

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 11th March 2019, 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)
Richard Eggleton (RE)
John Ellwood (JE)
Tristan Harwood (TH)
Mark Hubbard (MH) – Chairman
Melanie Lessels (ML)
Tony Tudor (TT)

IN ATTENDANCE: Penny Johns (PJ) Senior Administrator
Rob Everitt (re) Assistant Harbour Master

034/19 Apologies for Absence

Apologies were received from JD and SD.

035/19 Minutes of the Meeting held on 11th February 2019.

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

036/19 Action Grid - Status of Actions set on 11th February 2019.

Ongoing Actions

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	Sept. TT/MC to continue to develop wording for Management Agreement for SHDC. Jan 19 - HM discussed with SHDC in Dec – SHDC trying to get the first draft through their lawyers. Feb 19 – Drafts received from SHDC require scrutiny and to send to our lawyers for their input. It was noted that the Board would need to think about how to deal with the sign off. Mar 19 – 1st draft of lease and management agreement received in Feb 19 – SHDC board paper for discussion on March Agenda.
Meeting Discussion	Ongoing – A back list of comments on the management agreement and leases has been sent to SHDC. To be discussed In Committee.

Issue/Min No	011/19
Description	Interim Review of the Moorings' Policy 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 Required	ACTION: JJD/JD to contact the Board Members not present and to prepare a revision and consultation mechanism with appropriate changes.
Status	Ongoing
Meeting Discussion	JJD had met with JD, and had broadly agreed a structure so as to be easy to understand and to be able to navigate the document as simply as possible. Two main sections had been suggested to include:- a) A geographical overview of the facilities on the river; b) Issues of allocation concerning Stakeholders, berth holders, waiting lists and licences. JJD will circulate a skeleton document to gain initial feedback from Board Members.

Issue/Min No	012/19
Description	Fish Hoek Planning Application
Action Required	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. ACTION 2: individual board members who have objected to planning applications (including Fishhoek) should note that they are not permitted to participate in discussions about it at Board meetings to ensure that transparency is maintained .
Status	February 2019. A discussion took place about Board Members' conflicts of interest in relation to Fish Hoek. It was agreed to discuss the policy of conflicts of interest and to develop a policy for this for clarification of Board Members' responsibilities. ACTION 3: It was suggested that a sub-committee consider this matter. Feb 19 HM has written to both owner and developer as discussed in Feb Board Meeting – outlining policy and stating that this does should not prevent them from applying to the Authority.
Meeting Discussion	MC advised that he had written to the owner and developer to advise that Dart Harbour has not seen an application for a MMO licence and advised them about the Dart Harbour Moorings' Policy with a descriptive explanation from the previous policy and advised that Dart Harbour is the relevant authority for all mooring licences. MH advised that the Board was quorate taking into account those Board Members who had recorded conflicts of interest. It was agreed to keep the policy regarding conflicts of interest under review. TT advised that at SHDC Councillors declare an interest, which does not prevent them from participating in meetings.

Actions Agreed at February 2019 meeting

Issue/Min No	024/19.2
Description	River Dart Commercial Users Group (CUG)
Action Required	Their next meeting is set for 13 th May. It was noted that this clashes with the Dart Harbour Board Meeting. ACTION: JJD to advised CUG of the clash of dates.
Status	Complete – date moved to 3 rd June 2019.

Issue/Min No	024/19.4
Description	Dart Estuary Forum
Action Required	It was agreed to keep a watching brief on this matter. ACTION: JD to keep board informed.
Status	Mar 19 – HM followed up with Peel ports on status of Dart. EA to present at estuary forum.

Issue/Min No	028/19
Description	Dart Harbour Community Fund (Formerly Young Champions)
Action Required	A discussion took place and it was proposed by JJD, seconded by TT with all in favour to:- <ul style="list-style-type: none"> a) Budget for an amount of £2,500 annually; b) Use the name Dart Harbour Community Fund (DHCF); c) Endorse and modify the fund criteria; d) Appoint ZBE as the lead for the DHCF, and to e) Approve and enter into discussion with DCF to administer the fund. ACTIONS <ul style="list-style-type: none"> a) Dart Harbour to generates its own PR around the new fund. b) ZBE to enter into discussion with Devon Community Fund (DCF). c) Invite the DCF representative to a board meeting or working meeting.
Status	a) PJ to Update the current entry on the website (Complete).
Update	Mar 19 – ZBE has taken advice and will form a small working group to encourage and take forward 2019 applications.
Meeting Discussion	ZBE advised that she had met with the DCF, who are pleased we are progressing this. The criteria for the award needs to be agreed and it was felt that the geographical link to the River Dart was most important and that, in the first instance any worthy beneficiary would be considered. This criteria could be narrowed down in future years. ZBE also advised that a panel would need to be agreed and it was suggested that ZBE, MC and a third person (perhaps from the Communities group) would work on this. It was noted that DCF will carry out due diligence on the scheme, but Dart Harbour would have some final say and input through the panel. A benefit may emerge from this scheme to help to

	shape where money comes/goes, particularly if there are influential people on the panel.
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Completed Actions to Note

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	Complete

Issue/Min No	009/19.2
Description	<p>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.</p> <p>TH advised that he would provide contact information for a prosecution lawyer who could be approached for advice for future reference.</p>
Action Required	<p>ACTION: TH to pass contact details to MC for the prosecution lawyer.</p> <p>TH developed draft enforcement policy, got a few other matters other than speeding. Proposal of a lawyer who regularly prosecutes offenders. TH Falmouth similar kind of thing. May be other things. No reason why one policy can't cover other things. Need to make sure in policy.</p>
Status	Feb 19 – Enforcement Policy has been drafted to be reviewed when policy is refined.

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	<p>Ongoing</p> <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
Update	Feb 19 – DHNA now acting independently to the MMO but keeping them informed of judgements. MC advised that he had written to the Fish Hoek developers to advise they need a MMO Licence, but that they also need to come to Dart Harbour for mooring licences. Action complete

Issue/Min No	027/19
Description	Financial Management
Action Required	ACTION: MH to circulate The Finance Department's report to the Board.
Status	Complete circulated by email 4 March 19

Issue/Min No	031/19
Description	Any Other Business The Classic Channel Regatta
Action Required	It was agreed to retain the charging rate as per previous year (1 day charge for a 3 day visit, extra nights to be charged at normal rate.
Status	Complete

037/19 Urgent Business brought forward at the discretion of the Chairman

St Christophe II Update.

MH provided an update to the Board on the insurance and legal position in relation to the St Christophe II vessel.

It was noted that TT and MC have been working on a response to a claim from the French owner and his insurer for the loss of the vessel. A defence and counter claim has also been prepared at short notice and sent off by the deadline provided. It was noted that the majority of this work was based on paperwork and records taken at the time.

TT advised that their claim is based on loss of use and earnings, but the vessel was in such a poor condition, that once it fell over there would be no way that it was going to float again, with all the watertight hatches blocked open, there was no ability to use them.

MC advised that the vessel was not seaworthy.

TT advised that the defence and counter claim indicates that the French are not going to be successful in their claim. TT also advised that Dart Harbour have additional money to claim from the French insurers and he thought that they may try and resolve the matter by mediation. It was noted that this is a liability claim and that TT and MC took the advice of Dorade Law because of their involvement at the time.

ACTION: TT/MC to report back to the Board on the progress of this claim and counter claim.

038/19 Declarations of Interest

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

There were none.

039/19 Questions from the Public.

There was one member of the public present.

Alan Sherratt (AS) asked for an update on his question from the February meeting. MC advised that JD was going to take the question to the Estuary Forum, who are already linked to young champions and to some education providers, but no meeting has been held yet. It was suggested that AS may wish to participate in the Estuary Forum and find it very interesting. MC advised that a wide range of representatives from agencies and education (eg Plymouth University) were involved.

040/19 Stakeholder Groups

024/19.1 Dart Harbour Communities Group (DHCG)

The next meeting is scheduled for 14th March and JJD will represent Dart Harbour as JD is not available.

040/19.2 River Dart Commercial Users Group (CUG)

Next meeting is now to be 3rd June 2019, so there is no longer a clash with a Board Meeting.

040/19.3 Association of Dart River User Clubs (ADRUC)

Next meeting is planned for either 9th or 11th April.

040/19.4 Dart Estuary Forum

The next forum is scheduled for 30th April. JJD and AS to be added to the list.

ACTION: PJ to add to the invitation list for the Estuary Forum.

041/19 Operational Report (including PMSC and Safety)

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

- a) **Allocations.** MC advised that the figure for reallocation of moorings in 2018 and 2019, were exactly same as last year. A few more are expected to give up.
- b) **Trot Moorings.** MC advised that allocations for trot moorings had got to the point where an allocation had been carried with no wait. MC explained that although there are approximately 120 people on the list, they are asking for different boat sizes. MC advised that this is not a shock, but as predicted two years ago. He advised that although the trots are not the prime choice, they are moorings that will be taken and then customers get used to using them and are happy with the cheaper option. This highlighted the need to review the moorings to meet the demands of the waiting lists.
- c) **DB Pontoon Upgrade.** MC advised that the DB pontoon has now been replaced and the the old pontoons disposed of. The project went very smoothly. MH advised that the pontoon looks lovely from the land. MC advised that the pontoon is currently slightly rocky, but it is wider and it will bed down in time (eg mussel growth etc). MC advised that the walkway was completed in 2018 and the outside pontoons are

planned for 2020. The southern end of the DA pontoon has also been updated and these pontoons will be monitored during 2019 to gauge stability. JJD asked if consideration had been given to installing white caps on piles to tidy up the appearance of the piles.

- d) **Harbour Guide.** It was noted that the 2019 Harbour Guide has now been published and copies of the publication were circulated to Board Members. There is a link to an online version of the guide which is viewable on mobile phones and tablets at <https://tinyurl.com/darthatbour2019>. It was noted that the 2019 guide was a good improvement on the 2018 guide and that the centre pages, containing essential information, maps and tides, can be pulled out as a separate document.
- e) **Planning.** MC advised that he has responded to consultation on a Seaweed Farm in Start Bay with an objection because of the impact on the CUG, following a response from the South Devon Channel Shellfishermen, highlighting that the proposed area would take an area away from a crab potting location. MC also advised that he had a discussion with Trinity House on navigation issues.
- f) **Operational Management Update.** MC advised that the current management team situation is working well and he is not struggling following the departure of the Deputy Harbour Master.

042/19 Marketing Strategy Update/May Workshop

- a) **Social Media.** MH updated the Board on marketing, communications and PR and it was noted that a huge amount of effect is being generated from the social media activity. Engagement with customers has improved and Instagram, which is used to share the day to day activity of the river team, is improving the awareness of people about what work Dart Harbour carries out. The feedback from customers is generally very positive across all social media channels with one in particular, showing an image of the team bringing in high levels of praise and good comments.
- b) **Website.** MH advised that a lot of effort is going into developing the new website, which is being implemented to correct the fact that the current site is not compatible with mobile devices, especially in view of the fact that 50% of traffic is now from mobile devices. The work is progressing well with the architecture, site map, functionality and design work complete, the build is almost complete and content input is the next phase.
- c) **Marketing.** Research has just started to review the location of our customer base and at first sight it appears that the map is particularly dense around Birmingham, Bristol and Somerset, as well as local customers. JJD asked if there are any figures on this to be able to evaluate against local pressure for his work developing the Moorings' Policy. MC advised that holiday/second homes also has some impact on these figures. MH advised that the age profile of customers is not currently available.
- d) **May Workshop.** MH also been debating what to do at the May workshop. One of the activities is to develop a link between Dart Harbour's strategy and how to move forward to deliver those objectives. At the May workshop it is proposed to look at how we move forward to readdress the overall strategy, what approaches we need to make and the different elements that need to be included.

043/19 Enforcement Policy

The Enforcement Policy was circulated to Board Members at the meeting. MH advised that Board Members should take away and review it and respond if they wish to make any comments. If no comments are received within the time given then it will be assumed to be accepted in its current draft and be adopted. If queries are raised, then it will be recirculated for further comment.

MC advised that he had approached a lawyer at the South West Regional Ports Association who is going to look at the enforcement policy, the Dart Harbour Act, The Harbour Revision Order to supply a short report on the Authority's powers.

It was proposed by RE, seconded by ML with all in favour to review the Enforcement Policy and respond to MC before 15th March with any queries.

ACTION: All Board Members to review the Enforcement Policy and respond if they have any queries to MC.

044/19 Correspondence

Board Members to advise on any correspondence received.

MC reported on an email received commenting on how he was pleased to see the ratified minutes were put on line so quickly following the meeting.

045/19 Any Other Business

045/19.1 The Finance Report

MH asked Board Members if there was any feedback on the finance report prepared by The Finance Company, that had been circulated by email.

MC advised that the recommendation that the Authority moves from Sage to Xero accounting software, would be dependent upon being able to link with Harbour Assist (HA) and also advised that there is a specialist skills gap in our staff skill sets.

MH advised that there were three main areas where improvements could be made:-

- a) The accuracy of the VAT reporting. This needs to be corrected, although not currently under pressure from HMRC to do this.
- b) The timing of VAT declarations needs to be corrected, because the pre-payment invoices sent in January, should be created as proforma invoices and not invoices, as Dart Harbour are not a cash accounting business.
- c) HA is breaking the current accounting system and the reporting needs to be manipulated to make it work. This is an activity for us to broker with HA or to find alternative solutions, which may incur a cost to the Authority. This falls into a category where the experience of current staff is not at the level needed to resolve this. MC also advised that he had spoken to Northcott Trumfield who had not provided any useful feedback. MC is aware that a conversation is needed with HA in order to be able to correct the information held there.

Improvements to the monthly financial report to the Board had been suggested and TD wanted to know more information about what was behind that and that it should be circulated to the Board.

MH recommended that Dart Harbour engage The Finance Company to begin to move this forward and advised that the HA element may be complicated.

MH wants to ensure that once a fix is progressed that it stays in place.

045/19.2 Premier Marina (Noss on Dart)

MH advised that the Premier deed has now been signed by Premier Marina and Dart Harbour.

046/19 Move “In Committee”

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

IC 023/19 Decisions Made “In Committee”

It was proposed by JJD and seconded by RE with all in favour “*to ratify decisions made “In Committee”*”.

There were no decisions to be published in the open minutes.

047/19 Date of next Meeting

Monday 8th April at 1830 hrs in the Quarter Deck at the Royal Dart Yacht Club, Kingswear.