

NEWLYN PIER AND HARBOUR COMMISSIONERS (NPHC)

MEETING OF THE COMMISSIONERS HELD AT 1.00 P.M. ON WEDNESDAY 19 SEPTEMBER 2018 IN THE HARBOUR BOARD ROOM

In attendance: Rob Wing (Chairman) (RW)
Kevin Bennetts (Vice-Chairman) (KB) – left at 3.30 p.m.

Robert George (RG) – arrived at 1.05 p.m.
Anthony Hosking (AH)
Rob Parsons (RP)
James Roberts (JR)
John Thomas (JT)
Sam Winters (SW)

Also in attendance: Lucy Parsons, Programme Manager (LP)
Elaine Baker, Commission Administrator (EB)
Bernard Pooley, Kelsall Steele (BP)
Matt Webb, Kelsall Steele (MW)
Nick Howell
Elizabeth & Sam Lambourn
John Lambourn
Peter Jane
Nigel Taylor
Peter Bodlad
Andrew Stevens
Louis Mitchell
Desmond Hodgkiss
James Pascoe
W Treneer
Tom Pascoe
Andrew Pascoe

	<u>PART A PUBLIC PARTICIPATION</u>	<u>ACTION</u>
	<p>Various member of the public, together with representatives of the fishing community attended the meeting to put questions directly to the Board regarding the proposed development at The Strand which was subject to a formal grant funding application to the ERDF and other development projects such as Sandy Cove.</p> <p>The general consensus from those attending was that the Commission was not being “<i>open and transparent</i>” as it had not formally consulted its stakeholders prior to the decision to proceed with the grant funding application for The Strand, as well decisions to proceed with other projects such as Canner Slip and Sandy Cove. LP stated that the</p>	

	<p>Advisory Body (AB), which represented all harbour stakeholders, had been consulted on the proposals at its meeting on 18 April 2018, that Cornwall Council had been briefed in June 2018, followed by the public consultation events on 7 & 8 September. The Vice-Chairman also commented that when he had been made aware of concerns regarding the consultations he gave an open invitation to anyone concerned to visit the Harbour Office to view the proposals.</p> <p>The Harbour master expressed concern that fishermen had not received a briefing on the proposals as the Chair of the Newlyn Fishermen’s Forum was also a member of the AB, representing the fishing industry. However, he confirmed that all channels of communication were open and that the open days had provided a mechanism whereby all ideas on the projects could be put forward.</p> <p>Nick Howell commented on the fact that Board discussions on the projects had been undertaken in confidential session and therefore very little information was in the public domain. The Harbour master stated that given the influence of Brexit and the complexity of the ERDF funding process, the Board had only recently felt comfortable in undertaking the public consultations as it did not want to raise public expectations as a final decision on the funding would only be made in 2019 once the detailed application was submitted in October 2018. LP assured those present that feedback on the design proposals was welcomed, and that no final decisions had been taken. LP acknowledged that there had been some failings in the cascading of information, particularly from the AB, and that its remit should be reviewed to ensure that similar problems did not occur in the future. The Harbour master suggested that establishing a series of stakeholder workshops, at concept stage, might be one solution and he AGREED to take this forward. Referring to the minutes, he commented that the Board was in compliance with the Good Governance Guide, and that discussions had been held in confidential session due to commercial sensitivity. Regarding the Green Tanks, North Pier these had been removed due to safety concerns; an opportunity for grant funding for a fuelling berth had arisen so an application had been made. Again, no decisions on the location had been finalised and the Harbour master gave an assurance that stakeholders would be consulted at the appropriate stage in the process.</p> <p><i>At this point in the proceedings the Vice – Chairman declared a personal interest as the owner of a fuel company operating on the harbour.</i></p> <p>The Harbour master stated that as the project was above the EMFF threshold of £100,000 a decision would go before an MMO panel. As the panel met infrequently it had been important to get the bid in to secure funding. He stated that he was happy to attend meetings of the NFF to outline the project which was still only at concept stage. The Vice-Chairman gave an assurance that fuelling in the harbour would be subject to open competition, as at present, and that there would be no displacement of fuel operators as a consequence of the harbour</p>	<p>RP / EB</p>
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	<p>providing a fuelling berth.</p> <p>Nick Howell welcomed the development proposals but suggested that a lot of unnecessary bad feeling had been created which could have been avoided with better communication, as commented that there could be better alternative suggestions for improved facilities. The Chairman responded by stating that there were a number of significant projects that the harbour was currently dealing with that were, at various stages of development, and that consultations would be carried out at the appropriate stage.</p> <p>Regarding The Strand development, LP commented that only the Expression of Interest stage been cleared and that work was now commencing on a detailed funding application on which she would welcome more feedback. Nick Howell suggested that a group “get together” meeting be arranged to put together ideas.</p> <p>John Lambourn suggested that a way forward would be for the harbour to publish its development plan so that all stakeholders were aware of the harbour’s proposals and the time to become involved in the process which would help improve communication. The Harbour master AGREED to take on board the comments, but stated that the Development Programme 2025 would need to be refreshed in light of Brexit in 2019 and that the Board, AB and NFF would be kept informed. The Board was advised that a meeting of the NFF was due to be held the week commencing 24 September when various project models would be discussed. The Harbour master stated that he would attend that meeting and offered the use of the Board Room for the meeting.</p>	<p>RP / LP</p>
	<p><u>PART B – MEETING OF THE COMMISSIONERS</u></p>	
<p>NPHC 26</p>	<p><u>Resignation of Commissioner</u></p> <p>The Chairman formally advised the Board of the resignation of Mike Collier, Vice-Chairman, from the Board of Commissioner on 25 July 2018 due to work commitments.</p>	
<p>NPHC 27</p>	<p><u>Apologies for Absence</u></p> <p>There were apologies for absence from Paul Corin and Jim McKenna.</p>	
<p>NPHC 28</p>	<p><u>Declarations of Interest</u></p> <p>AH declared a personal interest in any items on the agenda in connection with the harbour as a commercial boat owner and as a businessman on the harbour.</p> <p>RP declared a personal interest in any items on the agenda relating to staffing matters as an employee of NPHC.</p>	

<p>NPHC 28 cont.</p>	<p>JR declared a personal interest in any items on the agenda as a pontoon user and boat owner operating on the harbour.</p> <p>RW declared a personal interest in any items on the agenda in connection with the harbour as a fish merchant operating on the market, and a Trustee of the National Lobster Hatchery which was a tenant on the harbour.</p>	<p>EB</p>
<p>NPHC 29</p>	<p><u>Appointment of Vice-Chairman</u></p> <p>RESOLVED: That Kevin Bennetts be approved as Vice-Chairman of the Board of Commissioners with immediate effect.</p>	<p>All to note</p>
<p>NPHC 30</p>	<p><u>Minutes</u></p> <p>RESOLVED: That the public (Part 1) minutes, together with a summary of the Part 2 confidential minutes of the meeting held on 4 July 2018, be approved and signed by the Chairman.</p>	<p>EB</p>
<p>NPHC 31</p>	<p><u>Matters Arising</u></p> <p>There were no matters arising from the minutes.</p>	
<p>NPHC 32</p>	<p><u>Harbour Master's (Part 1) Report</u></p> <p>Prior to the Harbour master's report LP gave a brief presentation on the development strategy consultation which focussed on the core business of the harbour & estate, potential impact of Brexit and adjacent businesses to broaden the industrial base which complemented the fishing industry. The Fish Market refurbishment was nearing completion; ground works had been completed at Sandy Cove to facilitate additional storage and car parking. A new sea bund (phase 1) had been constructed as an additional defence measure to provide additional support to the original rock armour, phase 2 would include additional aggregate to reinforce the bund. The Harbour master commented that discussions had been held with the Environment Agency (EA) regarding sea defence improvements but insufficient funding was available at the present time. In response to a question, LP confirmed that the cost of storage would be £70 p/m for harbour users and £100 p/m for other businesses. High speed WiFi would be available, together with services. Pendeen Gig Club and Newlyn Lights were also to be relocated to Sandy Cove.</p> <p>Next Steps: New Strand / Canner Slipway and Canner Car Park. Indicative plans of the new general purpose units were provided. Priority would be given to existing tenants who had already been consulted on the proposals. Initially, EMFF funding had been sought but as the total project was above the £1m threshold it had been refused, but noted as being eligible for ERDF. Canner Slipway: the priority was to maintain business continuity so that tenants only had to move once, and all to be achieved within budget. The Old Harbour Wall</p>	

<p>NPHC 32 cont.</p>	<p>would be reintegrated into the scheme to improve the townscape.</p> <p>The detailed funding application was due to be submitted in mid-October 2018, with the decision announced in February 2019. If the funding was approved the project had to be completed by Autumn 2021 therefore some initial site clearance work would be carried out prior to the decision.</p> <p>Nick Howell asked if the ground bases of the units were strong enough the take potential future extensions. LP confirmed that the cost would be prohibitive; Nick Howell said that he would like to see the costings. LP stated that the Commission had set aside up to £280,000 for preparatory work in connection with the application but she hoped it would come in under £200,000.</p> <p>The Harbour master gave his monthly report on operational matters which included the following matters:-</p> <p>Port Marine Safety Code – Briefly outlined the code which set safety standards for ports for the benefit of marine safety. Commissioners were reminded of their collective and individual responsibilities as “Duty Holder” and the role of the “Designated Person”, an external individual who checked compliance with code. The harbour had received its last compliance in March 2018. The current byelaws were “<i>fit for purpose</i>” but would need to be revisited. Marine Safety Plan and Navigation were being revised, with a Navigation Audit due in October. Manpower: being reviewed in the light of new fish market and the need to be more customer focussed. Incidents: problems with the slipway cradle, particularly with the smaller vessels due to age of the structure. Repairs carried out but slipway needed modernising. Speed of Jet Skis and bikes in the bay. No problems within the harbour but concern raised with MCA. Problems with French yachts and channel markers.</p> <p>A problem was reported with visiting yachts being dangerously moored and no lights displayed. The Harbour mater stated all vessels should be compliant with the Cole Regulations. It was suggested that in future approaching vessels should advise the yachts of their obligation, or report to the Harbour Office. Other reported problems included the Lifeboat light on the pontoons and crabber lights within the harbour. The Harbour master took on board the comments and would enforce strict compliance with the harbour byelaws.</p> <p>Conservancy – The Board was advised that the main channel was silting up at a rate of 20 /30 cms.</p> <p>Border Force / MCA – there had been two recent incidents of boat seizures for drug trafficking; Marcia £300m and Nomad £500m. The incident with the Marcia had resulted in the closure of the port due to a suspect package being found on board.</p>	<p>RP</p>
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<p>NPHC 32 cont.</p>	<p>Infrastructure – the turning area on the North Pier was to be tidied up to improve outlook of the quays a quote was being sought from RAMBOL. Old MTS building cost of refurbishment was in the region of £150,000. Intention was to seek EMFF funding for the work to provide a refurbished building for the Newline Chandlery, and working with the local MP a new Post Office. One option included the closure of the existing public toilets to reutilise the space and discussions were being held with Cornwall Council’s Planning Service on the design so that it remained in keeping. Additional public toilets could be provided elsewhere on the harbour. RG commented that there was no architectural merit in the existing building and that this was an opportunity to provide a more aesthetically desirable building, and that concept drawings should be produced of a potential single / double height building. This was a prime site as the gateway to the harbour. It was RESOLVED that authority is delegated to the Harbour master to carry out a study on potential options for the refurbishment building up to a maximum build cost of £150,000, and that potential options be brought back to the next meeting of the Board for consideration.</p> <p>There was a suggestion that the building be replaced with a Fisherman’s Mission type facility for the benefit of the fishing and local communities. The Harbour master AGREED to consider this option.</p> <p>Green Tanks – The tanks had been removed but further works were required to the harbour wall to improve its stability.</p> <p>Fisherman’s Rest – The building had been taken back “<i>in-house</i>” due to health and safety issues as no response had been received from the trustees of the building. Remedial works had been carried out to make the building safe. The Board’s approval was being sought to work with the Hope Church & Ships Charity to refurbish the building as part of a general improvement of the Old Quay area to make it a public open space. Volunteers from the church and charity would assist with the work as a community project which could potentially form part of an anticipated royal visit in 2019.</p> <p>RESOLVED That, the refurbishment of the Fisherman’s Chapel, working with the Hope Church / Ships Charity, as a community project is supported.</p> <p>Projects – the new HIAB had been installed and was working well. Fish Market Update – Zone 1 was functioning well with just minor issues being addressed. Zone 2.1 – progression on second auctioneer continuing. Zone 3 – completion expected end October 2018 due to additional works being undertaken. Box Wash area completed and Solar Panel installation underway. Harbour Fuel this was a longer term project, currently in discussions with EA as part of a partnership project. Harbour WiFi – 100% grant funded free to all harbour users.</p>	<p>RP</p> <p>RP</p> <p>RP</p>
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<p>NPHC 32 cont.</p>	<p>RG requested an update on the Boatlift project – LP commented that this was a longer-term project post Brexit and therefore a funding application was likely to be made to the Prosperity Fund. Stakeholders would be involved the process as the project developed.</p> <p>John Lambourn asked if all boats and supporting businesses could be regarded as collective SME businesses for funding purposes. LP commented that the collective route was extremely difficult. The Chairman welcomed the comment and suggested that it be used as forum focus at a later stage.</p> <p>British Port Authority (BPA) – The Harbour master gave a brief update on his attendance at a recent BPA meeting. Port skills and safety had been the main focus, together with Brexit, and the BPA’s response to the Fisheries White Paper which was to be discussed locally at the Port Fisheries Group. DEFRA and air quality at ports was also discussed, aged vessels, marine planning, and MMO general powers which may result in a Judicial Review against development and policy. The Harbour master also referred to the letter of support received from the Department for Transport regarding harbour development plans which had been circulated to all Commissioners for information.</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 19 SEPTEMBER 2018

1. Minutes (Part 2) of the meeting held on 4 July 2018

The minutes were approved by the Board.

2. Matters Arising

There were no matters arising from the minutes

3. Draft Financial Statement Year Ended 31 March 2018

The draft financial statement for the year ended 31 March 2018 was approved and the Chairman was authorised to sign the accounts on behalf of the Board of Commissioners.

4. Programme Update

The Board received an update on the progress of major harbour projects such as The Strand, Canner Slipway and Sandy Cove and ERDF funding application timetable.

5. Harbour Master's (Part 2) Report

The Board received the Harbour Master's bi-monthly report of confidential matters including finance, personnel matters and an update on a second auctioneer.

6. Chairman's Business

It was agreed that a sub-group would be formed to review the scale of charges for pontoon users.

7. Any Other Business

Items discussed included issues with fenders on the quays, the new website and social media, designated moorings on the pontoons for the inshore fishing fleet, seasonal pontoons for visiting yachts.

The meeting closed at 15.48 hrs

Chairman