

**NEWLYN PIER AND HARBOUR COMMISSIONERS (NPHC)**

**ORDINARY MEETING OF THE COMMISSIONERS HELD AT 1.00 P.M. ON WEDNESDAY 18 SEPTEMBER 2019 IN THE HARBOUR BOARD ROOM**

**In attendance:** Rob Wing (Chairman) (RW)

Robert George (RG)  
 Anthony Hosking (AH)  
 Jim McKenna (JMCK)  
 Rob Parsons (HM)  
 James Roberts (JR)  
 Sam Winters (SW) - Arrived at 1.05 p.m.

**Also in attendance:** Elaine Baker (EB), Commission Administrator

**Local Residents:** Maxine Collier  
 Hannah Ladd  
 John Lambourn

<p><b>NPHC 40</b></p>	<p><b><u>Apologies for Absence</u></b></p> <p>There were apologies for absence from Kevin Bennetts, Paul Corin and John Thomas.</p>	
<p><b>NPHC 41</b></p>	<p><b><u>Declarations of Interest</u></b></p> <p>AH declared a personal interest in any item on the agenda as an active sea-going fisherman and boat owner operating 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, and as the owner of the vessel "Little User" moored in the harbour.</p> <p>JR declared a personal interest in any items on the agenda as a fisherman operating on the harbour and a pontoon user. JR also advised the Board of a further personal interest as a self-employed skipper of one of Ocean Fish's vessels.</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><b>EB</b></p>

<p><b>NPHC 41</b></p>	<p><b><u>Minutes</u></b></p> <p><b><u>Resolved:</u></b> That the minutes (Part 1 and Part 2 summary) of the Ordinary Meeting held on 3 July 2019 and the minutes (Part 1 and Part 2 summary) of the Extraordinary Meeting held on 30 July 2019 be approved as a correct record and signed by the Chairman.</p>	<p><b>EB</b></p>
<p><b>NPHC 42</b></p>	<p><b><u>Matters Arising</u></b></p> <p>On minute no. NPHC 22/19 (Newlyn Fish Festival), the Harbour Master (HM) gave an update on the current position following a recent BBC Radio Cornwall broadcast. The Board was advised that the intention was still to try and reinvigorate the festival but it was important to ensure that the necessary resources were in place to support the festival if it was to continue.</p>	
<p><b>NPHC 43</b></p>	<p><b><u>Port Marine Safety Code (PMSC) Duty Holder Update</u></b></p> <p>In his capacity as Duty Holder the HM have his regular update on reported incidents under the PMSC and the proposed changes following a recent Maritime &amp; Coastguard Agency (MCA) audit which had confirmed that the harbour was fit for purpose. Commissioners were also encouraged to undertake training to ensure compliance with legislation.</p> <p>Current <b>harbour byelaws</b> required reviewing and updating; working with the Department for Transport (DfT) a formal consultation process would be carried out, including the Marine Management Organisation (MMO) and Maritime &amp; Coastguard Agency (MCA) and harbour users. The MCA was content with current risk assessment practices which, following its recent audit, included proposed changes to public access to the quays to address health and safety issues. In addition, a robust Marine Management Safety System was in place.</p> <p>The Advisory Board (AB) at its meeting on 21 August 2019 had been consulted on the new <b>Harbour Strategy Plan 2050</b> and asked to submit views to the HM. This work would dovetail with work being carried out with other local partners.</p> <p>An <b>aids to navigation audit</b> had been undertaken by Trinity House which had been completed satisfactorily. However, the light on the end of the Old Quay, although not part of the PANAR system required updating. The HM stated that he was reluctant to remove the light and that a new meter and power system would be installed and confirmed that there would be no change to the aesthetics of the Old Harbour.</p> <p>Work on reviewing the <b>Harbour Revision Order 2010</b> and <b>General Directions</b>, together with general governance matters was continuing. The HM confirmed that public attendance at Board meetings would be formally reviewed once the AB was operating effectively.</p>	

<p><b>NPHC 43 cont.</b></p>	<p>A review of the current <b>Oil Spill Contingency Plan</b> document was in progress which included public access and safety issues. The DfT, MCA and Natural England would be consulted.</p> <p>The maintenance of the <b>harbour quays and ladders</b> remained a constant challenge; weekly inspections were carried out but the HM acknowledged that the frequency of inspections needed to be increased to address health &amp; safety concerns.</p> <p>The HM advised the Board of <b>recent incidents</b> which included the grounding of two vessels, a mooring line incident and near misses between swimmers and Jet Skies. The HM reported that he was working with JMCK, in his capacity as the local Cornwall Councillor for the Promenade Electoral Division, on the issue and that the legal position was currently being investigated. The HM reported that the Merchant Shipping Act had been used to bring a conviction but this had proven to be unsafe as the interpretation of the definition of a ship was the determining factor. It was the HM's opinion that Collision Regulations should have been used as these regulations clearly defined a vessel and were an international convention. A further meeting was to be held on 19 September 2019, the overriding concern was to ensure the safety of users within Mounts Bay.</p> <p>A condition assessment had been carried out on the <b>Slipway Cradle</b> on 16 September 2019 which had found the concrete structure to be sound. There had been some slight movement in the runners which had resulted in increased friction with a subsequent loss in movement. The runners and wheels would be refreshed at a cost of £40K approx. A full inspection report was awaited and would be circulated to Commissioners and AB members when available.</p> <p>The Board was advised that a recent MCA report had raised <b>waste management issues</b> and public access to hazardous waste. As a consequence, a gated waste system was to be installed on the site of the former harbour shed. This would also help to reduce waste costs which had increased considerably in recent years due to fly tipping. A general clearance of the area would be commenced, together with improved signage. Existing tenants would be relocated to other areas on the harbour.</p> <p><b>Public access</b> – in response to concerns raised by the MCA it was proposed that control access barriers be installed on the North Quay, the area in front of the Fish Market and entry to the pontoons. Access to the North Quay would be via the introduction of a work permit system with the quay closed to the public when works commenced. In addition, access in front of the market would be restricted during the market operation. The gates to the pontoons would be permanently locked with the introduction of designated berths from 1 April 2020 for pontoon users. Public access to car parking would also be restricted with parking for fishermen made a priority via the introduction of a vehicle</p>	<p>RP</p>
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<p><b>NPHC 43 cont.</b></p>	<p>registration recognition system. Overflow public parking would be made available at Sandy Cove.</p> <p>The Chairman commented that the default position was that the harbour would remain open to the public but that certain areas would be closed for specified periods due to operational requirements. The Board gave its “in principle” support to the proposals which it felt were fair and reasonable, would assist the fishermen but also limit the risk of injury to the public. Therefore, the Board <b>AGREED</b> to delegate authority to the HM to take the managed access system project forward across the harbour as outlined at the meeting. The Board was advised that the cost of installing barriers on the North Quay and Fish Market was in the region of £2,500. The cost for the new car park barrier would be considerably greater and therefore a longer term project and it was <b>AGREED</b> that further information on the cost of that barrier system would be brought to a future meeting. In the interim the MCA had confirmed that it was happy with the introduction of improved public signage within the lorry / car park areas.</p> <p>The issue of discarded vehicles in the car park was also raised and it was <b>AGREED</b> that such vehicles would be removed and relocated to Sandy Cove until recovered.</p> <p>It was further <b>AGREED</b> that a review of the operation of the barriers would be undertaken following implementation to review effectiveness.</p> <p>Regarding the introduction of designated berths on the pontoons it was <b>AGREED</b> that the new system be effective from 1 April 2020, with users required to sign mooring agreements following which an access key would be issued. JR, as a pontoon user, outlined his support for the new system which he believed would increase pontoon user accountability.</p>	<p>RP</p> <p>RP</p> <p>RP</p>
<p><b>NPHC 44</b></p>	<p><b><u>Recruitment Update</u></b></p> <p>The Harbour Master advised the Board that interviews for potential new Commissioners and Advisory Board (AB) members would take place on Tuesday 1 October 2019, and that the appointments would be formally approved by the Board at its meeting in November. Unfortunately, due to Brexit the interview panel would not include a representative from the DfT.</p>	<p><b>All to note.</b></p>
<p><b>NPHC 45</b></p>	<p><b><u>Advisory Board Communications</u></b></p> <p>The HM gave a positive report to the Board on the last meeting of the AB held on 21 August 2019. The AB had expressed its supports to the appointment of new members to increase stakeholder representation. Comments from the AB had been sought on the new Harbour Strategy Document 2050, and new terms of reference (ToR) of the AB had been circulated for comment. The new ToR’s would be approved at its next meeting on 11 December 2019.</p>	

<p><b>NPHC 45 cont.</b></p>	<p>The HM commented that it was important that the AB functioned correctly and that the establishment of additional stakeholder groups to scrutinise specific issues might be required.</p>	
<p><b>NPHC 46</b></p>	<p><b><u>Projects</u></b></p> <p>The Harbour Master provided the Board with a update on the progress of harbour projects as follows:-</p> <p><b>Chandlery – former MTS building</b> -the Board was advised that concept design drawings for redevelopment to a new chandlery had proved too costly. However, the building had been subsequently assessed and deemed safe, and as a consequence refurbishment works had commenced: on a pro-tem basis and the building would be re-let accordingly. EMFF / ERDF 3390 project would therefore not be pursued until the situation regarding funding opportunities became clearer.</p> <p><b>Fish Boxes</b> – had been delivered but with the wrong livery and were not fit for purpose. The manufacturer had accepted liability and a second replacement order had been placed at no cost to the harbour.</p> <p><b>Harbour Fuel</b> – the project was moving forward following MCA compliance. Initially, the service would be run by the harbour but alternative options were still under consideration. The matter would be brought back to a future Board meeting for discussion.</p> <p>On the issue of harbour projects generally, JMck commented that Penzance had been successful in securing £25m of additional Government funding and he urged the Board to ensure that Newlyn sought confirmation from the local MP, that Newlyn came within the designated Penzance boundary and therefore eligible for a share of the new “Quality for Life” funding. As no confirmation on the funding criteria had been received it was important to obtain confirmation from Derek Thomas MP as it could provide a match funding opportunity. The HM confirmed that he had contacted the MP and that a meeting was to be held on 19 September 2019 when the matter would be discussed. The HM confirmed that he would advise Commissioners on the outcome of the meeting via email.</p> <p>JMck also asked what work the harbour had undertaken on the issue of a No Deal Brexit. In response the HM confirmed that he had attended the DEFRA consultation on 5 September and that in the event of a no deal all consignments would need to be approved and a location provided on the harbour. The HM confirmed that he had offered office accommodation to Cornwall Council for such purposes and that assistance would be provided to Cornwall Council to sign off consignments. In addition, an EU listing number would also be required for any exports from the harbour. The HM gave an assurance that as much assistance as possible would be provided.</p>	<p>RP</p> <p>RP</p>

<p><b>NPHC 47</b></p>	<p><b><u>Financial Update</u></b></p> <p>The Board was advised that the current bank balance was £261,567. Non-resident vessel landings had increased by 30% (based on budget variance), this had been offset by a reduction in levy's by 36% (based on budget variance) due mainly in part to ongoing issues between two companies. Skip costs had also increased due to increased fly tipping which was being addressed.</p>	
	<p><b><u>Part B</u></b></p> <p>Members of the public put questions to the Board as follows:-</p> <p>John Lambourn asked that following the introduction of the new barrier system consideration be given to ensuring distinction between the public / fishermen and crew when passes were issued. The HM confirmed that an induction programme would be undertaken and that harbour users would be required to register with the Harbour Office in advance of a key entry fob being issued. The system would be HSE compliant and would be kept under review.</p> <p>Maxine Collier asked about the position regarding designated pontoons in periods of vessel absence. The HM confirmed that the mooring could be used by other vessels but that the designated vessel would have priority and be controlled by the Harbour Office. In response to a question regarding public car parking, the HM confirmed that he could not guarantee that spaces would be available on the harbour. Consideration was still being given to bringing control of car parking back in house and that the registration process with the British Car Parking Authority was ongoing. Maxine Collier also referred to an item on the harbour's website which identified Sandy Cove as a Cornwall Council designated development site. The HM confirmed that this was an oversight and that the page would be amended accordingly. In summing up, the HM assured those attending that car parking would be regularly reviewed.</p> <p>Hannah Ladd raised questions regarding water contamination and lack of signage or notification on the website, overnight stationing of mobile homes on Sandy Cove and lack of conveniences, installation of barriers, cost of new artwork for the external façade of the Fish Market and an employment opportunity for new fuelling facility. In response the HM stated that the water contamination related solely to the Harbour Office and old lead pipe work. All other locations had been retested and no problems had arisen. All water was tested on a monthly basis and results would be published. Newlyn Fisherman's Forum (NFF) would also be advised. Overnight camping was not permitted on Sandy Cove, Watchmen were authorised to move camper vans from the site, if the problem persisted the public were advised to call the Police. Consultations on the new barriers would be undertaken with harbour users affected by the changes. It was essential that the issues raised by the MCA audit were addressed to reduce health &amp; safety concerns. The</p>	<p><b>RP</b></p>

	<p>HM stated that he would attend a meeting of the NFF to advise on the proposed changes. The Chairman stated that the new installations were a management decision based on the advice received from the MCA. The final cost of the artwork was not, as yet known, as the artwork had not been finalised but was nearing completion. An event was planned for the unveiling, the cost of the artwork prior to reprinting on aluminium was £10K and grants were being considered to offset some of the cost. JMCK confirmed that funding was still available for art related activities. As to the fuelling employment opportunity the HM stated that all options were being considered which provided the best opportunities for Newlyn Fishermen.</p>	
<p><b>NPHC 48</b></p>	<p><b><u>Exclusion of the Press and Public</u></b></p> <p>The meeting <b><u>RESOLVED</u></b> 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 18 SEPTEMBER 2019**

1. Minutes

The minutes (Part 2) of the Ordinary Meeting held on 3 July 2019 and the minutes (Part 2) of the Extraordinary Meeting held on 30 July 2019 were approved as a correct record and signed by the Chairman.

2. Matters Arising

The Board was advised on progress regarding the safeguarding of fish quota being undertaken by Cornwall Council.

3. W Stevenson & Son Ltd. (WS&S Ltd.) and Ocean Fish

The Board received an update on Ocean Fish's purchase of a controlling share WS&S Ltd. and the continuing discussions between NPHC and Ocean Fish concerning the auctioneer's operation on the fish market, and the recruitment of a second Deputy Harbour Master.

4. Cllr J Lambourn Advisory Board Membership

The Board discussed Cllr John Lambourn's continued membership of the AB following information received from Penzance Town Council.

5. Chairman's Business

None

6. Any Other Business

None.

The meeting closed at 16.45hrs.

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Chairman