

NEWLYN PIER AND HARBOUR COMMISSIONERS

**MEETING OF THE COMMISSIONERS HELD AT 9.00 A.M. WEDNESDAY 4 APRIL 2011
 AT THE NEWLYN CENTRE**

In attendance: Gilbert McCabe (Chairman) (GMcC)
 Ray Tovey – Vice Chairman (RT)
 Kevin Bennetts (KB)
 Glenn Caplin (GC)
 John Lambourn (JL) – Left at 10.40 a.m. / Returned at 12.00 p.m.
 Dave Munday (DM)
 Andrew Munson (AM) – Left at 10.20 a.m. / Returned 12.15 p.m.
 David Stevens (DS)
 Elizabeth Stevenson (ES)

Also in attendance Elaine Baker, Commission Administrator (EB)

JOHN PAYNE – FORMER COMMISSIONER

The Board observed a minutes silence as a mark of respect for John Payne, former Commissioner who had sadly passed away and whose funeral was due to be held that morning in Newlyn.

	<u>PART A PUBLIC PARTICIPATION</u>	<u>ACTION</u>
	<p>The Chairman welcomed the audience to the meeting and asked for questions.</p> <p>No questions were received,</p>	
	<u>PART B MEETING OF THE COMMISSIONERS</u>	
NPHC 195	<p><u>Apologies for Absence</u></p> <p>Apologies for absence were received from Nick Howell and Juliet Taylor.</p>	
NPHC 196	<p><u>Declarations of Personal and Prejudicial Interests</u></p> <p>KB 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>AM declared a personal interest in any staff issues on the agenda as an employee of the harbour and member of the HR Committee.</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>NPHC 196 cont.</p>	<p>ES also declared a prejudicial interest in minute no. 211(b)/11 (Fish Market (Market Agents / Auctioneers)) as an auctioneer currently operating on the fish market and agreed to withdraw from the meeting for consideration of the item.</p> <p>DS declared a personal interest in any items on the agenda in connection with the harbour as a fisherman currently operating from the harbour.</p>	<p>AM</p>
<p>NPHC 197</p>	<p><u>Minutes of the public part of the meeting held on 9 March 2011</u></p> <p><u>RESOLVED:</u> That the public part of the minutes of the meeting held on 9 March 2011, including the summary of matters considered in Part 2 of the meeting, be approved as an accurate record and that they be signed by the Chairman.</p>	<p>EB</p>
<p>NPHC 198</p>	<p><u>Matters Arising from the Minutes</u></p> <p>With regard to the meeting between James Pascoe and AM concerning the issue of pontoon charges the Board was advised that this meeting had not, as yet, taken place.</p> <p>On minute no. NPHC 180/11, (Executive Report), and the issue of boat insurance, AM reported that the Parliamentary Agents had confirmed that the Department of Transport (DoT) had made progress on the new byelaws, but that until such time as the byelaws were approved by the DoT, it was not possible to enforce the requirement that all boats using the harbour were insured.</p> <p>ES commented that under Health & Safety regulations the harbour could demand to see the hull insurance of the boat for anyone using harbour cranes, lifting machinery or landing winches regardless of the item being included in the harbour byelaws.</p> <p>On minute no. NPHC 181/11 (Update from Committees), RT commented that he had an issue regarding the Asset Committee that he wished to raise in Part II of the meeting.</p> <p>ON minute no. NHPC 183/11 (Inaugural Meeting between the Board and the Advisory Body), Fiona Thomas-Lambourn reported that the first meeting of the body was to be held on 13 April at which the Chairman and Vice-Chairman of the new advisory Body would be elected.</p> <p>The Chairman reported that he was happy to meet with the new Chairman and Vice-Chairman, on an informal basis, following their election.</p>	<p>AM</p> <p>AM</p>
<p>NPHC 200</p>	<p><u>Executive Report</u></p> <p>AM gave his monthly report on executive matters which had arisen since the last meeting (copy appended to the signed minutes)</p>	

<p>NPHC 200 Cont.</p>	<p>JL referred to a complaint regarding Sandy Cove relating to fly tipping, which had been dealt with, and also on a general point commented that it had been brought to his attention that a number of reported defects on the harbour had not been addressed and he sought confirmation on the process for reporting and dealing with such issues. He suggested that one way to address the problem was to install a white board on the harbour for reporting purposes.</p> <p>AM responded that the issue at Sandy Cove had received immediate action and that to stop a reoccurrence of the fly tipping problem a combination lock barrier was to be installed to restrict vehicular access to the site.</p> <p>It was <u>AGREED</u> that the website could be used to communicate to harbour users and the public on how to report problems / complaints to the Harbour Office.</p> <p>RT expressed concern that harbour staff were not reporting such issues as and when they arose.</p> <p>AM <u>AGREED</u> to liaise with JL to address the specific problems</p> <p>A number of Commissioners expressed concern at the installation of a barrier at Sandy Cove as this would restrict public and disabled access to the cove, and part of the National Cycle Route. It was suggested that an article could be placed in a future edition of the Cornishman to raise public awareness of the problems.</p> <p>It was <u>AGREED</u> that AM be asked to bring forward suggestions on how to improve the mechanism for reporting defects to the next meeting of the Board for its consideration.</p>	<p>AM</p> <p>AM / JL</p> <p>AM</p>
<p>NPHC 201</p>	<p><u>Update from Committee</u></p> <p><u>Asset Committee</u></p> <p>Issue to be discussed in Part II of the agenda.</p> <p><u>Finance Committee</u></p> <p>The Chairman reported that the Board would be asked to approve the Investment & Operational Expenditure Plan 2011 / 2012 and the Strategic Operational Plan 2012 – 2107 which would enable expenditure to be incurred in accordance with the approved plan.</p> <p><u>Harbour Management & Operations Committee</u></p> <p>KB reported that at the last meeting of the Committee Steve Bailey, National Fish Industry Grants Facilitator had attended the meeting to advise the Committee on possible funding opportunities, and that he had confirmed that funding was available from the EFF for either a new or refurbished fish market and for other facilities to improve the harbour operation. As any improvements to the harbour would relate to the fishing industry, it</p>	

<p>NPHC 201 cont.</p>	<p>had been confirmed that 75% grant funding was potentially available towards planned improvement but not maintenance. KB also reported that the new fenders were awaiting collection.</p> <p><u>Human Resources</u></p> <p>RT reported that the staffing issues would be discussed in Part II of the agenda.</p>	
<p>NPHC 202</p>	<p><u>Freedom of Information Act 2000: Designating Further Public Authorities Under Section 5</u></p> <p>AM circulated a copy of a letter for the Ministry of Justice dated 4 March 2011 regarding a consultation on the possible inclusion of harbour authorities in the Freedom of Information Act 2000. The consultation comprised a number of questions which the Board was asked to consider and respond. AM had secured an extension of time to the consultation, and had also spoken to the British Ports Association with regard to the implications and it had been confirmed that NPHC was the only Trust Port in the country which allowed questions from the public and public attendance at meetings.</p> <p>The Chairman asked the Commissioners to read the circulated document and to forward any comments to himself / RT / AM or EB in advance of the deadline for the return of responses by 21 April 2011.</p> <p><u>RESOLVED</u>: That the formulation of the Board's response to the consultation be delegated to the Harbour Master, in consultation with the Chairman of the Board.</p>	<p>AM / GMcC</p>
<p>NPHC 203</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 4 APRIL 2011**

1. Minutes (Part 2) of the Meeting held on 9 March 2011

The minutes were approved by the Board as an accurate record and signed by the Chairman.

2. Matters Arising

Various matters arising were discussed relating to the operation and activities of the Asset Committee.

3. Executive Report

The Harbour Master gave his monthly report on Executive matters.

4. To receive Minutes from Committees & W Harvey & Sons Lease Renewal

Asset Committee

The Board noted the minutes of the meeting held on 4 April 2011.

Finance Committee

The Board received the minutes of the meeting held on 21 March 2011 and approved a recommendation regarding terms for a new ground rent lease to W Harvey & Sons.

Harbour Management & Operations Committee

The Board received the minutes of the committee held on 25 March 2011.

Human Resources Committee

The Board received the minutes of the meeting held on 17 March 2011.

5. Governance and Succession Planning

The Board was advised of the process for the terms of offices of Commissioners which were due to expire on 30 May 2011 in terms of re-appointment and the appointment of an active sea-going fisherman as a new Commissioner to comply with the Harbour Revision Order.

6. Investment & Operational Expenditure Plan 2011 – 2012 and Strategic Operational Plan 2012 - 2017

The Board approved the plans.

7. Insurance

The Board reviewed the level of the existing insurance cover.

8. Fish Market

Working Party

The Board agreed to progress the establishment of a working party in respect of the fish market and proposed terms of reference.

Market Agents / Auctioneers

The Board confirmed a resolution regarding the right of the existing market agents / auctioneers to sell on the fish market.

9. Any other Business

The Board approved a request to host a VIP lunch at this year's Fish Festival.

10. Date of Next Meeting

It was noted that the next meeting of the Board would be held at 9.00 a.m. on Wednesday 4 May 2011.

The meeting closed at 2.45 p.m.

Chairman