

Minutes of a Board meeting on Monday 12 June 2023 @1830 at the Harbour Office, Dartmouth

In the text of the minutes Members (except for the Harbourmaster) and regular attendees are referred to by their given name and the first letter of their family name. In the Appendix their names and roles are listed together with a list of the abbreviations that may appear in the text.

Confidential items have been removed.

1. Administration

1.1 Attendance – Apologies received from Anne-Marie C and Tim D.

1.2 Minutes - The Board approved the minutes of the May meeting.

1.3 Declare interests – none.

1.4 Follow up actions from previous meetings

Jetty at Dittisham Creek – The Harbourmaster has answered questions from Dittisham Parish Council. The council will discuss the jetty at its meeting on 5 July.

Mooring Policy – The position remains as at the last meeting; the Harbourmaster is working to complete the draft policy for consultation. This work has been delayed by more pressing matters.

Strategy – Publication of the updated Strategy has been held up by the need to get an editable format from the service provider who did the artwork when it was first published last year.

Events – Emma M attended the Dart Estuary Forum meeting held at the Noss facility of South Devon College with the Harbourmaster. The facilities and staff were impressive. She suggested a Board meeting there with a tour of the facility and its work.

1.5 Advisory Bodies – The Board discussed and approved the draft Advisory Bodies Policy to give effect to the requirements of Article 14 of the HRO 2002 in relation to the general duty to consult Advisory Bodies and Article 2 of the HRO 2021 in relation to the making of General Directions.

Their effect is to require Dart Harbour to accredit qualifying Advisory Bodies and to consult with them, and to give notice to the Dart Harbour User Group (the Advisory Bodies as a collective) of any intention to make, amend or revoke General Directions, and to consider the group’s representations.

Members noted that these requirements are distinct from the advisory guidance in relation to Stakeholders contained in the PGGG. While Advisory Bodies are Stakeholders, not all Stakeholders are Advisory Bodies.

By way of next steps, the Harbourmaster will settle the process to identify, and approach qualifying bodies to accredit them and publish materials encouraging potential Advisory Bodies to seek accreditation.

2. Harbourmaster

2.1 Letter from the Minister for Aviation, Maritime, and Security (DfT) Baroness Vere re Ports

Governance

By letter dated 1 June 2023 the Minister reminded ports of the importance and value of the PGGG and the PMSC, stressing that ports should fully implement their requirements as applicable. Members studied the letter, noting that the Minister's reminder is aligned to the work of the Harbourmaster and Board to give full effect to the PGGG and the PMSC. The Harbourmaster confirmed that Dart Harbour submitted the compliance report during the recent PMSC Compliance Exercise referred to in the letter.

2.2 Finances

Format of report

The Harbourmaster presented the monthly financial report in a new format. A discussion followed during which the following points arose.

- The report presents three views, the calendar month of the report, year to date, and forecast to the end of the year.
- The views for the month and year to date present for the period in question last year's figures, actuals, budget, and variance.
- The forecast year end presents last year's figures for the year, this year's budget, a forecast for the current year, and the variance between the budget and the forecast.
- The budget, set in the annual budget setting exercise, does not change.
- The forecast for the year is a judgment considering known facts when the report is prepared including timing of receipts and payments and the periods they cover, increases and decreases in costs and income, and developments likely to impact financial performance during the remainder of the year.
- In relation to income, a minus variance means that income is below budget to the extent of the variance. In relation to costs, a minus variance means that costs are higher than budget to the extent of the variance.
- It would be helpful to present, in addition to the forecast to year end, the year to date + budget to year end.
- Members requested the Harbourmaster to add a written overview to each report to highlight what he considers is important in the figures presented.
- Further work is required to include depreciation and capital expenditure in the report.

Members raised questions on points of detail in relation to the figures which the Harbourmaster answered or undertook to check and reply to after the meeting.

Financial Performance

The Harbourmaster confirmed that Dart Harbour's financial performance remains on track, the current forecast for the year indicating net operating income will be slightly ahead of budget.

Other Financial Matters

Investment of funds not immediately required for operational purposes

The Harbourmaster had shared before the meeting information about the possibility of investing funds not immediately required for operational purposes in UK government bonds ('gilts'). Members noted that investing in government bonds would involve trading risk (their value goes up and down), an area on which Dart Harbour does not have expertise.

Financial Services Compensation Scheme

Returning to this subject raised at prior meetings, the Harbourmaster explained that the rules are unclear; Dart Harbour may well not be protected under the scheme. Even if it is protected, if Dart Harbour holds more than £85,000 with a financial institution that fails, the amount more than £85,000 is at risk.

Low value depreciated assets

The Harbourmaster mentioned that it is intended to write off the value of low value depreciated assets in the balance sheet. This arises from applying decreasing balance depreciation over a period of years rather than straight line depreciation.

The Board requested the Audit and Risk Committee to adopt these three matters.

2.3 Operational Report

The Harbourmaster took questions on his operational report.

Yacht taxi near misses

A yacht taxi had two near misses which occurred in a single shift and involved the same yacht taxi driver. The first involved the Lower Ferry having to take evasive action, the second a potential collision with a paddleboarder.

The incidents are attributed to lapses of concentration on the part of the yacht taxi driver. The use of a mobile phone may have been a factor in the near miss with the ferry. A discussion followed of yacht taxi drivers' use of mobile phones, accepting that they must use them to operate the taxi service.

The Harbourmaster outlined briefings that have since been given to the drivers explaining that they are not required to answer incoming calls immediately. They can defer taking or returning calls until it is safe to do so.

Environment

The Harbourmaster explained that Dart Harbour is making a +£3,000 contribution to the AONB application for Landscape Recovery Funding (c.f. Safety & Environment Committee May minutes).

Office Staff

The recruitment of a part-time administrative assistant for the office is continuing, no suitable candidate has come forward so far.

2.4 Emergency Procedures

The Harbourmaster summarised the presentation of Dart Harbour's emergency procedures made to the Safety and Environment Committee, pointing out the potential role of a Member attending at an emergency command centre (typically in Exeter) as a point of liaison with Dart Harbour (which would in practice be by mobile phone to the Harbourmaster).

The reference to external lawyers prompted a brief discussion of Dart Harbour's management of its external lawyers and agreement that the choice of lawyers and how the relationships with them is managed would benefit from a review, Joanne P offering her assistance given her background in legal services.

2.5 Safety Culture Survey

The Board suggested an internal safety culture survey following the recent favourable audit report from the DP to check that staff's perceptions are aligned to the viewpoints of the DP and Harbourmaster. The Harbourmaster conducted the survey and presented the responses to the Board.

Members discussed the overall positive responses to the survey which support the DP's recent assessment and the perceptions of the Harbourmaster and Board.

Members reflected on the river officer's response to the question, the Board ... *'are very concerned about my safety and the safety of the harbour as a whole.'* The score of 58% indicated that a small majority of respondents agreed with the statement. This was the lowest score of the survey prompting consideration of the reasons why a significant minority of river officers do not identify with the statement. Points arising from the discussion included the following.

The Harbourmaster surmised that while river officers indicated in their other responses that they are satisfied Dart Harbour takes safety seriously they are unclear to what extent the Board has line of sight to and is concerned with safety issues.

Members suggested that the Board's practice of maintaining an appropriate distance from the Harbourmaster's performance of his operational responsibilities may contribute to a sense on the part of river officers that the Board is not actively engaged on safety issues.

The Harbourmaster has a role to play in communicating to staff the work of the Board and Members' personal accountability for and concern with safety, including the safety of river officers.

Members went on to identify actions to assure river officers that safety on the river is the Board's number one priority including:

- following John's M's example of spending a day on the river and at Hoodown with the team to better understand their work, and
- going out on the river as a group to gain a closer understanding of the work.

Members offered ideas to the Harbourmaster to assist staff understand the Board's work in relation to safety including:

- inviting a member of a staff to attend Safety and Environment Committee (in addition to the Assistant Harbourmaster – Compliance),
- having an employee safety representative,
- briefing staff on the work of the board (with or without the involvement of a Member), and
- asking the DP to investigate this particular response to the Survey in his interactions with river office during his next audit.

3. Safety & Environment Committee meeting 3 May

Emma M summarised the meeting, (c.f. the Committee minutes).

4. Next meeting

Monday 10 July @ 1830 – Operational Update – hybrid online / in person

[meeting closed @2047]

Appendix

Dart Harbour Board

Name	Role
Paul Britton	Harbourmaster
Mike Burden	Member
Anne-Marie Coyle	Member
Tony Davis	Member, Chair of Audit and Risk Committee
Tim Dewing	Member and Chair
Julian Distin	Member, Chair of Safety & Environment Committee
Emma Magee	Member
John Milsom	Member, Vice Chair and Chair of Human Resources Committee
Joanna Poulton	Member
Lloyd Turner	Member
Regular attendee(s)	
William Lewis	Clerk

Abbreviations

<u>Term</u>	<u>Abbreviation</u>
Accredited advisory body in terms of Article 14 of the HRO 2002	Advisory Body
Annual General Meeting	AGM
Association of Dart River User Clubs	ADRUC
Conservancy duty in term of the PMSC	Conservancy
Dart Harbour and Navigation Authority (a SHA)	Dart Harbour
Dart Harbour and Navigation Authority Act 1975	1975 Act
Dart Harbour and Navigation Harbour Revision (Constitution) Order 2002	HRO 2002
Dart Harbour and Navigation Harbour Revision Order 2021	HRO 2021
Dart House Limited (the company that owns the land and building housing the Harbour Office)	Dart House
Dart Harbour mooring	Berth
Dart Harbour User Group being Advisory Bodies referred to collectively in the HRO 2021	Dart Harbour User Group
Dartmouth Public Slipway Trust (Charity no. 1178833)	Slipway Trust
Dartmouth Town Council	DTC
Dartmouth Yacht Club	DYC
Department for Transport	DfT
Designated Person under PMSC	DP
Dittisham Sailing Club	DSC
General Direction in terms of the HRO 2021	General Direction
Harbours, Docks, and Piers Clauses Act 1847	1847 Act
Harbour Master and Chief Executive	Harbourmaster
Independent Statutory Auditor PKF Francis Clark LLP	Auditor
Maritime & Coastguard Agency	MCA
Mean High/Low Water Spring tide	MH/LWS
Member of Dart Harbour in terms of the 1975 Act	Member
Members of Dart Harbour referred to collectively	Board
Merchant Shipping Act 1995	1995 Act
Port Marine Safety Code (DfT & MCA)	PMSC
Ports Good Governance Guidance (DfT)	PGGG
Royal Dart Yacht Club	RDYC
Statutory Harbour Authority	SHA

Stoke Gabriel Boating Association
Sit on top kayak
South Hams District Council
South Devon Area of Outstanding Natural Beauty
Stakeholder(s) in terms of PGGG Part A Section 2 and Part B S Section 2
Stand up paddle board
TMS Marine Limited (Dawlish)

SGBA
SOT
SHDC
AONB
Stakeholder(s)
SUP
TMS