

Dart Harbour and Navigation Authority

Minutes of a Meeting of the Dart Harbour and Navigation Authority held in The Studio at the Flavel Centre, Flavel Place, Dartmouth, on Monday 9th November 2009, commencing at 1400 hrs.

PRESENT:	Mr S Ellyatt	Chairman
	Mr E Fleck	Vice-Chairman
	Mr M Cast	
	Mr N Hockaday	
	Mr T Pollard	
	Ms S Pudduck	
	Mr J Scott	
	Dr J Walker	
	Captain D White	Harbour Master
IN ATTENDANCE:	Mrs P Johns	Senior Administrator

1. Apologies for Absence

There were no apologies.

2. Questions from the Public

There were two members of the public present.

Mr John Baron of the Non Beneficiary User Group (Non Bens) informed the Board that Mr Philip Gibbon, the previous secretary of the user group, had recently passed away. All present stood in silence as a mark of respect for Mr Gibbon and the Chairman expressed the Authority's huge appreciation for the work Mr Gibbon had carried out and for his interest in Dart Harbour and the river and also expressed the Authority's condolences to his family.

3. Minutes of Meeting held on 12th October 2009

It was proposed by Dr Walker and seconded by Ms Pudduck with all in favour **"that the minutes represented a true record of the meeting"**.

4. Matters Arising from Minutes held on 12th October 2009

5.1 **Capital Expenditure.** Carry forward the action point as follows:-

ACTION: Finance Manager to include routine, capital and refurbishment expenditure separately in the monthly reports.

Estuary Officer

A letter had been circulated from the South Devon AONB requesting that the Authority formalises the agreement for support of the AONB Estuary Project in the current financial year. Since this letter had been received the Authority has also received a copy of the AONB Annual Report, Delivery Plan and Management Plan.

The Board requested that Nigel Mortimer attends two board meetings each year (December and June). **It was agreed** to invite him to attend the Board meeting on 14th December.

Estuary Officer Work Plan – the board expressed an interest in seeing the annual work plan, the performance targets and reports from the Estuary Officer's line manager.

Clarification was sought as to whether the clause in the financial arrangements "Provision for any future redundancy costs will be made annually within the agreed annual budget and will be "ring fenced" as a reserve from the start of the estuaries officer post" was an accurate statement. **It was agreed** to check previous minutes.

Dart Harbour contribute £10,000 per annum towards the Estuaries Officer post and would like to have a regular update about the work tasks associated with the Dart estuary.

ACTION: Senior Administrator to:-

- (a) contact Nigel Mortimer and invite him to the December 2009 and June 2010 Board Meetings.
- (b) Consult previous minutes regarding the financial arrangements agreed concerning any redundancy of the Estuary Officer and report to the December meeting.

5. Agenda Items

5.1 Budget and Capital Expenditure

Harbour Dues. The board considered schedules showing the expenditure –v- income for Harbour Dues. Mr Hockaday reported that Harbour Dues should not make any profit but must be seen to cover the costs associated with the Statutory duties of the Harbour Authority. The schedule did not show any depreciation and he felt that it understates the real costs. Therefore it would be likely that Harbour Dues would continue to be increased.

Yacht Taxi. The board considered schedules showing the expenditure –v- income for the yacht taxi service. It was noted that the costs associated with Phoebe were high and the service is currently under-recovering £6,000 - £7,000 per year, which is in effect being subsidised by the berth holders and visitors. It was felt that the engine and hull on Pheobe could be shown separately for depreciation purposes. On a fully costed basis and on the Authority's policy of "User Pays" the yacht taxi service should pay for itself. Prices have been held for 2010, however, in 2011 the prices will need to be increased. The seasonal factors of three poor years (weather) may have an impact on the income generated for the yacht taxi. The Harbour Master pointed out that the yacht taxis run for 15 hours each day during the summer schedule (105hrs per week) so maintenance costs are expected to be high. He also reported that the staffing for the taxi in December, January and February would be covered by permanent staff during weekdays and by seasonal staff at weekends only. The service will run daily between 1000 and 1600 hours in the winter months.

Mooring Charges. Berthing charges will be increased by 3.5% . However, it was noted that VAT is scheduled to be increased from 15% to 17.5% from 1st January 2010. If the Government make further increases to VAT they will need to give 6 months notice. It was also noted that although the fishermen on the Kingswear pontoons would be attracting a further 2% increase above the 3.5% the majority of them would be VAT registered so the increase would be the same as other berth holders. However, it was also noted that any fishermen not eligible to recover VAT would be impacted by the increase.

Annual Harbour Dues. These charges will be increased by 2% in 2010.

Capital Expenditure. The board considered the schedule outlining the proposed five year capital expenditure programme. This has been adjusted to demonstrate the impact of the proposed Hoodown development will have on the programme. It was noted that the Hoodown project should generate savings in other areas in the future, as work practices and the type of project that can be done in-house will change. It was also noted that if the Hoodown project does not go ahead then these savings will not be possible. Discussion took place concerning other potential capital projects including the Dartmouth Dinghy Rack, Access for disabled and visitors pontoons. The board also considered the cash flow projections for the next 7 years and it was apparent from these figures that the capital expenditure programme could be achieved over the time scales given.

	2010 Year End £	2011 Year End £	2012 Year End £	2013 Year End £	2014 Year End £	2015 Year End £	2016 Year End £
Cash balances brought down	943,338	684,135	559,728	545,190	527,802	666,638	544,148
Income	1,349,401	1,349,401	1,349,401	1,349,401	1,349,401	1,349,401	1,349,401
Expenses	1,049,000	1,099,000	1,049,000	1,049,000	1,049,000	1,049,000	1,049,000
Interest receivable	6,624	6,624	6,624	6,624	6,624	6,624	6,624
Interest payable							
Capital Expenditure	505,000	335,000	290,000	290,000	140,000	400,000	400,000
Corporation Tax	61,228	46,432	31,563	34,413	28,189	29,515	19,661
Cash balances c'fwd	684,135	559,728	545,190	527,802	666,638	544,148	431,512
Incoming/(outgoing)	-259,203	-124,407	-14,538	-17,388	138,836	-122,490	-112,636

Discussion took place concerning the access for disabled visitors and it was noted that the Town Jetty is currently used to land disabled visitors. **It was agreed** to investigate other options for disabled access at other locations in the harbour and to include an entry in the Capital Expenditure Programme.

Discussion took place concerning the public slipway in Dartmouth and it was noted that the Authority has ring fenced £50,000 to contribute to any projects by South Hams District Council to improve the slipway facilities.

It was proposed by Mr Fleck and seconded by Mr Hockaday with all in favour **"that the Authority adopts the 2010 Budget, the Five Year Capital Expenditure Programme and the Proposed Charges for 2010"**.

5.2 Financial Report

Bank Accounts

	October 2008 £	October 2009 £
DHNA	81,290.72	200,677.99
Cater	897,860.76	931,299.52
Pilot	10,670.85	11,262.29
Waiting List	114,855.00	121,705.00

Income

Harbour Dues other is up £8,459.24 on the month, this is because four of the cruise ships have now paid their bills.

Licenses/compounds (£1,306.81) this is shown as a negative figure. Dart Harbour collect money on behalf of Dart Valley Light Railway, and then pass on 85% to them.

Overall, the income is £51,371.85 up on the year, this will pan out because winter berth holders have paid more promptly.

Purchases

Over budget by £11,674.46 mainly due to the environmental survey required for the Hoodown project.

Capital

Pontoons have been ordered for the Low Water Landing.

Overheads

Electricity for the year is £24,890.70 against £28,119.28 for 2008. Regarding income £16,163.05 has been taken this year, against £8,339.07 in 2008. The electricity is still being monitored carefully and the customers are using the electricity more frugally than in the past.

Mr Pollard informed the board that the bank balances were healthy. There will be around £147,000 to come out for the Duchy rental. Mr Hockaday queried why there was an increase in the waiting list account.

ACTION: Finance Manager/Senior Administrator to check waiting list income and report back

5.3 Noss on Dart

The Harbour Master reported that an email had been received from Stephen Corner of Noss Marina Ltd (NML) which reflects the agreements made at the meeting held with them on 12th October. It was noted that the revised drawings have not yet been received, but it was anticipated that their pontoon layout may be different that previously circulated but should be defined within the marina footprint agreed at the meeting. The revised drawings will be

circulated to the Board as soon as they are received. The draft legal agreement has been amended to reflect the changes agreed on 12th October.

It was agreed

- (a) that the Authority's lawyers (Ashfords) be employed to check the draft legal Agreement. **ACTION:** Harbour Master
- (b) to write to Stephen Corner at NML to acknowledge his letter and to remind him about making a presentation to the Authority's Annual Meeting on 7th December. **ACTION:** Harbour Master

5.4 Hoodown Improvement Project

Mr Cast informed the Board that the planning application for the project has been resubmitted to South Hams District Council. Last comments for planning purposes should be submitted by 18th November 2009 with the target decision date stated as 13th December 2009. Mr Hockaday reported that it would be more cost effective from a financial point of view to complete both phases of the project without a break between the two.

Providing planning permission is granted, a meeting to consider the business case for the project will need to take place in January or February.

The aim is to commence works at Hoodown in October/November 2010. It was noted that consideration will need to be given to Dart Harbour work programmes.

It was agreed that appropriate project planning will need to be carried out.

ACTION: Senior Administrator to arrange a meeting after 18th January for a scoping meeting for the Hoodown development and to circulate appropriate project planning guidelines.

5.5 Board Selection 2009/2010

The Chairman informed the Board that four candidates had been shortlisted for interview on 30th November. One candidate has since withdrawn his application. The interview panel consists of Sir Geoffrey Newman, Cllr John Tucker, Terry Connolly (the Stakeholder Groups' nominated member) and Mr Mike Cast (representing the Authority on behalf of the Chairman).

The Board emphasised the importance of appointing a board member who has a practical working knowledge of the river Dart.

5.6 Annual Meeting – 7th December 2009

Discussion took place about the arrangements for the Annual Meeting which is being held on Monday 7th December 2009 at the Flavel Centre, Dartmouth. **It was agreed** that the main agenda for the Annual Meeting be as follows:-

- (a) Welcome (Chairman)
- (b) Review of activities 2009/2010 (Harbour Master)
- (c) Financial Review & Budget (Mr Pollard)

- (d) Young Champion Award (Ms Pudduck)
- (e) Goals for the future (Chairman)
- (f) Noss Marina Development (Mr Stephen Corner of NML)
- (g) Question and answer session
- (h) Networking and refreshments

ACTION: Senior Administrator to make the necessary arrangements for publicity, presentations, speaker timings, refreshments and equipment and to email information to the Board.

5.7 Higher Ferry

The Harbour Master reported that the new Dartmouth/Kingswear Higher Ferry went into service on 6th July with a provisional three month MCA Passenger Certificate and provisional approval from the Dart Harbour Board. A further MCA certificate was issued on 24th August and expires on 1st December 2009. The ferry has a Lloyds Certificate of Class valid until 29th June 2014 and has a valid IMO number.

The operator has supplied the Harbour Master with a full copy of the ferry Domestic Safety Management Code & Higher Ferry Operating Procedures, which has been approved by the MCA, and a copy of the ferry Incident Log.

On 6th July, concerns were raised with the ferry management by the Harbour Master concerning the inadequacy of the amber flashing lights at each end of the ferry which indicate movement and direction of travel to other river users. As a result of this communication, the positions of the lights were raised to improve visibility and their intensity increased by 50%. The MCA has commented that the intensity of the amber lights at night should not detract from the operator's night vision.

Five complaints were received in the Harbour Office concerning the high intensity of the floodlighting at each end of the ferry which can temporarily blind other river users. The complaints have been passed on to the operator who is discussing alternatives with Pendennis Shipyard. The existing lights require a warm up period each time they are switched on making it impractical to switch them off for each river crossing.

When the ferry originally went into service the side thrusters proved to be noisy when operated. These have now been fitted with baffles to reduce the noise nuisance.

One written complaint has been received from a member of the public concerning the guide wires encroaching onto the public slipway on a 4.2mtr ebb tide. This was investigated by the Harbour Master and passed onto the operator. However, the ferry management was unaware of the incident and no report or complaint was made to the operator by the person concerned.

Heats for Regatta local rowing races took place on the weekend of 22nd/23rd August on high spring tides (HW 5.0mts LW 0.0mts) when the public slipway was in constant heavy use by racing and leisure boats throughout the day with long lengths of the guide cables exposed at low water. The ferry operated throughout both days without incident and at the end of regatta the ferry crews were complimented by the racing organisations for their cooperation and competence.

On 23rd September at approximately 1240 hrs (HW 0933) it was found that the ferry was unable to leave the Dartmouth slipway after being caught by the falling tide. It remained grounded for one tide but after investigation the MCA decided no further action was necessary.

The introduction of the new ferry was a major operation and learning experience for the ferry operator. However, they have always been receptive to complaints or comments and proved very willing to achieve an acceptable solution to any problem. Considering the scale of the project and the concerns expressed beforehand, the introduction and operation of the new ferry has been comparatively trouble free and providing monitoring continues the Harbour Master recommended that the Board now grant full approval.

Discussion took place and there was some concern over the lights. **It was agreed** to continue to liaise with the ferry operator concerning the lighting levels.

ACTION: Harbour Master.

5.8 Health and Safety

The Board considered the report received from Crammer Safety who carried out a health and safety audit of the Authority's premises in Kingswear and Dartmouth. All of the minor recommendations contained in the report have been completed or are in the progress of implementation.

The Chairman reported that the report was very useful.

It was agreed

- (a) to commission an annual health and safety inspection.
- (b) Health and safety is to be regularly discussed at staff meetings
- (c) Health and safety to feature regularly on the Board agenda.

ACTION: Harbour Master to update the Board on health and safety on a regular basis, to continue to implement risk assessments and to hold regular workforce meetings where health and safety is a topic.

6. Stakeholder Groups

Following a suggestion from Mr Cast **it was agreed** that in order to benefit from the input of members of the stakeholder groups it would be appropriate to move the item up the agenda so that following Questions from the Public any stakeholder group representatives can be involved in the discussion.

ACTION: Senior Administrator to adjust future agendas.

6.1 River Dart Non Beneficiary Group - Nothing to report

6.2 Commercial Users Group – The Harbour Master is attending their next meeting which is taking place on 14th December 2009.

6.3 Leisure Users Group – the Harbour Master reported that Mike Moody had made an appointment to discuss how to revitalise this group. The Harbour Master has also spoken to Gary Walker. Mr Hockaday has spoken to Royal Dart Yacht Club contacts about the LUG being run from the RDYC. A revised constitution would need to be considered. The Board felt that it was important that the LUG represents all leisure users and not just the RDYC.

7.1 Harbour Master's Report

Maid & Phoebe – Both taxis were available for service throughout October but each taxi will be lifted out at Hoodown for a service during the winter.

Yacht Taxi Schedule- The schedule was reduced from 1st October to two shifts running from 1000 until 1900. The winter schedule will start from 1st November with a reduction to one shift from 1000 to 1600.

Cygnus 2- The volunteers now only use Cygnus 2 in the winter when weather conditions are suitable. At other times the volunteers will use Triton.

Triton- This workboat has returned to service following its refit and should now be available for use throughout the winter.

Patrol Ribs- The patrol ribs will be withdrawn from service for a winter refit in rotation so that at least two ribs will be available for service at any one time.

Ship Visits - HMS York berthed on 16th October for a three day visit. There are currently no other vessels scheduled for this year.

Stoke Gabriel Passenger Ferry- On Sunday 25th September the Stoke Gabriel ferry Carlina fouled a Dart Harbour mooring 2.5 hours after high water whilst attempting to berth at Stoke Gabriel. The mooring chain disabled the ferry's propeller and eventually had to be cut with bolt croppers. The Carlina was towed back to Dartmouth by the lifeboat, which was out on exercise at the time of the incident.

Winter Mooring Maintenance- The river staff reverted to daywork from the end of September and upriver mooring maintenance began in October. Due to favourable weather conditions good progress has been made to date.

Hoodown- The target date for the resubmitted Hoodown Planning application decision is now 13th December.

Health and Safety- There were no significant Health & Safety incidents in October.

Publications and Regulations- The Ministry of Justice has conducted a review into the extent to which the port industry is covered by the Freedom of Information Act. The review concluded that Freedom of Information Act coverage should not be extended beyond those already covered in the industry. However, all ports continue to be subject to the Environmental Information Regulations and the borders between this and the FOI can at times be blurred.

Marine and Coastal Access Bill- Royal Assent for the bill is currently anticipated on 11th or 12th November. This date would allow the designated MMO chairman, Chris Parry, to be confirmed in

post this year but with the Chief Executive still to be nominated, it is almost certain that the MMO will not be in a fit state to take on marine licensing duties until the end of next year.

It was noted that the Duchy of Cornwall had made four minor alterations to the fundus allocated to the Authority as part of the Duchy lease. This is something they are entitled to do. The Vice-Chairman and Harbour Master will sign the supplementary lease document on behalf of the Authority.

ACTION: Vice-Chairman and Harbour Master to sign the supplementary lease document.

The Stoke Gabriel sluice gate had been opened following the October half term and would remain open until just before Christmas.

A staff team building event will take place on Saturday 28th November for permanent staff and board members. Mr Pollard, Ms Pudduck and Mr Cast reported that they would not be able to attend. The cost of the event will be between £25 and £26 per head.

ACTION: Harbour Master.

7.2 Office Report

The Senior Administrator commented on the office report as follows:-

Winter Mooring Administration

The majority of winter berths have been allocated and the paperwork done. There are a few pontoon berths becoming vacant in the next month and these will be allocated as and when available.

Harbour Guide 2010

Advertising booking forms and proforma invoices for current advertisers have been issued and the advertising is coming in. There are still around 60% to follow. So far only one advertiser is not coming in this year, but this has been offset by another advertising increasing in size. I anticipate that 90% of the previous advertisers will book space again this year.

Mr Cast requested that a poster be displayed to highlight the Friends of Dart Harbour.

8. Any Other Business

The Chairman reported that he had been asked to speak to Dartmouth Town Council in the New Year.

10. Move into Committee

It was proposed by Mr Hockaday and seconded by Ms Pudduck with all in favour, ***“that the meeting move “Into Committee”.***

11. Decisions made "In Committee"

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

12. Date of next Meeting – Monday 14th December 2009 at the Flavel Centre, Dartmouth at 2.00pm.