

RIVER DART NON BENEFICIARY GROUP.

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Minutes of Meeting at Follaton 23rd January 2008.

1. Present.

Councillor Jonathan Hawkins (Chairman) (JH)	DCC, SHDC
Councillor John Baron (JB)	Dittisham PC
Mr Roger Baron (RB)	rep Stoke Gabriel PC
Councillor Terry Connolly (TC)	Ashprington PC
Mr John Dingle	D & K Society
Captain Philip Gibbon (Secretary) (PG)	Anthony Steen MP
Councillor Ian Longrigg (IL)	SHDC
Councillor Peter Puddock	Kingswear PC
Councillor Ian Slatter (IS)	Totnes TC
Mr John Stevens (Treasurer) (JS)	
Councillor Becky Taylor	Cornworthy PC
<u>DHNA</u>	
Mr Simon Ellyatt (SE)	Chairman
Captain David White (DW)	Harbourmaster
Mr Ernest Fleck	Vice Chairman
Mr Julian Distin (JD)	Past Chairman
Dr John Walker (JW)	Board Member
Mrs Sue Puddock	Board Member

Stakeholder Groups.

Leisure Users.	Mr Nick Walbridge (Chairman)	TBA
	Mr Mike Deeley (MD)	RDYC
Commercial Users	Mr Mike Rowley (Chairman) (MR)	
RAMROG	Mr Roger Jobson (Chairman) (RJ)	

DfT.

Mr Colin Morris (CM) Head of Ports Casework & Environment
Ms Ruth Bootland

Visitors.

Mr Grammer Chairman, Teign Harbour Commission
Mr Graham Bond (GB) CEO, Teign Harbour Commission

Apologies.

Ms Robyn Brown National Trust.
Councillor Rendle Dartmouth TC

2. Jonathan Hawkins welcomed the Chairmen and CEO's from both the Teign and the Dart together with DHNA Board Members and the Chairmen of the Dart Stakeholder Groups. In particular he welcomed Mr Colin Morris and Ms Ruth Bootland from the DfT. He thanked SHDC for laying on the Cary Room for this meeting. He then invited Mr Morris to speak. *[Sec's note; I have tried to extract the important points from a fragmented discussion irrespective of when or by whom they were put forward. Where I have omitted to record who said what and when or distorted an issue I apologise].*

Mr Morris (CM) then read out part of the DNB briefing paper;

- *How is the Stakeholder system running nationwide and what is there to learn from the experience of others?*
- *Is there a consensus on 'best practice'?*
- *What does the future hold for Stakeholder Groups in the light of PricewaterhouseCooper's report and your impending 'notch up'?*

CM remarked wryly that the short answer to all three questions is "Don't know". However a run over past history and what is seen as the future would be worthwhile and he wanted to hear what people had to say. In '97 the new Government inherited an on-going Ports privatisation programme and so set in motion a review of the Trust Ports. This review resulted in the Guidance documents of January '01. The Dart was among the first Ports to embrace this change. The PricewaterhouseCooper (PWC) report re-visits this Guidance but is primarily relevant to the 'big six' (Harwich, Dover, etc). DfT consultation papers arising from this review should go out by the end of next month.

CM said that the Secretary of State's powers in relation to Trust Port Harbour Boards are limited. He has the power to 're-constitute' a Board - the 'nuclear option' - but such a draconian move is likely to end up with the

port being taken under DfT control and would be a measure of last resort. How therefore is an errant Harbour Board to be disciplined? How is a Board to be held to account locally? How is an aggrieved individual or group to pursue their claim short of the Courts?

In moving from Harbour Boards composed of ‘representatives’ of interest groups (LA’s, yachtsmen, fishermen, commercial watermen, etc) to Boards manned by people having, possibly, a wider modern business background it was hoped to inject fresh approaches to port regeneration and development. To safeguard the integrity of the new Boards rigorous Board member selection procedures are in place. Stakeholder Groups are set up to replace the links that used to exist between the Boards and their local communities and clients. The Groups are required to hold their Harbour Boards to account. *[Sec’s note; This is written into the DNB Mission Statement]* These issues are addressed in the new Guidance consultation.

CM asked for views and floated the following possibilities for dealing with grievances;

- A national ‘ombudsman’. An OFPORT maybe?
- ‘Arbitration’
- ‘Appeal’ to the Secretary of State
- ‘Mediation’

[Sec’s note; During the discussion many speakers made clear that relationships with DHNA are good - this is not a local turf-war. Two issues (concerning riparian owner’s mooring rights and commercial fishermen) are currently in dispute but were not subjects for this meeting. CM welcomed this and added that the time to get structures right is when things are going smoothly and not when the fur is flying].

The ‘ombudsman’ idea was not discussed.

‘Arbitration’ claimed most attention and was generally supported. RB drew a parallel with the building industry where ‘arbitration’ between builders and aggrieved individuals or businesses had proved to be a successful way of resolving disputes notably in Scandinavia. There was concern over cost and a lack of ‘marine realism’ if arbitration became a legal or quasi-legal process. CM appeared receptive to the ‘arbitration’ concept and felt that there were well-qualified potential ‘arbitrators’ out there.

‘Mediation’ was felt to be inadequate. In MR’s view it was necessary that the process of resolving problems needed ‘teeth’ and that ‘mediation’ would relapse into mere talk but no action.

MR raised the key question “Why, if individuals or groups can take their problem direct to the Harbour Office, should anyone bother to go to a Stakeholder Group?” When powerful interests can by-pass the Groups then

of what value are they. SE and GB affirmed their view of the importance of the Stakeholder Groups in the good governance of their ports. CM accepted that there was a difficulty here but suggested that, while some problems were too deep to solve at Stakeholder Group level, more might be done to involve the Groups in problem solving and gauging opinion outside the Harbour Office. MR pressed the point that, if the Stakeholder system is to be seen by the public to be viable then their rôle, status and duties need to be made much clearer in the new Guidelines.

Detailed rules are laid down in the MTP Guidelines for the selection, age limitations and so on for Board Members but there is nothing equivalent for Stakeholder Group management. PG said that if Stakeholder Groups are to gain public credibility in 'holding their Boards to account' then comparable rigour must be visible in Stakeholder management i.e if Stakeholder Groups really are an essential part of the 'Checks and Balances' equation then their rules and management must be open and beyond reproach. CM replied that Boards were responsible for running their Stakeholder system and felt that DfT would be reluctant to intervene. The ensuing discussion brought out the incompatibility whereby Stakeholder Groups are controlled by the very Boards they are required to 'hold to account' [*Sec's note; DHNA have not tried to control the composition or running of the Dart Stakeholder groups who, apart from simple admin rules, have been left to get on with it*].

JD asked how many Stakeholder Groups should there be in an estuary like the Dart. From DHNA's viewpoint a Stakeholder Group took valuable time to administer, attend meetings and so on so the fewer the better. CM said he hadn't figures but noted that Harwich had six or more. [*Sec's note; The Teign has one Group, the Dart four*]

MD explained the problems of making contact with and representing a wide constituency ranging from yachtsmen, wind-surfers, wildfowlers, canoeists, etc. When there were no burning problems it was difficult to hold such a Stakeholder Group together - apathy ruled. Consideration was being given to forming a new Stakeholder Group comprising licensed mooring holders that would have a tighter focus and more clearly defined membership and aims.

JH queried the 'stakeholder dividend' mentioned in the PWC report. CM responded that this was primarily applicable to the 'big six'. However there is a perceived problem of unfair competition. The suggestion is that plc ports pay dividends to shareholders and the commercial pressures to perform come from that source. Whilst Trust ports can plough all profits back into

their business and have no such immediate pressures enabling them to be more speculative and so gain an unfair commercial advantage.

IS raised his Council's concern to preserve Totnes as a commercial port. CM responded that this was not really within his remit but he felt that if there was sufficient commercial interest then it would happen.

3. JH then drew this part of the meeting to a close and warmly thanked Mr Morris and Ms Bootland for coming down to Totnes. This was greeted with a round of applause. JH then thanked our visitors and the meeting broke for a few minutes before convening again for brief DNB Committee business.

4. **The Minutes** of the 12th September Meeting at Dittisham were approved and signed by JH.

5. Matters arising;

5.1. Noss and Lighthouse Cove. Landward side - plans are mooted for 'marine' training for 500 students. Riverside - still in the finance and consultation stage. Lighthouse Cove still going through the 'legal advice' mill.

5.2. Stoke Gabriel Sluices. DW described problems in pontoon alignment allowing disabled access. It has been agreed that the Mill-pond should not be drained during the summer so the present 'window for work' has been lost and work on the sluices will not start before October '08 (Note; The dam over-tops on a 4.3m tide).

5.3. There have been two operational launches since the new RNLI Station opened in late-autumn. The general feeling is that this is a professional and creditable addition to the river and estuary.

5.4. AONB Estuary Officer. DW said that, because the post will be shared with other estuaries, DHNA would withhold £5K/year for specific Dart projects but overall funding now seemed clear. There was still an unresolved question about candidate selection.

6. Mr Tony Hoile, the Stakeholder Group representative on the 4-man DHNA Board Selection Panel, has e-mailed that the new Member is Mr Mike Cast currently Director of Gitcombe Country Cottages near Cornworthy who has a background in marketing and development.

7. JS gave an up-date and Councillors took note.

8. The next meeting will be in Kingswear Village Hall at 1930 on Wednesday 14th May. Ms Robyn Brown has suggested a speaker.

9. JH asked that an agenda item on the Higher Ferry public slip be included for the May meeting.

