

NEWLYN PIER AND HARBOUR COMMISSIONERS

MEETING OF THE COMMISSIONERS HELD AT 9.00 A.M. WEDNESDAY 7 SEPTEMBER 2011 AT THE NEWLYN CENTRE

In attendance: Gilbert McCabe (Chairman) (GMcC)
 Kevin Bennetts – Joined the meeting at 11.40 a.m.
 Glenn Caplin (GC)
 Nick Howell (NH) - Left the meeting at 11.00 a.m.
 John Lambourn (JL) – Left the meeting at 11.00 a.m.
 Mike Collier MBE (MC)
 Andrew Munson (AM)
 Elizabeth Stevenson – Joined the meeting at 11.40 a.m.
 Ray Tovey (RT)

Also in attendance Elaine Baker, Commission Administrator (EB)

	<u>PART A PUBLIC PARTICIPATION</u>	<u>ACTION</u>
	<p>The Chairman made a brief statement on the sequence of events over the last few months, referring to those Commissioners whose terms of office had expired on 30 May and 8 June 2011.</p> <p>The Chairman also referred to the decision taken at the Board meeting on 31 May which had approved recommendations for the removal of three Commissioners because the Board was not working as cohesively or effectively as it should have been.</p> <p>The Chairman also said that in view of the challenge made by Nick Howell and John Lambourn to their dismissal, over the interpretation of the Harbour Revision Order (HRO), that in accordance with good governance, and to ensure transparency he would be seeking the Board’s support to rescind those decisions taken on 31 May and 1 June, and to reconsider the report on the Future Composition of Board. In the event that NH and JL declined to stand down, to again seek the Board’s support to the recommendations contained in the report requesting their removal.</p> <p>The Board would also be asked to consider the re-appointment of Commissioners who had expressed an interest in serving for a new three year term of office, and the appointment of a new Vice-Chairman to comply with the HRO.</p> <p>The Chairman also commented that the Board was still actively seeking the appointment of new Commissioners and that a number of expressions of interest had so far been received.</p> <p>Fiona Thomas-Lambourn made a statement on recent events (copy appended to the signed minutes) which sought a resolution to the current difficulties by way of dialogue between the present and past Commissioners to take the Commission forward.</p>	

	<p>Ruth Simpson stated that at the inaugural meeting of the new Advisory Body, the Board had stated its intention to put the harbour on a more stable footing, in order to bring about improvements to its property portfolio, fish market and harbour. In view of this she challenged the Board's decision to remove three of its Commissioners who had, in her view, been working to put right years of decay.</p> <p>A member of the audience also asked what progress had been made towards the development of a Business Plan and when would it be made available to the public?</p> <p>The Chairman reported that he and the Harbour Master had met with the Department for Transport and that it had been confirmed that the Department would not become involved in the running of the harbour, and that the Board must abide by the Newlyn Pier & Harbour Revision Order 2010 (HRO).</p> <p>The Chairman referred to the poor financial health of the harbour, and the previous Board's decision to use its reserves to make improvements to the harbour. This had led to the Board's decision not to proceed with a new fish market as it did not have sufficient money to meet grant funding conditions. However, he was pleased to report that the financial position was improving due to increased fish landings and landing dues.</p> <p>Cornwall Council had confirmed that the offer of a grant would be available until the end of the financial year 2012 / 2013, and the EFF had also confirmed that the Board was still eligible for grant funding.</p> <p>The Chairman stated that there were three main reasons why the Board had turned down the proposal for a new fish market:-</p> <ol style="list-style-type: none">1. The harbour's financial positions was not strong enough;2. The proposal did not have the support of the fishing sector;3. A condition of the grant offer was that the harbour would have had to sign over its physical assets to Cornwall Council which would have severely restricted the Board's financial manoeuvrability. <p>In response to comments made regarding the work of the Asset Committee, the Chairman stated that Newlyn was a community of deeply held feelings, views, passions and prejudices and that it was the Board's collective responsibility to ensure that its members behaved properly, and that individual prejudices and beliefs did not affect the behaviour of the Board, and that there was free debate.</p> <p>The Chairman stated that he had been publically accused of being "in the pay" of a local family, which he refuted stating that he was totally independent.</p>	
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	<p>The reasons for having asked three of the Board's Commissioners to stand down were:-</p> <ol style="list-style-type: none"> 1. Their behaviour was affecting the cohesive unity of the Board, and there was insufficient respect and trust between fellow Commissioners; and 2. Board decisions had been challenged which was unacceptable. Decisions of the Board were a collective view and had to be respected; <p>Finally, the Chairman stated that the Board would be asked to rescind the decisions taken at the meetings on 31 May and 1 June, and to again consider the removal of two of its Commissioners in accordance with Article 11 (2) (a) (b) & (c) of the HRO, and that if any person still believed that the Board had acted unlawfully they should seek redress through the legal system.</p> <p>Fiona Thomas-Lambourn asked why the Board had not sought the assistance of the Advisory Body over this matter. The Chairman commented that the Advisory Body had not been established to oversee or micromanage the work of the Board or the Executive, but to provide strategic advice.</p>	
	<u>PART B MEETING OF THE COMMISSIONERS</u>	
NPHC 11	<p><u>Apologies for Absence</u></p> <p>None received.</p>	
NPHC 12	<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>AM declared a personal interest in any staff issues on the agenda as an employee of the harbour.</p>	AM
NPHC 13	<p><u>Minutes of the public part of the meeting held on 1 June 2011</u></p> <p><u>RESOLVED:</u> That the public part of the minutes of the meeting held on 1 June 2011, including the summary of matters considered in Part 2 of the meeting, be received.</p>	EB
NPHC 14	<p><u>Executive Report</u></p> <p>AM gave a verbal report on Executive matters since the last meeting. The Trinity House Audit had been completed satisfactorily and confirmed compliance with the national requirements of the Port Marine Safety Code, the annual Fish Festival had been held, and two boats which had retired from the Fastnet Race had been brought into the port.</p>	EB / AM

	Fish landings mainly consisted of pilchards and mackerel with trawl and line vessels keeping the market supplied. Scallop landings were down due to boats working further to east for the better quality scallops.	
NPHC 15	<u>Exclusion of the Press and Public</u> 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.	

**SUMMARY OF MATTERS CONSIDERED IN THE CONFIDENTIAL PART OF THE
AGENDA OF THE MEETING OF THE NEWLYN PIER & HARBOUR COMMISSIONERS
HELD ON 7 SEPTEMBER 2011**

1. Minutes (Part 2) of the Meeting held on 31 May and 1 June 2011

The minutes were received by the Board.

2. Board Meetings 31 May and 1 June 2011

The Board agreed to rescind the decisions taken at the Board meetings on 31 May and 1 June 2011.

3. The Future Composition of the Board of Commissioners

The Board approved recommendations regarding the removal of two of its Commissioners, in accordance with Article 11 (2) (a), (b) & (C) of the HRO.

4. Appointment of Commissioners

The Board approved the appointment of Kevin Bennetts and Elizabeth Stevenson for a new three year term of office, until 30 May 2014, in accordance with Article 8 of the HRO.

5. Acceptance of Office

Acceptances of Office declarations were formally signed.

6. Election of Vice-Chairman

Glenn Caplin was elected Vice-Chairman of the Board of Commissioners.

7. Next Steps

The Board approved proposals for additional Executive support on a short term basis.

8. The Organisation & Structure of NPHC

(a) Organisation and Structure

The Board resolved to approve recommendations for the introduction of a new interim organisation and structure.

9. Any Other Business

The Board approved new terms for the lease of one of its properties.

10. Date of Next Meeting

The next meeting of the Board to be held at 9.00 a.m. on Wednesday 5 October 2011 in the Newlyn Centre.

The meeting closed at 2.00 p.m.

Chairman

5 October 2011