

NEWLYN PIER AND HARBOUR COMMISSIONERS (NPHC)

MEETING OF THE COMMISSIONERS HELD AT 1.00 P.M. ON WEDNESDAY 7 NOVEMBER 2018 IN THE HARBOUR BOARD ROOM

In attendance: Rob Wing (Chairman) (RW)
Kevin Bennetts (Vice-Chairman) (KB)

Robert George (RG)
Anthony Hosking (AH)
Rob Parsons (RP)
James Roberts (JR)
John Thomas (JT)
Sam Winters (SW)

Also in attendance: Elaine Baker, Commission Administrator (EB)
Jilly Easterby, Communications Consultant
Peter Buckland
Nick Howell
Desmond Hodgkiss
Maxine Collier
Tony Allbright
Stephen Nowell
Mike Collier
J Ashworth
S Bosworth
Tom McClure
Hannah Ladd
Andrew Stevens
Carol Trickey
Randy Haunfelder
Joe Andrews
John Lambourn
Brian Richardson
Pete Aylott
Tanya Gold
Elizabeth Lambourn
Ryan Ladd

	<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 following on from the previous meeting held on 19 September 2019.</p>	
	<p>Hannah Ladd asked the Board what was the maximum borrowing that NPHC could realistically draw. RP responded by stating that NPHC was limited by statute and the Harbour Revision Order 2010. However, the current borrowing level was set at £300,000 as prescribed within the 1906 Harbour Act and was based on cashflow, harbour accounts and surplus. This level had been maintained over the previous three to four years and was a level that the Department of Transport was comfortable. As a Trust Port, some banks would require additional security against borrowing but the current level had been based purely on cashflow and accounts.</p>	
	<p>Ms Ladd asked what proportion of the £1.3m would come from available funds and questioned the potential impact on the fishing sector at this level of funding. RP stated that in the Part 2 meeting he would be proposing and amendment to the plans to ensure that the harbour was not “<i>put at risk</i>”. He <u>AGREED</u> to advise Ms Ladd of the Board’s decision. Ms Ladd expressed concern at the Board’s inability to provide an answer to her question. RP commented that it was inappropriate to look at the total cost, as costs and payments would be phased throughout the project. He also commented on the 80% intervention rate and the need for detailed cash flow projections to ensure that payments were covered. RP confirmed that the detailed funding application had not, as yet, been submitted to ERDF due to the changes that he would be proposing for which he needed the Board’s agreement. RP <u>AGREED</u> to publicise the figures once approved by the Board.</p>	<p>RP</p> <p>RP</p>
	<p>Nick Howell referred to the previous minutes, and in his opinion disingenuous comments made by Lucy Parsons regarding misleading and inaccurate information on the harbour’s website, criticising the inadequate level of public information regarding the project. Mr Howell referred to the number of public consultations which had taken place and the support in principle for development in Newlyn; the main objections were the design of the units on the car park. He also commented on the lack of a response from NPHC to a letter from the Newlyn Fisherman’s Forum (NFF) dated 13 October 2018. RP explained that the letter was to be brought before the Board before replying formally. He also commented on the good working relationship he had with the Chair of the NFF and said that his door was always open to the forum even though it was not a formally constituted body. RP also stated that he was taking back control of responding to public questions and he assured those attending that he would be replying to all questions that had been put to the Programme Manager. Once he had the Board’s agreement all updated information would be placed on the</p>	

	<p>website. RP commented that the ERDF had agreed to a one - month extension to the funding application in light of the comments that had been received through the consultation process and that amendments to the plans would be presented to the Board. The Chair of the Advisory Board was being kept advised of the fluidity of the situation but it was essential to move forward. RP acknowledged that there had been communication issues but this was being addressed and the public would be kept informed.</p> <p>RP also commented on the situation regarding the marine licence and the need for a full Environmental Impact Assessment (EIA) which would impact on cashflow. In response to a question the Chairman confirmed that it was unlikely that the EIA could be completed within the current timescale for the completion of the project (2021) and therefore the Cannery Slipway element of the project had been removed following the withdrawal of the licence application. This decision had resulted in the loss of workspace but other funding streams were now being considered such as ERDF Access 3. The Chairman commented that it was important to understand the ERDF deliverables eligibility criteria. ERDF funding streams were far more complex than EMFF which had been limited to £1m projects; recently increased to £2m. This could potentially be a significant funding gain for Newlyn. However, delivery of the project was still constrained by the imposed timescales with 22 November 2018 the deadline for the submission of the detailed funding application. The Chairman reiterated that communication would be improved.</p> <p>RP referred to the Development Programme Plan 2015 which set out the harbour's vision for future developments and commented that it had only been in the last six months that timescales for the implementation of the projects had been crystallised and he assured those attending that further consultation would be undertaken. Comments on poor communication had been taken on board and improvements would be made to ensure similar problems were avoided in the future. The Chairman explained that the ERDF funding stream was new territory for NPHC as previous funding had been secured through EMFF. It was a complex process which required support from all. The Board needed to decide in the coming three weeks on what could be delivered. The tight timescale meant that a complete review of the proposed project could not be achieved and therefore amendments only were being considered. Mr Howell commented that it should be possible for the architect to redraw plans within two days. RP confirmed that ? Judd had been appointed as the architect and he would seek his views on timescales for redrawing the plans and he <u>AGREED</u> to send the architect's details to Ms Ladd.</p> <p>Elizabeth Lambourn raised the following three issues with the Board:-</p> <ul style="list-style-type: none"> • The fenders on the new jetty were too wide and a contractor had refused to board vessels moored in the area due to safety concerns. Harbour staff had been advised of the situation; 	<p>RP</p> <p>RP</p>
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	<ul style="list-style-type: none"> • Condition of the public toilets, including the disabled toilet; • Boat slip – if no operator present boats could not be lifted out. <p>In response RP confirmed that he was aware of the problems with the fenders and that the fenders near the Ice Plan and end of Mary Williams Pier were being replaced with standard size fenders with other options were being considered. He said that the situation had been HSE assessed and that boat skippers had a duty of care when coming alongside. RP noted the comments regarding the public toilets and AGREED to investigate. He also commented that the slip was currently out of operation due the essential maintenance. The need for a shipwright being in attendance was the result of an MCA risk assessment, but it depended on the type of boat. In addition, he stated that the Harbour master and Deputy Harbour master were both authorised to slip boats and therefore there was personnel was available to slip boats.</p> <p>The Board was also advised that the lights on the RNLI pontoon had not been switched off.</p> <p>Hannah Ladd asked how the proposed project would impact on traffic movements to Mousehole and how it would improve traffic movements within Newlyn. Ms Ladd asked how many forklift trucks currently loaded on the road. RP asked Ms Ladd to forward all questions to him via email for reply. RP also AGREED to place a general statement on the project on the website.</p>	<p>RP</p> <p>RP</p> <p>RP</p>
	<p><u>PART B – MEETING OF THE COMMISSIONERS</u></p>	
<p>NPHC 41</p>	<p><u>Apologies for Absence</u></p> <p>There were apologies for absence from Paul Corin and Jim McKenna.</p>	
<p>NPHC 42</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>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 43</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 19 September 2018, and the public (Part 1) minutes, together with a summary of the Part 2 confidential minutes of the Extraordinary Meeting held on 10 October 2018 be approved and signed by the Chairman.</p>	<p>EB</p>
<p>NPHC 44</p>	<p><u>Matters Arising</u></p> <p>There were no matters arising from the minutes.</p>	
<p>NPHC 45</p>	<p><u>Timetable of Meetings 2019</u></p> <p>RESOLVED:- That the following timetable of meetings in 2019 be approved and published on the website. It was also AGREED that all meetings would commence at 13.00 hrs.</p> <p>Jan 16 Mar 13 May 1 Jul 3 Sept 4 Nov 6</p>	
<p>NPHC 46</p>	<p><u>ERDF Projects</u></p> <p>This item was taken with the Harbour Master's (Part 1) report.</p>	
<p>NPHC 47</p>	<p><u>ERDF Projects and Harbour Master's (Part 1) Report</u></p> <p>The Harbour masters gave his bi-monthly report on harbour matters, together with an update on ERDF projects as set out below:-</p> <p>Port Marine Safety Code (PMSC) – RP requested that any issues regarding the fenders be raised directly with the Harbour master. The Board was reminded of the main requirements of the code, in particular the Board's role as "Duty holder"; RP confirmed that a review of the Harbour Revision Order 2010 and byelaws would be undertaken. The Board was also advised that in view of development work being carried out on the harbour Amtrak had been advised to take a more relaxed view with car parking compliance. Trinity House Audit had been satisfactorily completed on 10 October 2018. Reported incidents included fishing gear fallen onto quays, a firearms complaint, public order issues, drugs and behaviour issues of individuals working on the harbour.</p> <p>Infrastructure – Rambol had carried out a delamination survey on the turning circle on the North Quay which had concluded that there was no immediate cause for concern.</p>	<p>n</p>

<p>NPHC 47 cont.</p>	<p>Property - MTS building – costs on refurbishment / redesign in excess of £150,000. The Board was advised that it was unlikely that a two-storey building would be approved in that area as all other buildings were single storey. RP commented that he would consult harbour users for ideas via Twitter. Admiralty Boathouse – the new roof appeared to have solved water ingress issues. Fisherman’s Rest – discussions were continuing with the Hope Church regarding refurbishment of the building in line with the consecrated building. Pilchard Sheds overhang – repairs had been carried out to the roof to remove the loose material. The overhang would be reduced and rope store maintained.</p> <p>ERDF Projects - Projects 1406 & 1407 (Engineering and Fisherman’s workspace) had been removed. HIAB installation had been completed. 23702 – Harbour Fuel – this was a contentious project due to cash flow issues . South Pier Extension – EA / EU observer parties. In consultation on potential match funding of £700,00. Phase 3 Fish Market – due to issues the new floor had been rejected which had caused a delay in the completion of the project. Sandy Cove in progress and services had been installed.</p> <p>RNLI build – delays due to drilling issues.</p> <p>Advisory Board (AB) – Meeting had taken place which had discussed lack of meetings, acting as an intermediary in future consultations and outlined process for future consultations. The meeting had also discussed the new fish market and potential second auctioneer on the market and the Newlyn Fisherman’s Forum letter which would be considered in Part 2. Timing of meetings had been addressed and the Chair of the AB had agreed that meetings would be called if it was felt was necessary. The Board was also advised of the AB’s preference for online consultations.</p>	
<p>NPHC 48</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 7 NOVEMBER 2018

1. Minutes (Part 2) of the meeting held on 19 September and the Extraordinary Meeting held on 10 October 2018

The minutes were approved by the Board.

2. Matters Arising

Management Letter responses submitted to Kelsall Steele and accepted as part of accounts for year ended 31 March 2018.

3. ERDF Projects Update

This item was taken with the Harbour master's (Part 2) report.

4. Harbour Master's (Part 2) Report & ERDF Projects Update

The Board received the Harbour Master's bi-monthly report of confidential matters including finance, personnel matters and an update on ERDF projects. The Board agreed to proceed with the implementation of harbour WIFI based on a 75% intervention rate, and to rescind a previous decision taken on 4 July 2018 to proceed with the full Strand project.

5. Chairman's Business

None.

6. Any Other Business

None.

The meeting closed at 16.10 hrs

Chairman