

NEWLYN PIER AND HARBOUR COMMISSIONERS

MEETING OF THE COMMISSIONERS HELD AT 9.00 A.M. WEDNESDAY 5 OCTOBER 2011 AT THE NEWLYN CENTRE

In attendance: Gilbert McCabe (Chairman) (GMcC)
 Kevin Bennetts (KB) – Joined the meeting at 9.20 a.m.
 Glenn Caplin (GC) – Joined the meeting at 9.30 a.m.
 David Stevens (DS)
 Elizabeth Stevenson (ES)
 Ray Tovey (RT) – Left the meeting at 10.00 a.m.

Also in attendance Elaine Baker, Commission Administrator (EB)

	<u>PART A PUBLIC PARTICIPATION</u>	<u>ACTION</u>
	<p>The Chairman welcomed members of the public to the meeting and asked from questions from the audience.</p> <p>Ruth Simpson urged that the reasons for the dismissal of the Commissioners to be made public. She also commented that in accordance with good governance management, the Board had a duty to consider all requests made from the Advisory Body, and asked when NPHC would be considering its request for the implementation of an appeals process in respect of the dismissal of Commissioners, to which there had so far been no response.</p> <p>The Chairman commented that the dismissal reasons had been published and had been reflected in the recent article in the Cornishman newspaper. Discussions were to be held with Cornwall Council’s legal services on a number of governance issues, including an appeals process and that following the completion of those discussions, and further consideration by the Board, the Advisory Body would be formally advised of the Board’s decision.</p> <p>Mrs Simpson stated that she was not satisfied with the reasons for dismissal. The Chairman noted her comments.</p> <p>Some concern was expressed at the involvement of Cornwall Council in establishing an appeals process for NPHC, and the Chairman confirmed that the Board had accepted an offer of assistance and was currently reviewing examples of best practice. There would be no involvement by Cornwall Council in the management of NPHC.</p> <p>Fiona Thomas-Lambourn stated that she had recently met with Andrew George MP, and that she was concerned that a letter which had been sent by Andrew George to the Chairman had not been made public. Mrs Thomas-Lambourn read out a letter dated 5 September 2011, regarding the removal of Commissioners. In conclusion, she felt it was unfortunate that the Board had declined</p>	

	<p>to take on board the advice to seek a workable way forward.</p> <p>John Lambourn requested that he be provided with a copy of the Part 2 minutes of the Board meeting held on 7 September 2011, in particular the statement that he made in respect of the discussion on the Chairman's report on the "Future Composition of the Board of Commissioners". Mr Lambourn was advised that as he was no longer a Commissioner he was not entitled to receive a copy of the Part 2 minutes as they contained information of a confidential nature which must not be disclosed to the public. It was suggested that an extract of the minutes relating to his statement may be provided, but legal advice would be sought, and Mr Lambourn advised accordingly.</p> <p>John Mackenzie, Aspire Co-ordinator presented to the Board details of a mural art project in Newlyn working with young people. It was AGREED that the information would be passed to the Harbour Master.</p>	EB / AM
	<u>PART B MEETING OF THE COMMISSIONERS</u>	
NPHC 26	<p><u>Apologies for Absence</u></p> <p>Apologies for absence were received from Mike Collier and Andrew Munson.</p>	
NPHC 27	<p><u>Declarations of Personal and Prejudicial Interests</u></p> <p>DS declared a personal interest in any items on the agenda in connection with the harbour as the owner of a boat using the harbour and a businessman on the harbour.</p> <p>ES declared a personal interest in any items on the agenda which referred to W Stevenson & Sons in connection with the harbour.</p> <p>ES also declared a prejudicial interest in the discussion on property matters referred to in minute no. NPHC 37/11(Executive Report) as a partner of W Stevenson & Son which rented property from NPHC.</p>	AM
NPHC 28	<p><u>Minutes of the public part of the meeting held on 7 September 2011</u></p> <p><u>RESOLVED:</u> That the public Part 1 of the minutes of the meeting held on 7 September 2011, including the summary of matters considered in Part 2 of the meeting, be approved, subject to David Stevens name being added to the list of attendees.</p>	EB
NPHC 29	<p><u>Matters Arising</u></p> <p>There were no matters arising from the minutes.</p>	

<p>NPHC 30</p>	<p><u>Executive Report</u></p> <p>In the absence of the Harbour Master, the Chairman gave the executive report (copy appended to the signed minutes).</p>	<p>EB</p>
<p>NPHC 31</p>	<p><u>Governance Arrangements</u></p> <p>The Chairman reported that the Harbour Revision Order (HRO) was the statutory instrument by which the harbour was governed, supported by the “Guide to Good Governance” document.</p> <p>A request had been made by the Advisory Body to look at the process for a possible appeals procedure. NPHC was currently seeking advice from Cornwall Council about a possible process and the Advisory Body would be informed of the Board’s decision in due course.</p>	
<p>NPHC 32</p>	<p><u>Recruitment of New Commissioners</u></p> <p>The Chairman reported on the receipt of applications for the recruitment of new Commissioners. There were currently three vacancies on the Board, one of which needed to be filled by an active sea-going boat owner; a number of the applications received met this criteria.</p> <p>The Chairman stated that Commissioners gave their time freely and that it was important to have the appropriate skill base to meet the needs of the position.</p> <p>The Chairman also stated that it was important to draw on the skills and talents found within the local community to support the work of the Board of Commissioners, and that support from the local community could be sought in the future.</p> <p>A small panel, including an independent person would be established to interview possible candidates and make recommendations to the Board on appointments. The Department for Transport had declined an invitation to participate in the recruitment process.</p>	<p>GMcC / AM</p>
<p>NPHC 33</p>	<p><u>Exclusion of the Press and Public</u></p> <p>The meeting <u>RESOLVED</u> to exclude the press and public at this point in the proceedings as matters of a confidential and personal nature were to be discussed.</p>	

SUMMARY OF MATTERS CONSIDERED IN THE CONFIDENTIAL PART OF THE AGENDA OF THE MEETING OF THE NEWLYN PIER & HARBOUR COMMISSIONERS HELD ON 5 OCTOBER

1. Minutes (Part 2) of the Meeting held on 7 September 2011

The minutes were approved by the Board, as amended,

2. Matters Arising

There were no matters arising from the minutes.

3. Future Investment & Strategic Plan – The Way Forward

The Board discussed future capital investment projects and a strategy to deliver projects within the short to medium term.

4. Executive Report

The Board received the regular executive report on confidential matters relating to the harbour operation, property and staffing issues.

5. Any Other Business

The Chairman reported on a number of confidential matters.

6. Date of Next Meeting

To be held at 9.00 a.m. on Wednesday 2 November 2011 in the Newlyn Centre.

The meeting closed at 11.35 p.m.

Chairman

10 November 2011