

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 Tuesday 8th January 2019, commencing at 1830 hrs.

PRESENT: Mike Burden (MB)
Captain Mark Cooper (MC) - Harbour Master/CEO
Tim Dewing (TD)
Julian Distin (JJD)
James Dodd (JD) – Vice Chairman
Shona Duncan (SD)
Richard Eggleton (RE)
John Ellwood (JE)
Tristan Harwood (TH)
Mark Hubbard (MH) – Chairman

IN ATTENDANCE: Penny Johns (PJ) Senior Administrator

001/19 Election of Chairman and Vice Chairman

MC took the chair during this item and asked if there were any nominations for the position of Chairman of the Dart Harbour & Navigation Authority. **It was proposed by RE and seconded by TD that Mark Hubbard be elected as Chairman for 2019. There were no other nominations and on being put the vote was carried unanimously.**

Mark Hubbard took the chair for the remainder of the meeting.

MH asked if there were any nominations for the position of Vice-Chairman of the Dart Harbour & Navigation Authority. **It was proposed by MB and seconded by JJD that James Dodd be elected as Vice-Chairman for 2019. There were no other nominations and on being put the vote was carried unanimously.**

MH welcomed SD, as a Board Member. SD provided a short introduction and outlined her experience in PR and communications and reputation management.

Board Members gave SD a short explanation of their backgrounds and their Board experience.

002/19 Apologies for Absence

Apologies were received from TT, Melanie Lessels (ML) and ZBE.

003/19 Minutes of the Meeting held on 12th November 2018.

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

Ongoing Actions

Issue/Min No	012/18
Description	Marketing Report
Action Required	<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>ACTION: MC to progress the recruitment of a PR/Marketing contractor and the website upgrade. Completed Susie Hudson lead.</p>
Status	<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. 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.</p> <p>Jan 19 - Marketing Strategy (including cruise ships) for 2019 included in 2018 Annual Meeting future objectives and included in 2019 staff objectives where appropriate. Anticipate this being a relatively slow time activity as Harbour Guide and Website review take up capacity.</p>
Meeting Discussion	It was agreed to remove this item from the action grid and to add to the regular agenda as a standing item.

Issue/Min No	056/18.3
Description	Planning (MMO and SHDC) Concordat
Action Required	MC to write to the MP to ask why SHDC are not participating in the concordat with the MMO.
Status	Ongoing

	<p>July - Ongoing – SHDC said in June they are going to reply to the letter and to expect the response to be positive.</p> <p>Sept – Still no response from SHDC. MC advised that he would continue to progress this and write to Sarah Wollaston (MP)</p> <p>Jan 19 HM met with SHDC/MMO before Christmas. Dart Harbour will need to keep and track all planning applications owing to inefficiency of MMO process (letter to MMO follow). SHDC will make it clear when approving terrestrial planning that DHNA and MMO and land owner (duchy) need to approve plans below MHW line.</p> <p>November - It was noted that Chris Brook (SHDC) will speak to Guy Pedrick (SHDC) to progress this.</p>
Meeting discussion	No discussion

Issue/Min No	072/18
Description	Draft Deed between SHDC and Dart Harbour
Action Required	MC and TT to input to the wording in relation to the Act.
Status	<p>Sept. TT/MC to continue to develop wording for Management Agreement for SHDC.</p> <p>Jan 19 - HM discussed with SHDC in Dec – SHDC trying to get the first draft through their lawyers.</p>
Meeting Discussion	Ongoing – still waiting for SHDC

Issue/Min No	074/18 Capital Plan and Cash Reserve
Description	<p>The Board considered reports and it was proposed by MH seconded by JD with all in favour to:</p> <ol style="list-style-type: none"> a. Set the cash reserve at £640k for 2018 and adjust this as required in future years based on RPI. b. Revise capital budget as follows with HM monitoring the expenditure to ensure that funds do not drop below the cash reserve. c. Engage Treasury Services and Conduct advance planning of the following years capital expenditure in advance of the budget meeting.
Action Required	MC to implement the cash reserve, capital budget and engage treasury services during September 2018.
Status	<p>Sep: Ongoing</p> <p>Jan 19 – Budgeting went well – treasury services engaged in Jan 19.</p>
Meeting Discussion	Complete

Issue/Min No	087/18.1
Description	Letter from Dittisham resident
Action Required	It was agreed 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
Status	MC to draft a response for the Chairman to the complainant – complete Jan 19 – to be raised at Dittisham Parish Council Meeting
Meeting Discussion	Complete

Issue/Min No	104/18.1
Description	Dart Harbour Communities Group (DHCG) (Formerly Group Non Bens)
Action Required	JJD to assist JD to develop the DHCG in 2019
Status	
Meeting Discussion	No discussion at the meeting

Issue/Min No	105/18.1
Description	Planning - Fish Hoek (2781/18/FUL).
Action Required	A working group to be set up to review this planning application.
Status	Jan 19 Paper prepared by JJD for January 8 th 2019 Board Meeting.
Meeting Discussion	Complete discussed at meeting under item 13

Issue/Min No	106/18
Description	DP AUDIT REPORT
Action Required	All Board Members to take on board the challenges and matters identified and to keep constantly in their minds
Status	Complete

Issue/Min No	110/18
Description	Young Champions Awards
Action Required	ZBE to review the Young Champion Awards scheme and prepare a proposal for the January 2019 Board meeting
Status	In progress – ZBE not at January meeting.

Issue/Min No	112/18
Description	Dart Harbour Moorings' Policy - Update
Action Required	JJD to prepare a paper on potential mistakes in the Moorings' Policy
Status	Jan 19 On the Agenda for January 2019.
Meeting Discussion	Complete - Discussed at item 12

Actions Completed since last meeting – for board records

Issue/Min No	011/18.6
Description	Cruise Ships
Action Required	MC and TT to liaise with Dartmouth Town Council to improve liaison and arrange a meeting with the mayor and David Gent.
Notes	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.
Status	Ongoing
Notes	July – MC met with the Chamber of Trade to discuss cruise ship marketing on 5/6 th July to inform them about the benefits of cruise ships. 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>It was agreed 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>ACTION: 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.</p> <p>Jan 19 to be covered by action on marketing strategy - Update Part of Marketing Strategy for 2019 included in 2018 Annual Meeting future objectives and included in 2019 staff objectives where appropriate.</p> <p>Anticipate this being a relatively slow time activity as Harbour Guide and Website review take up capacity.</p>
--	--

Issue/Min No	108/18
Description	Budget and Prices 2019
Action Required	<ol style="list-style-type: none"> 1. Increase everything by 2% increase (not visitors dues or buoyage). 2. Increase staff wages by 2%. <p>MC to implement the charges and staff wages for 2019.</p>
Status	Action Complete

Issue/Min No	102/18
Description	Questions from the Public
Action Required	<p>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.</p> <p>ACTION: MC to review the Authority's involvement with ambulance calls and report back</p>
Status	Reviewed and letter sent to Mr Sherratt. Action Complete.

005/19 Urgent Business brought forward at the discretion of the Chairman

005/19.1 Resignation of Deputy Harbour Master (DHM)

MH advised that he had received the resignation of the DHM and wanted to note the Board's thanks for more than 8 years' service and to wish him well for his future activities.

MC advised that he would like to review the toil/flexi policy in the future with the assistance of ML.

005/19.2 Fatality on River Dart

MH advised, with sadness, that the body of Jason Wickenden had been recovered from the river after he was reported missing. It was noted that the river team had been closely involved and wanted to express thanks to them for efforts in this particularly challenging activity. The two staff on duty were involved in the recovery of the body by the RNLI.

006/19 Declarations of Interest

Board Members were invited to declare any personal or disclosable pecuniary interests including the nature and extent of such interests but there were none given.

007/19 Questions from the Public.

There were no members of the public present.

008/19 Stakeholder Groups

MC advised that he had been in communication with the Stakeholder Groups inviting their support for Dart Harbour's funding bid to the Coastal Community Fund.

008/19.1 Dart Harbour Communities Group (DHCG)

The last meeting was held on 26th September and a date anticipated for early March for the next meeting.

008/19.2 River Dart Commercial Users Group (CUG)

JJD advised that the next meeting will be held on 28th January 2019. MC advised that he had a discussion with the Chairman following the annual meeting about opportunities to improve engagement with the CUG, as it had been noted that this group had not been well represented at the Annual Meeting. MC would like to encourage their members to attend Board meetings and the Chairman had offered to change dates of CUG meetings to avoid the Harbour Master's leave.

008/19.3 Association of Dart River User Clubs (ADRUC)

JE advised that the next meeting will be held in March and agreed that it was a good idea to encourage their members to attend board meetings.

MH advised that Susie Hudson had been talking to ADRUC on how to increase visibility of user groups in the community, to get more engagement and to try and increase awareness of user groups on social media. It was noted that ADRUC recognised the need to increase awareness and engagement, and was open to the concept and would give it consideration

008/19.3 Dart Estuary Forum

JD advised that the Dart Estuary Forum held on 13th November 2018 was well attended and speakers from the Environment Agency (EA) and South West Water (SWW) gave an interesting presentation on water quality.

JD advised that EA and SWW were invited to a meeting on 19th December 2018 to explain in more detail what their organisations do in relation to water quality. However, despite the explanations the information was still difficult to understand. JD advised that he learnt a lot and understood more clearly, but the information is still of no benefit and would not be something we would want to publish on the website.

MC advised that the EA also took the opportunity to inform Dart Harbour of the need to seek ecological payback as part of the EU Water Framework Directive and asked to work with us to identify projects that could support this. Another meeting will be arranged to understand this proposal more clearly before it can be taken forward.

During discussion it was noted that

- a) stakeholders would need to be involved in any projects identified
- b) more information is needed and investigations need to take place into what other ports are doing for this.
- c) It was noted that the EA run two harbours and it would be interesting to see what mitigation measure they had taken for their projects and TH suggested doing a freedom of information request on EA harbours to find out more.

JD would also like SWW to do the same thing and explain their role.

MC referred to the Hole in the Wall and the need to understand more about whether this should be left as it is or a wall is reinstated.

JD will keep the Board informed.

009/19 Operational Report (including PMSC and Safety)

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

009/19.1 Navigation.

MC updated the Board on two incidents:-

- a) MC updated the Board on 2 berthing incidents involving the ferries. MC advised that he led the investigation and took evidence from SHDC following a report that the Lower Ferry had collided with the pontoon in Kingswear and possibly the Dartmouth Steam Railway and River Boat Company's (DSRRB) passenger ferry. It was noted that there were high winds from the South, but that the water was flat. MC was advised that the engine of the Lower Ferry was overheating and as it approached Kingswear it collided with the pontoon, if not the DSRRB Ferry. MC took evidence from the SHDC Lower Ferry and submitted his report to the MAIB. MC advised that the passenger ferry was damaged, but it was not clear if this had been caused by this incident. MC is waiting for MAIB feedback.
- b) MC advised that the DSSRB ferry, Western Lady being used as the regular vessel is out of service and that she collided with Town Jetty.

A discussion took place about the ferries operating in windy conditions. MC advised that the Higher Ferry has a wind gauge and stops the service at 35 knots. MC advised that with the Lower Ferry, the swell is more of an issue than wind speed and this is managed by SHDC, through the Salcombe Harbour Master. It was noted that MC also keeps a look out and liaises with the ferry if appropriate. Ferry drivers are under commercial pressure to run the ferry and MC keeps an eye on it during windy weather.

It was noted that the ferry operators normally make the right call to suspend the service and that if Board Members are concerned, they should make contact with MC.

009/19.2 Byelaw Enforcement. MC advised that he had interviewed the persistent speeder who had been adamant that he was not causing a wash. MC had shown him the video of the wash and he agreed that it was excessive and commented that the way he had been approached was not good and felt that the staff need not be so overbearing.

TH advised that he would provide contact information for a prosecution lawyer who could be approached for advice for future reference.

ACTION: TH to pass contact details to MC for the prosecution lawyer.

009/19.3 Finance

MC advised that 2018 figures showed £672k above the set cash reserve. There had been a £106k increase in sales and spending had been £8k less than planned. He advised that spending did take place on capital and had overspent on overheads by £35k because of an unforeseen cost on pension advice. It was noted that in year was £80k up in the year. The Authority had finished at exactly the same position as the previous year. This was a regular pattern and that the aim would be to do the same for 2019. It was noted that the £200 mooring renewal prepayment fees had been sent out with payment of these due before the end of January.

MH advised that a review of the financial system to provide a health check had taken place and a report has been received from The Finance Department. He advised that there were areas where improvements could be made to make the system work better, but there had been no major concerns. A report for the Board would be prepared in the future.

ACTION: MH to continue to keep the Board informed.

010/19 Correspondence

Board Members to advise on any correspondence received.

There was none.

011/19 Interim Review of the Moorings' Policy

JJD referred to his report circulated to the Board for an interim review of the Moorings' Policy and had identified a number of areas the Board may wish to consider. There was potential to look at this in a small groups, rather than going through line by line. JJD felt that the policy had been diminished in its last review.

MH advised that the Moorings' Policy is due for review during 2019 and JJD's report summarises some key issues and is a great basis to go forward from. MH asked how the Board would like to proceed with a formal review based on what JJD has found. Dart Harbour needs to have ownership of this policy as it is a statement of the collective position.

A discussion took place as follows:-

The three areas JJD identified were:-

- a) The section on categorisation of the river had been removed from the previous policy. This section had provided a picture of the river top to bottom and gave a description of what was there and how Dart Harbour saw future development. JJD thinks that was a mistake, although it had been partly retained in the annexes.
- b) The reasoning behind decisions had been removed.
- c) Private tackle mooring licences. JJD advised that the latest iteration was detrimental to Dart Harbour and that the previous policy was more appropriate.

MH responded to JJD's points and advised that during the previous review a) had been moved to the appendix, b) this would need to be reviewed as we will rely on it, and c) took a very long time to finalise and was raised by stakeholders at a whole series of meetings during the consultation.

TD proposed that a small group be set up to review via by email.

MC had concerns, as the Board of the time, would have gone through a decision making process and signed up following consultation with stakeholders. MC explained that he did not have any strong views on those points, but there is a need to be careful.

RE suggested that the full review for 2020 should start now.

JD advised that there was a danger that the historical framework would be lost as only 3 current Board Members were involved in the last review and stated that he would be happy to support JJD in a working group.

TD suggested that it is important to retain the corporate memory. The previous policy was long and verbose policy and the review sought to address that. However, the Board perhaps had not appreciated the lose of explanation. The reasons for rulings could be incorporated in an Appendix.

SD advised that she was not yet familiar with the policy, but having experience in dealing in transparency and good governance felt that if a decision is made it was important to stick to a decision until 2020.

SD advised that the Board would need to agree a policy as soon as possible to clarify how decisions are processed. She felt that it appeared to be a complex framework, and suggested the need to have a coherent and clearly understood policy that anyone can see.

TD also had concerns in relation to the legal costs for the previous iteration.

It was felt that legal advice should be sought and that Dorade Law should be asked for an initial point of view.

It was agreed that a formal review of the policy be initialised as part of the annual review and that a small sub group is set up to start the process.

ACTION: JJD/JD to prepare a revision and consultation mechanism with appropriate changes.

012/19 Fish Hoek Planning Application

JJD had prepared a report for the Board to consider the planning application at Fish Hoek, which includes a pontoon alongside the sea wall. The report raised the following elements:-

- a) Unless it is to be engineered so that it attaches only to the private quay wall and is not secured or attached to the fundus in any way, this will fall under Dart Harbour jurisdiction as the licensing authority for all moorings within the harbour limits. Dart Harbour is also the landlord for this part of the fundus which falls within our current lease.
- b) The current (and long-established) policy would be to refuse permission for a permanent private use pontoon of this kind. Clause 6.4.2 Non-Commercial Pontoons in the Moorings' Policy 2016/2020 refers:
- c) Having an established policy does not prevent us from considering any application, particularly one which has special merits or which purports to address unusual circumstances and each case must ultimately be judged on its own merits; but while the developer has not applied formally to Dart Harbour at this stage, Dart Harbour may wish to acquaint them with our policy position to avoid any misunderstanding between us.
- d) A number of Board Members have made formal representations to the LPA in relation to the current planning application for Fish Hoek/Waterside and the Board therefore needs to consider what role, if any, these Board Members are to have in determining any related application to this Authority.
- e) Members will be aware that The Bight is a part of the estuary where large swells often affect the shoreline and where many of the conventional moorings are let for the summer season only. In any circumstances the level of engineering that would be necessary to keep a large pontoon safely in position in this exposed location would need careful consideration on the part of both the Authority and the developer.
- f) While Dart Harbour policy does not support the installation of a pontoon at this location, Dart Harbour may wish to help facilitate access to any future development site from the river, in order to alleviate pressure on the narrow road above. A recent development just to the North of Fish Hoek was accessed by means not of a platform on legs (like a small oil rig) which was used to bring in materials etc. In the event that planning is granted either at this stage, or in the future, it should be understood that we would consider giving permission for a temporary means of access, subject to the impact on adjacent moorings and other navigational considerations.
- g) The present Moorings' Policy differs markedly from earlier iterations of the policy in that it does not offer any explanation or reasoning for the positions being taken. While this approach was, presumably, intended to read authoritatively, as well as to serve the interests of brevity, it hardly advances the key Trust Port Good Governance objectives of openness and accountability. Here is the explanation provided in the previous, 2010-2015 version:

"It is a long standing policy of the Authority to oppose the installation of private pontoon berths on riparian properties. While this policy may seem harsh and it is

recognized that the occasional pontoon is not particularly unsightly and may even on occasion add interest, the cumulative effect of a proliferation of walk-ashore pontoons would be detrimental to the appearance of the river."

- h) The relationship between Dart Harbour and the MMO is uncertain and has yet to be properly worked out. There is a need to identify and agree a protocol with the relevant MMO office.

A discussion took place and the following points raised:-

The only communication with MC had been in relation to the planning application, which the Authority has objected to.

The Moorings' Policy has been in place since 2005 and the policy of not allowing private pontoons has been in place for many years.

MH suggested that an initial legal view be sought from Dorade Law for this application.

TH advised that the Authority has a statutory obligation and the ability to comment on this application. He stated that Dart Harbour has the policy, but needs to make sure that the rest of the framework is understood. TH will give consideration to other potential lawyers and feed back.

SD advised that Dart Harbour needs to have a clear policy on what planning applications it should and shouldn't be getting involved in. Benefits would:-

- a) ensure Dart Harbour are not wasting resource in considering applications that are outside its remit
- b) remove concerns that people have about Dart Harbour having undue influence over applications
- c) remove any perception that the Authority was corruptible.

SD also advised that individual board members who had objected to Fishoek specifically should not be allowed to participate in discussions about it.

MC advised that it was not in SHDC's gift to approve the pontoons as Dart Harbour has the authority to grant mooring licences and Dart Harbour should go direct to the developers with the relevant information. Developments below high water mark are on Duchy fundus in this area, in line with the Duchy lease, they authorise Dart Harbour act on their behalf.

TH advised that the area of navigational safety is also relevant and the Authority would be able to fall back on this. RE also expressed that the area would be exposed at high water and especially during south easterly winds, which could cause damage to any pontoon located there.

It was noted that the MMO should take responsibility and bring Dart Harbour in as a statutory consultee, when a land application is submitted to the local planning authority this is passed to the MMO, and the MMO insert text into the planning permission to support any development. However, Dart Harbour are not currently being drawn in as a statutory consultee.

JJD advised that Dart Harbour are the only authority that licences moorings on the river and this is stated in section 33 of the Dart Harbour & Navigation Authority Act (1975). Dart Harbour is the only organisation able to licence the pontoon as it is on the Authority's land.

TD felt that there would also be a loss of the navigable channel

MH highlighted that this is clearly a significant issue, which is likely to remain for the next few months, while application works through. The architect is aware that there is an issue, and at this stage the Authority needs clarity on how we tackle this type of planning application and to establish processes and statutory and other reasons of why Dart Harbour is taking this action.

MC advised that he had offered to go on a group for the MMO consultation process.

ACTION 1: TH to develop a statement of the obligations, responsibilities of the Authority with regard to commenting on the marine aspects of planning applications.

013/19 Staffing

This matter was covered in committee.

014/19 Board Meeting Dates 2019

MH advised that he cannot commit to being able to attend Board Meetings held on Tuesdays.

A discussion took place and **it was agreed** to move 2019 dates back to the second Monday of the month.

ACTION: PJ to change dates and venues for the remainder of meetings in 2019.

015/19 Any Other Business

015/19.1 Anchor Chain.

JD expressed concern over the condition of a ground chain circulated as part of the weekly update by MC, and asked whether there should be more frequent inspections.

RE advised that there would be a need to check the main stream mooring tackle before the World comes in.

MC explained that the ground chain well dug in and regularly inspected and would get an explanation from the Moorings Manager and report back to the Board.

ACTION: MC to circulate report from the Moorings Manager to the Board.

015/19.2 Mervyn King

It was noted that Mervyn King (Chairman of the Authority between 1994 and 1997 and again between 2001 and 2002), had passed away and **it was agreed** to fly the Dart Harbour flag at half mast on the day of his funeral.

ACTION: MC to fly the flag at half mast on Friday 11th January.

015/19.3 Pilotage Policy

RE advised that he will circulate the Pilotage Policy to the Board.

016/19 Move “In Committee”

It was proposed by TD and seconded by RE with all in favour, “*that the meeting move into Committee*”.

IC 006/19 Decisions Made “In Committee”

It was proposed by MH and seconded by JD with all in favour “to ratify decisions made “In Committee”.

IC 006/19.1 Deputy Harbour Master Post.

This matter was discussed in confidence during the In Committee section and Dart Harbour are evaluating how best to structure the organisation in the light of the resignation of the DHM.

017/19 Date of next Meeting

Monday 11th February at 1830 hours in the Clifton Room, The Guildhall, Victoria Road, Dartmouth.