

# Dart Harbour and Navigation Authority

## Minutes of a Meeting of the Dart Harbour and Navigation Authority held by Zoom on Monday 9<sup>th</sup> November 2020.

**PRESENT:** Mike Burden (MB)  
Tim Dewing (TD)  
Julian Distin (JJD)  
James Dodd - Chairman (JD)  
Richard Eggleton (RE) – Interim Harbour Master  
John Ellwood (JE)  
Melanie Lessels (ML)

### 1. Apologies for Absence

Apologies were received from ZBE. TH was not present but no apologies had been received.

### 2. Minutes of the last Meeting.

The minutes of the Board held on 12th October 2020 were approved for signature by the Chairman.

### 3. Actions from October Meeting

Item 6	SHDC Lease –In progress SHDC New locations – In progress - report in January
Item 7	New Style Finance report – complete.
Item 8	Clerk to Board – In progress
Item 10	Board Recruitment – In progress Board Skills Audit – In progress Board Appointments – Change from Action to Decision
Item 11	Strategic Objectives – In progress – report in January.
Item 12	Recruitment and selection of core principles. Complete

**Decision:** That the Board review the Board Members' skills and terms in Spring/Early Summer every year, to inform future recruitment plans.

### 4. Declarations of Interest

No Board Members declared any personal or disclosable pecuniary interests for the matters included on the agenda.

JJD advised that he had a meeting with RE and discussed the North Embankment Potential Improvement of Access project in order to hand the project to the Harbour Master to lead. Other general AONB matters were also discussed.

JJD advised that he is a member of the Dartmouth & Kingswear Society and that this be updated on the Register of Conflicts of Interest.

## 4.1 Register of Conflicts of Interest

JD wanted to record his personal thanks to all the efforts that Penny Johns (PJ) is putting in at the moment.

JD referred to the report prepared and asked if Board Members supported the recommendations contained in it.

### Recommendations

That the Dart Harbour Board adopts both elements of the Register of Conflicts of Interest and complies with the administration methods identified below:-

- a) All Board Members to update their main Declarations of Interests, when any changes take place in their circumstances.
- b) All Board Members make the Chair aware of any new conflict of interest during discussion and withdraw from the discussion.
- c) All Board Members to email the Chair after the meeting with an outline of the new conflict of interests to ensure complete transparency and a documented paper trail. Sample text for email shown below:-

“At the meeting held on dd/mm/yyyy when discussing agenda item xx, subject xxx, I stated a conflict of interests, because xxxxxxxxxx [reason for conflict] and I [action taken] eg I did not participate in the discussion/left the room/did not vote on any decision.

RE advised that all elements of the recommendation were in line with the Board Members Guide.

**Decision:** It was proposed by JD, seconded by ML with all in favour to adopt the Register of Conflicts of Interest and follow the actions set out in the recommendations.

## 5. Urgent Business

### 5.1 Estuary Steering Group

JD asked JJD to brief the Board on his attendance at the Estuary Steering Group meeting.

#### 5.1.1 Lighthouse Beach

JJD advised the Board on the efforts of Kingswear Parish Council and others to try and restore public access to the beach at Lighthouse Cove and outlined how the Authority has been involved with this in the past. At the Steering Group, there was a request from Jonathan Hawkins (Devon County Council, District Councillor and member of AONB Estuaries Partnership Steering Group) for organisations to support Kingswear Parish Council in writing to the MP with a copy the Minister (George Eustice MP). JJD also advised that there has been use of this beach by the public, both on foot and by boat for over 200 years.

A discussion took place about whether this was Dart Harbour business and JJD felt that it is because our responsibilities extend to the facilities on the shore that support the uses that our customers and stakeholders wish to make of the harbour.

**Decision:** It was proposed by JJD, seconded by MB with all in favour that Dart Harbour lend its weight to the debate on the Lighthouse Beach and write to the MP and copy in the Minister in support of the request to reinstate the public footpath to Lighthouse Beach.

**ACTION:** RE to liaise with Jonathan Hawkins and JJD and draft letter to the MP and copy the Minister.

### 5.1.2 Natural England

JJD advised that Natural England are finalising Conservation Advice Packages in relation to a number of MCZ designations and the Dart Estuary MCZ should be ready by the end of 2020. Dart Harbour had concerns that we were signed up for the designation without any real idea of what this may mean in management terms in the estuary. This is something that we need to look out for and it is an area where we will need to maintain good co-operation with the AONB to work on this going forward.

### 5.2.3 AONB Funding

The AONB have asked for an early indication on the level of continuing support from funding partners. There is normally an annual increase in line with RPI as a baseline, but they would like to know whether Dart Harbour are committed to this.

JJD outlined some historic information about the level of funding and a discussion took place about the level of support Dart Harbour gives to the AONB Estuary Partnership.

**Decision:** It was proposed by JD and seconded by JJD/TD with all in favour that **the budget for the AONB Estuary Partnership is increased to £7,500 for 2021.**

**ACTION:** JJD to liaise with Roger English and inform him that Dart Harbour will contribute £7,500 in 2021 and if a written response is required that RE draft this letter.

## 6. CEO Report

RE verbally presented his report and advised that the new format is based on the 10 key statutory harbour authority points within the Port Marine Safety Code, and the following matters were noted:-

**6.1 Duty Holder Update.** Interaction with the Board has been good and all are following the Board Members' Guide.

**6.2 Port Marine Safety Code.** To be covered at item **9**.

**Legislation/Duties & Powers:** Dart Harbour applied for a Harbour Revision Order (HRO) in order to be able to change our powers. Our HRO application underwent a 45 day consultation period. Dart Harbour lawyers have advised that the general feedback from the consultation is very positive with no major flaws were identified. We are waiting the final feedback from the Marine Management Organisation (MMO), but indications are that there are no concerns. The HRA will go before parliament in February 2021 to be signed and sealed and it will be law by March/April 2021, at which point we will be able to review and update the Dart Harbour Byelaws.

**6.3 Risk Assessments.** To be covered at Agenda item **9**.

**6.4 Marine Safety Management System:** The next audit will take place in Spring 2021.

**6.5 Competence.** RE gave the Board an update on staff training in progress and qualifications obtained. Customer Service training was also planned for staff.

**6.6 Plans.**

- Safety Plan 2021-22 - update is underway and we plan to publish by year end.
- Business Plan 2021-22 – work on this is underway.
- Oil Pollution Response Plan – has now been approved by the MCA,
- Security Plan – has been reviewed by the DfT and is also being reviewed in house.

**6.7 Aids to Navigation:** All aids to navigation operating well

**6.8 Other.** The new pilot boat will be on the water in the next few weeks and a new Yacht Taxi due for delivery in December. Pontoon replacement is planned and 61m pontoons have been ordered to start the replacement of the KP pontoon at a cost of £170,000 in line with the agreed figure to avoid corporation tax.

**6.9 Noss.** Construction is well under way now and a 45m jack up barge will soon be in place to support the building of the new quay.

**6.10 Duchy of Cornwall.** RE had met with Tom Stratton from the Duchy. He is looking to build on the relationship with Dart Harbour and would like the opportunity to meet the Board and present information about the Duchy and how their involvement ties in with us. The Duchy also advised that they are keen to look into investment opportunities within the marine industry and they would be keen to be an investment partner with us. RE suggested that the Board have a think about what opportunities there may be. A further discussion took place In Committee about investment opportunities for the Duchy.

**ACTION:** RE to invite Tom Stratton of the Duchy of Cornwall to the January Board Meeting in the Clifton Room subject to social distancing or COVID restrictions in place at the time.

**6.11 Finance.** RE commented on the Finance Report and the Dart Harbour finances are in a healthy state. Year to date we are on a par and where we should be, our income is down by £62k for the year to date, but expenditure is down, purchases are down, capital we have underspent by a lot, but £170 of that is committed, overheads are underspent, so RE and TD are happy with the financial position. TD advised the shortfall in income is offset by an underspend.

## **7. Board Members' Status and Recruitment**

JD advised that the closing date for applications had passed and 10 CVs have been received and seven of them are being contacted by Fitzgerald HR to supply a covering letter so they apply in accordance with the criteria set by us by close of play on 11<sup>th</sup> November, A late email application has also been received it has been decided to include it in the competition. JD will approach Richard Ballantine (CEO of the British Ports Association) to act as an independent member of the selection panel. JD will keep the Board advised on who is chosen.

A discussion took place about the skills needed on the Board and legal, finance and ports/marine management were the key skills that need to be recruited for.

## 7.1 Election of Vice Chair

JD asked if there were any nominations for the position of Vice-Chairman of the Dart Harbour & Navigation Authority. It was proposed by JE and seconded by TD that Melanie Lessels be elected as Vice-Chair for 2020. There were no other nominations and on being put the vote was carried unanimously.

**Decision:** ML is elected as the Vice-Chair of Dart Harbour.

## 7.2 Annual Appraisals

JD advised that Annual Appraisals for Board Members are required as part of the Ports Good Governance Guide and the BPA endorses this very strongly. The process has not taken place for approximately 8 years and needs to be reintroduced.

**Decision:** Appraisals for Board Members are to be reintroduced.

**ACTION:** Board Members to look at the appraisal form and complete your views on your performance this year and email to JD and ML before the end of November so that a Zoom appraisal can take place in December.

## 8. Administration – Board Member Resignations

There have been four Board member resignations during 2020, which have not been recorded in the minutes of the Board until now. For administrative/governance reasons the changes to the Board need to be noted in the minutes for the record.

It could also be noted that the resignation of these Board Members also serves to bring the number of Board Members within the correct level (eight) stated in the Dart Harbour & Navigation Harbour Revision (Constitution) Order 2002 (not less than seven and not more than nine members appointed by the Authority).

**Decision:** To record the following information in the Minutes of the November Board Meeting to provide a written record of these changes to the Board.

- 8.1 Mark Hubbard resigned as Chair and as a Board Member at the end of February 2020. James Dodd took the chair for board meetings until his nomination to Chairman in April 2020.
- 8.2 Shona Duncan resigned as a Board Member in March.
- 8.3 Richard Eggleton resigned as a Board Member in July in order to become Interim CEO/Harbour Master following Mark Cooper giving notice of his intention to retire as Harbour Master/CEO in September.
- 8.4 Tony Tudor resigned as Board Member in September.

## 9. Annual Meeting 2020/21

It had been agreed to hold the Annual Meeting in February and PJ had provided several options available to use the Flavel depending on the COVID restrictions likely to be in place.

A discussion took place about the different methods and the lead in time needed to arrange the Annual Meeting

**Decision:** To decide the format for the Annual Meeting at the January Board Meeting at the latest.

**ACTION:** PJ to ensure that the decision is taken at the January Board Meeting.

RE wanted to make a comment about PJ, she has been super helpful and really good in the last few weeks of trying to pick up what's happened in the last nine months when she has not been involved and try and rebuild it all and is communicating well. She has been a massive asset to me and there is nothing that has been going on with JD and Penny, that I haven't known about or authorized so the system is working, which is really good.

RE asked that Board Members use the Board Report template so that all reports are uniform.

**ACTION:** PJ to email board and send the template

## **10. DP Autumn Audit Report**

Dart Harbour's Designated Person (DP), Andi Lloyd (AL), has completed his Autumn Audit and the report had been circulated to Board Members.

### **Risk Assessments**

AL presented his findings and mentioned that they mainly revolve around Dart Harbour's risk assessments. He stressed that this should not be taken as a criticism, but risk assessments have become massively important. He advised that although the risk assessments were studiously maintained, but were not necessarily the right process to do the job. The Port Marine Safety Code Guide to Good Practice points out a certain way of doing risk assessments, which considers the effect it has on life, the environment, property and the infrastructure of the port. Dart Harbour do not currently follow all these areas. The following recommendations were made:-

- a) The risk assessment methodology should be reviewed, and a usefulness evaluation completed on an early sample.
- b) New risk assessments should be generated using the correct format and, where possible amalgamating the hazards into broader groups.
- c) Consultation should be undertaken at various stages of the review process with interested/affected parties both internally and externally.

RE advised that work is in process to review Dart Harbour risk assessments. The pre-audit carried out before AL arrived had already identified this. We are working with AL to prepare new formats for risk assessments and drafting a new template. We will then roll out the transfer of the old risk assessments to the new template. We will need to review them all as we go through because they can't be transposed straight across. The hazards and mitigating factors are still the same, but only for the hazards already identified we are not looking at reputational risk, environmental risk or cost to the Authority. The first ones should be up and running in the next week or two, then it will take six months to roll over, because we want to do it properly.

AL advised that the staff had understood the reasons why the changes were required and had agreed that the new method would be better for them and for the organisation. This will be a really good step in the right direction and does form a foundation of Dart Harbour's PMSC.

d) Permit to work system, based on formal requirements and risk assessments to be implemented for both internal staff and external contractors.

These have become important in the last year or so, for certain classes of work to be undertaken. There is a formal system known as the Permit to Work, for both ashore and float. This is basically an enhanced risk assessment process that actually hands over the site to the person who is responsible for the work. So work involving welding/hot work, high voltage electricity systems, working over water etc would all come under permits to work. Staff have been doing it informally but this needs to be formalised to ensure it is fully documented.

RE advised that the permit to work template is ready to roll out and a process is being developed so that staff know when and how to use it.

e) Duty coordinator and office staff liaison should identify issues occurring, with the aim of clearing up any concerns with this routing in order to avoid confusion on the part of ops staff or conflict with working patterns.

AL advised that morale is very good and RE's handover for the audit was refreshing, my view was he treated as how I'd expect it to be treated. Staff felt they had everything to do their roles and to do it well. Communication between the river and office staff needs some improvement with communications going through the Ops Co-ordinator as the essential way ahead for that.

f) Near miss reporting system designed as suggested above may improve reporting of this key information which would, if properly actioned have a direct impact on lowering incidents recorded.

Accidents Incidents and Near Misses is a crucial part of what we look at to test how effective the safety systems are. It has been the desire to get improved accident reporting on previous reports, AL things we are getting them when there is an accident or incident, they are yet to be analysed for this year, but certainly there has been a massive growth in paddle sports this year and particularly in Dart Harbour there has been a lot of conflicting use of waterways, clearly you don't want to stop people using the river with paddle sports and it is a fantastic setting for that, but it has caused some friction with getting too close to various commercial vessels, the car ferries particularly. Some of the crew are doing good work in trying to get the message across and good initiatives coming forward for next year. A lot of good work going on there.

Near miss reporting, with the accident reports the general view is that near misses precede an accident by several magnitudes. Basically, you have lots of "that could have happened" and then something will happen. It is another recommendation to try and encourage people to report their "could have been" rather than just the accidents and incidents. Simplicity is the key to have a simple pad that you can make a few notes and throw it into the system as a near miss. If a trend is identified in the near-miss reports, an indicator of a developing problem can be identified.

AL advised he is always impressed by the professionalism at Dart Harbour, certainly from the operational side, it's reassuring and good to see.

A discussion took place in relation to anonymity of reporting. RE advised that a letterbox system will be adopted which can be anonymous and the trends can be identified. RE advised that he is also looking at ways we can share with the public, so the general public can add to the near misses being reported.

**ACTION:** RE to report back in January on progress against the recommendations in the DP's report.

JD thanked AL for his presence and for the report which was found to be well structured, easy to read, and gave clarity on the proposals made.

## 11. PMSC MCA Self Declaration

RE advised that every three years we need to report to the MCA that we feel we are compliant with the Port Marine Safety Code, this is based upon the DP's report to the Board and the Harbour Master's report. Our declaration is due before March 2021. I would recommend based upon the DP report that we submit a letter to the MCA confirming that we feel we are compliance with the PMSC. RE is very comfortable to say we are compliant and the action needs to be sent to the MCA by the Duty Holder.

**Decision:** It was unanimously agreed to inform the MCA that Dart Harbour are compliant with the Port Marine Safety Code.

**ACTION:** RE to prepare letter for the Duty Holder's signature.

## 12. Dart Harbour Board Committees

JD referred to the report on Dart Harbour Sub-Committees and suggested that the following Committees might be of use to the Board and to the Executive:

- Finance & Remuneration
- HR
- PMSC & Safety

Terms of reference for Finance & Remuneration, HR and PMSC & Safety Committees had been prepared from the templates provided in the Board Members' Guide and had been circulated to the Board.

MB felt that the terms of reference for the Finance committee should be wider, specifically I think the Finance & Remuneration Committee should consider the financial risks as one of their terms of reference. TD – I thought it was implied but I am happy to add it specifically.

A discussion took place about whether a committee should have an oversight of the business systems run by the Harbour Authority.

JD summarized the discussion and advised that the systems we choose is the CEO's responsibility and if staff are unable to use it then the CEO must get them trained to use those systems, we as Board Members can be invited in by the CEO and if there is no Board Member with that experience then a consultant would be appointed to provide that assistance and knowledge. The fundamental responsibility stays with the CEO. In the terms of reference for a sub committee, the element of financial risk should reside within



the committee, bearing in mind that the CEO sits on all these committees.

## **Decisions**

- a) Finance and Remuneration Committee is endorsed subject to an amendment to include financial risk
- b) HR Committee is endorsed.
- c) PMSC and Safety Committee is endorsed.
- d) Board Members to discuss which committees they would be involved with as part of their appraisal in December.

### **12.1 Environment Committee**

JD advised that a concept for an Environment Committee had been suggested asked the Board whether this should be created.

A discussion took place and a proposal from RE was supported to incorporate the environment into the PMSC Safety Committee, to become the Health, Safety and Environment Committee which would fit in well there because a lot of operational safety concerns have an environmental impact.

### **12. Move Into Committee**

TD and JJD voted to move the discussion into Committee.

### **13. Decisions**

The following "In Committee" items were approved for publication in the main minutes.

### **14. Date of Next Meeting**

Monday 11<sup>th</sup> January 2021 at 1830 hours in the Clifton Room, Dartmouth Guildhall subject to COVID restrictions.

JD advised that the programme of Board Meetings for 2021 will be developed with an aim to go to six meeting per year taking into account that committee meetings will also be taking place.