum for ten years towards the costs of the slipway.

Discussion took place when the following comments were made:-

- (i) The supporting structure is in adequate condition
- (ii) Arrangements in the past were not recorded in writing and any agreements in the future to be properly recorded and agreed in writing with relevant parties.

- (iii) The Chairman reported that the process would need to be considered properly and decisions should not be made hastily. The Authority will need to consider the cost, consultation with Stoke Gabriel Parish Council (SGPC) and SGBA, 10 year depreciation, trials and a planning application.
- (iv) The slipway will not be ready for this season.
- (v) Alternative locations for the slipway could be considered with the suggestion that a hardstanding at the point may be a feasible option.
- (vi) Any slipway will be crossing Duchy fundus
- (vii) Consultation take place with SGBA and SGPC
- (viii) A site meeting was proposed with interested parties to discuss which direction to take.
- (ix) Although Dart Harbour built the slipway there is no record of it on the Asset Schedule. Dart Harbour should assume ownership and place it on the Asset Schedule.
- (x) There is a need to consider the public access issues.

**It was agreed** to meet with SGBA and SGPC.

**ACTION:** Chairman and Harbour Master to arrange meeting and take forward.

#### **5.4 Board Training Day**

Dr Walker reported that all arrangements were in hand with venues, refreshments and hotel booked. Mr Humphreys is arranging for a boat trip. The Salcombe Harbour Master has offered to provide an open boat licensed to carry 12 passenger for the boat trip if the planned approach is not available.

**It was agreed** that a report will be prepared for the May Board meeting.

**ACTION:** Dr Walker & Mr Humphreys

#### **5.5 Fundus Charges Review**

Mr Distin commented on the report circulated to the board.

The Authority has long suspected that fundus rental charges have failed in some cases to keep up with other mooring charges; such that a number of private mooring licence holders and licence holding organisations now pay appreciably less for fundus rental in comparison with Dart Harbour annual contract berth holders.

Following the new Duchy Lease agreement, this perceived disparity is easier to quantify. Fundus rental payable to the Duchy is calculated on 17.5% of the relevant turnover. We can therefore apply this same 17.5% to the various categories of Dart Harbour mooring and ask whether licence holders occupying moorings ground of comparable quality are paying the same for fundus occupancy. At the current flat rate of £6.90 per metre it is clear that licence holders in deeper water are not – despite two years of above average increases.

**It is proposed** that this should be addressed through the adoption of two basic principles:

- 1) Rental charges for fundus should reflect the quality of the fundus. A boat of a given size on a given quality of ground / depth should be charged at the same rate regardless of whether the basis is Dart Harbour annual contract or a licence agreement.

- 2) Against a background of rising costs (new lease, pension scheme, raw materials capital replacements and improvements) our costs need to be passed on as fairly and as equitably as possible rather than continuing to respect historical practices that have led to some customers becoming 'more equal' than others.

Following discussion **it was agreed** to adopt the policy in principle and to consult Stakeholder Groups.

**ACTION:** Mr Fleck, Mr Distin and Harbour Master.

## 6. Stakeholder Groups

Mr Distin indicated that the Authority would be inviting the Stakeholder groups to the public consultation on the marine element of the Noss Development.

A meeting of the Stakeholder Group chairmen has not yet been made. **It was agreed** to ensure the meeting took place in April/May.

**ACTION:** Harbour Master.

**6.1 River Dart Non Beneficiary Group** – Nothing to report.

**6.2 Commercial Users Group** - Nothing to report

**6.3 Leisure Users Group** - Nothing to report

**6.4 Riparian and Mooring Rights Owners Group (RAMROG)** – Nothing to report

## 7.1 Harbour Master's Report

**Maid** - The Maid refit has continued at Hoodown and is on schedule to be completed by the end of March/early April.

**Phoebe** - This boat continues to maintain the daily yacht taxi service.

**Tardis** – The major overhaul of Tardis has continued at Hoodown. The redesigned hull is due to be towed to Baltic Wharf towards the end of April for shot blasting and painting.

**Ship Visits** - Eos left Dartmouth on 19th February bound for Antigua after an extended stay but may possibly return towards the end of this year. HMS Northumberland, a type 23 frigate, is scheduled to arrive on 27th August for a four day visit to act as the Regatta guardship. However, the planned visit of HMS Monmouth in May is now in doubt. Four passenger vessels have now been booked for 2009. Implementation of the new EU Security Directive is still being discussed by Transec but may result in a significant increase in the preparations required by the Port Security Officers to accommodate all ship visits.

**Yacht Taxi Schedule**- The yacht taxi continues to work the winter timetable of one shift working from 1000 to 1600.

**Southtown Sewerage Scheme** - Good progress has been made in Southtown during February and one of the two work barges has now been withdrawn from the site.

**Marine Bill**- No further information has become available in the last month.

## Capital Projects

**Stoke Gabriel Sluice-** Planning Permission for work on the Stoke Gabriel Sluice has now been granted and the project is expected to commence in October after the school half term.

**Town Jetty Piles-** The SMS pile barge is expected to complete its present contract in Plymouth by 6th March and will then be available for the Dartmouth contract. However, the tow from Plymouth will require good weather conditions so the actual ETA has yet to be determined. The new piles and caps have already been delivered ready for installation.

**Recording Tide Gauge-** The new Dart Harbour recording tide gauge is due to be installed on 17th March by Valeport. After an initial trial period daily records will be sent to the Hydrographic Office each month to enable them to update the predictions for the Dartmouth Tide Tables.

**Harbour Byelaws** – The in-house Policy Consultancy for the Department for Transport has prepared an informal discussion note for key stakeholders on the options for reforming the approach to Harbour Byelaws. It is the DfT's view that the byelaw-making confirmation process is not currently working well and the Department has admitted to a poor track record in turning round byelaw proposals quickly, with major delays occurring. The HM circulated a copy of this document at the meeting.

Mr Fleck reported to a visit he had made to the Hoodown workshop and would like his compliments to be passed on to the staff for all their hard work.

The Harbour Master indicated that he was taking the opportunity to take the Stakeholder Group chairmen to see the facilities at Hoodown to demonstrate the need for improvements.

**7.2 Finance Report** - See earlier in minutes.

## 7.3 Office Report

A report was circulated with the agenda papers outlining progress of a number of office based activities taking place. In particular:-

- (a) Invoice administration – queries and mail handling and payment handling.
- (b) Distribution of receipts, Harbour Dues Stickers and 2008 Harbour Guides to customers following payment.
- (c) Harbour Management System Administration and updates generated by queries on invoices.
- (d) Publicity The first edition of "By the Dart" a monthly free community magazine has been produced and features three items associated with Dart Harbour. A full page Dart Harbour Briefing, the visiting ships calendar and an Interview with the Harbour Master. There will be an opportunity to include regular features.
- (e) Three planning applications were noted during February (30/0313/08/F – Noss House and 30/0392/08/F and 30/0393/08/LB – Kittery Court).

The board thanked the Senior Administrator for the recently produced Newsletter and Harbour Guide.

## **8. Any Other Business**

### **Implications of the Loss of Winter Storage Working Group**

Mr Fleck proposed setting up a working group to take consideration of the forthcoming changes and impact on Dart Harbour of future developments particularly at Noss and Baltic Wharf. There were strong concerns over the likely reduction in shoreside facilities for lift out, hardstanding for storage and space for owners to work on their own boats. The reduction will have an impact on our mooring holders and would have an impact on Dart Harbour. Concern was expressed on where the two location mooring holders and trot berth holders who are required to single up in the winter would be able to lift out.

The new group could also consider improvements to grid services which would be more popular if other facilities are lost.

Dr Walker reported that there was also uncertainty at SHDC in view of the forthcoming Boundary Commission review over the coming year of local authority boundaries with the possibility that two tier local government will move to single tier unitary councils. The board were concerned that forward planning issues and development issues may be affected by these changes.

The Board were disappointed that the Development Control section had declined the Authority's invitation to the Harbour owing to heavy workloads.

The Board agreed that the Authority should be proactive regarding changes at Noss and Baltic Wharf, but should delay setting up a working group until the position at Noss and Baltic Wharf for winter lay-ups becomes clearer.

**ACTION:** Harbour Master and Board watching brief.

### **Noss Marina Consultation**

Mr Distin reported on the two strands of consultation proposed concerning the Noss Marina development.

1. The developers, PPS, who act for the owners are arranging a public open day on 19<sup>th</sup> March on the proposals for the draft masterplan, which includes marine workshops, boat storage, high tech marine business starter units and new offices, and training and teaching facilities. The open day will also highlight the extent of the proposed marina berths. The Authority will be inviting the stakeholder groups and other interested organisations to attend the event.
2. There will be a buoyage exercise after Easter to demonstrate the area on the water of the extent of the proposed marina and the Authority will make trips with decision makers and stakeholders to inspect the area by boat.

**It was agreed** that the Harbour Master arrange suitable dates and times after the public open day for trips to view the buoyed area. Information will be issued by the Harbour Master through a local Notice to Mariners.

**ACTION:** Harbour Master

**It was agreed** to include Noss Marina on both the open and "In Committee" agendas in the future.

**ACTION:** Senior Administrator

### **Hole in the Wall**

Mr Humphreys reported that a group in Totnes were of the opinion that Dart Harbour are not supportive of the Hole in the Wall. The Board stressed that the Authority continued to be supportive of proposals concerning the Hole in the Wall and of investigations taking place to stabilise the bank and to consider a tidal power scheme.

### **Shoreline Management Plan**

The Harbour Master had attended a meeting in Kingswear concerning the Shoreline Management Plan. There was nothing solid decided or any likelihood of being advanced in the near future.

### **Shellfishermen – Pricing**

Mr Distin reported that he had been contacted by a fisherman concerning the price rise in 2008. The fisherman wanted the board to reconsider the price increase. In the opinion of the fishermen, the pontoons were not in very poor condition. The Harbour Master reported that the KP pontoon floats were deteriorating and once they split water ingress would accelerate the deterioration. The Chairman stated that the pontoon replacement was not the main issue concerning the price increase but that there is a need to build a capital sum to avoid the need to borrow funds. Negotiations with the Shell fishermen's representative would continue.

**It was agreed** to continue with the increase.

## **9. Move into Committee**

It was proposed by Mr Distin and seconded by Mrs Pudduck with all in favour, "***that the meeting move "Into Committee"***".

## **10. Decisions made "In Committee"**

It was proposed by Mr Humphreys and seconded by Mr Distin , with all in favour "***to ratify decisions made In Committee"***".

## **11. Date of next Meeting – 14<sup>th</sup> April 2008 at the Flavel Centre (The Studio 2<sup>nd</sup> Floor) at 2.00pm.**