

## **Harbour Board Meeting Monday 10<sup>th</sup> August 2020 at 10.00 until 12.00**

Present: PP, MB notes) Chairman Cllr P Pilkington, Notes M Boobyer, C Hall, C Butler, P Murphy, Cllr T Venner, M Stevens, cllr L Whetlor, J Gilmour, I Cobb

PP: Welcomed everyone to the first Harbour Board meeting and Peter reminded everyone of the protocols of using Zoom.

No Apologies

PP: The previous minutes were agreed as correct.

### **Matters arising:**

IC: Complaint about a moorings in Minehead Harbour incorrectly tied seems to be dispute between complainant and another skipper, it's not a H&S problem, there was an action from the previous meeting that CB would speak to the skipper if not JG would send a letter asking to politely tie his boat correctly. Did this happen?

CB: Spoke to the skipper on a numerous occasions it's a long standing feud between them two skippers, the boat is tied between two sinkers and depending on the wind direction does it cause a problem.

JG Send a polite letter to the skipper of the boat **ACTION**

MS: On the last minutes it said to replace LED light on the West Quayside of Watchet Harbour and should have been East Quay.

MB Apologies MB will correct the previous minutes **ACTION**

LW From the previous meeting it said about the funding for the Light House repairs this was Sally's before she sadly passed away I think Peter Murphy should take this one.

PM Agreed, some information was sent to Chris Hall about funding that Sally had researched, there is funding available that District Council can apply for and not Town Council so I sent the link and asked the DC to follow up. Did this happen?

CH: I will have check my emails and get will back to PM. **ACTION**

### **UPDATES FROM HARBOUR MEMBERS:**

**CH: Dredging Watchet Outer Harbour:** You will recall we asked the council to set aside a budget for enhancing the outer harbour dredging works, this was approved so we are currently establishing what to do next. Intention was to start the outer harbour dredging in April when the money became available but we needed to get all the documentation completed first, we've had a number of conversations with the MMO and contractors to identify the cost. We are going to undertake the maintenance water injection dredging in the outer harbour as this is permissible without the need for expensive sampling.

**JG** We've been doing work with the MMO on both sites however, when we moved to the outer harbour we went through the whole system and the algorithm, they have suggested we use a Harbour Master Order whereby, we can take out the silt sitting on the top and it into suspension and will naturally go out with the tide so we won't need to take samples, i.e. we could use a WID this will inject the silt putting it into suspension.

**CH** A level of spend needs to be decided before we can proceed as we need to act within our financial regulations. Steve Hughes is the project manager who is currently working with a number of contractors to establish the best value so this is an active piece of work and certainly not forgotten I know it has been frustrating but unfortunately we couldn't access the MMO for a long period of time but never the less the money is there and intend to do this work.

**CH: Watchet Marina Operator - Update**

We served a S146 notice on Watchet Harbour Marina Ltd, this was highly confidential but now it is in the public domain so I can now give you a more in-depth update. The order states they must bring the Marina back into good repair and not only just from the safety aspect but to solve a wide range of other maintenance issues including the mud. At the beginning the year we signed off an agreement with the Onion Collective for the boat storage area this meant they could start there development and we could then take a more robust approach with the Marina Operators simply put we became very tired of the false promises and therefore had no choice but to serve the S146 notice. It is a pre cursor to forfeiture and there seems to be a misunderstanding within the community that as landlords we can simply reclaim the lease, unfortunately this isn't possible as they have 106 years remaining that is protected in law, so in order to achieve forfeiture we must demonstrate that they are in breach, and must give them the opportunity to carry out those breaches. Part of the process is that we could demonstrate to a court that had given the Marina Operators a reasonable amount of time to rectify the breaches but there was no set definition of that so we had to act in a cautious manner to ensure that when we got to court that we had given them time to put things right. The court will only focus on the time between us serving the S146 notice and then proceedings to court, it is now up to the marina operator to rectify these breaches. We will continue to fight on behalf of the community and to also protect this public asset. You will also be aware the marina owner has been more visible in the area since serving the notice there was an attempt to re-activate there water injection dredger but this is an inadequate piece of equipment, poorly designed and will not deliver the outcome they desire, furthermore dredging is only one part of a long list of things they need to do, so even if they were able to establish an effective dredging operation to the satisfaction the council, this is only one part of a long. There has been some activity on site and that's good thing because all we want is for the work to be done and is what the local community deserve. I have been to our senior leadership team and successfully secured funds to carry on the legal fight, this is a

considerable amount of investment but we remain committed to resolving this. You also may have heard that the operator has been saying that he has “sorted out the council and the S146 notice is no longer an issue” also that “he is in regular contact with the council”, unfortunately all of that is inaccurate we’ve not had any correspondence from the marina operator, there has only been an exchange of letters between our lawyers and we do not consider that he has had any positive influence or impact on the breaches of the S146 notice.

The Cardiff Marina Group has offered WHM Ltd support in a wide range of ways including an offer to purchase the Marina, from a community perspective that would be a good thing as they are ready and willing, and in a financial position to put things right after many years of neglect. We have been monitoring them since February and CB visits them on a weekly basis, reporting all activities back to me. We can’t be certain what the marina operator will do but I am certain this will be concluded one way or another, but to be clear the Council will not back down, we expect full compliance under the lease regulations and if not completed then we will seek forfeiture via the courts.

- SW** What is the background of this, I’ve heard discussions and know it’s been very tortuous but looking at it from my lawyer experience I don’t know to what extent that the tenant would get relief against forfeiture by saying “I’ve done a bit of work but can’t afford to do the rest and this is his livelihood.” How does he make an income from the Marina? as his argument could be that this is his only income.
- CH** We consider the marina could be financially viable like others in the south west. Others bring in enough income through moorings and additional services like boat cleaning, servicing, engines repairs, sail making and other associated services to generate enough income to maintain their Marina.
- PP** Apologies I should have introduced our new member to the board Cllr Sarah Wakefield earlier who is our new Environment Portfolio Holder.
- PM** Speaking as a representative of the town council, I am very heartened to hear the report from Chris and the determination of the council to actually pursue this matter and bring it to a closure. It has always been a matter of regret that the previous council held off from doing this. I heard from a reputable source that Tim Taylor took a very personal interest in the dredger so much so such that he insisted on taking the controls of the dredger and was told by the operator not to use the jets in a particular direction of which he then did and the dredger broke down and was out of action for several days. The dredging they had done so they have cleared a channel up to the gates and are now free and operating and my source also told me that the owner was very fearful of losing the marina so I think this has motivated him to pay some attention to the asset and trying to clear the mud.
- CH** Marina dredging Additional update: As you are already aware his water injection dredger is a converted vessel rather than one specifically designed one. To give you a scale The Cardiff Marina Operator has 2 water injection dredgers, one cost half

million pounds and another over a million, these are complex machines designed from scratch, the Marina Operators machine, depending the audience he is presenting too cost between £50,000 and £100,000 and although it's still a large amount of money it is woefully inadequate and has led to constant failings. Yes I was informed that the gates are now operating but his is only one of the main breaches in the S146 notice. The marina should hold water and is still a long way off to the satisfaction of the council.

- LW** A resident had concerns about the dredger that it's not licensed, that the person operating it wasn't trained, they also saw an additional person on the vessel. Do we any authority to look at who is operating the machine, if they are trained or have a license?
- JG** Unfortunately we do not have any legal control, I suggest reporting it to Matt. It is The Marina Operator is liable should something happen and could face prosecution, like I said the only thing we could do is report it to the MCA and suggest it could be an unlicensed craft and they will investigate.
- MS** The birth holders are upset with the marina operator as he changed their contracts saying there is no guarantee their boats would be afloat at all times so this indicates that he has no intention of dredging to full depth, this is a big issue and the majority of the birth holders refused to sign the contract, even though he claims that by leaving there boats in the Marina they are accepting the terms and conditions of the contract. I also think he has lost couple of CCJ's, but we have to be careful as we don't have any issues with the local guys who work for them as they are trying their Matt and even Owen have been subject to adverse comments the issues is with their employer and not them.
- CH** **Other Updates – The repair work for Splash Point:** We have been working on the design for some-time we needed to establish firstly, budget and second, identify a contractor to deliver the work. We are ready to start but held back by the MMO as we needed to submit a license so we cannot give a definite start date publically yet but we are hoping to be onsite early September.

This work will see the reinstatement of the sea defence, some additional support to the low wall to the east, to refurbish the steps and bring them back into use. There will construction of a new above ground wall to replace the one we lost in last winter storms. It is a significant piece of work and great we are ready to start though we have a very narrow window again plan to complete before the winter, we are putting pressure on the MMO to approve the scheme ASAP. Once we get the all clear then we will be speaking to all effected parties i.e. The Onion Collective in terms for their development, The Town Council plus other interested groups as soon as we get the green light, it's been an long time coming but nevertheless, we are on the verge of putting that piece of work into place and provide a significant level of protection in Watchet. To remind you the East Quay wall is made up of 3 sections the central part has steel piles, these are reaching the end of life so would like to

carryout the work out at the same time, we have be talking to a contractor to establish what needs to be done and the cost, so far the estimates are higher than anticipated so we are still negotiating with them.

PP Thanked Chris for the update, it is a good news and will splash point be open from to the public again?

CH The reason it was closed off was because they were dangerous and in a precarious position, we are not responsible for the upper end of the steps but the reason it was closed was so that people couldn't accidentally access into an area that was unsafe yes they will be re-opened to the public access when the work is complete.

PP Peter thanked Chris for the update hopefully we can get the maintenance on the East quay wall done in parallel that would be the best case scenario.

CH That would be ideal but at the moment the pricing is coming back double and budget so ether it's been lost in translation something we need to work through.

CH **Incident in Watchet Harbour**

An incident happened over the weekend in the marina and I will carry out an investigation but at this stage I am only passing on the information. I understand a gentlemen on a mobility scooter tumbled off the pontoon into the marina and became trapped in the mud and unable to self-rescue. It was only speedy action by people in the marina that managed to rescue the gentleman. There seems to be a challenge that the pontoon was unsafe and led to the incident and clearly the level of mud contributed to the severity of the incident. The operation of the marina, pontoons and staffing sits with WHM Ltd and not the council. However we clearly we have an interest and whilst its good news that he was successfully rescued and has made a good recovery, it again raised serious questions around the safe operation of the marina and will have a keen interest in the investigation. We have asked for some advice from our health and safety officer and my assumption is they will have to report the incident as it was very serious and could have been fatal. I also understand that an initial rescue from bystanders was thwarted because one of the life rings was tied onto the pontoon and therefore couldn't reach the casualty so there was a catalogue of errors. It raises more questions over the health & safety of the marina.

**UPDATE – Jerry Gilmour**

JG Spoke to MMO about dredging of the inner and outer Harbours we looked at possibly taking samples in both area as Chris already mentioned it is a very expensive exercise, so we looked at just dredging the outer harbour initially they said we could dredge as long as it's just putting the mud into suspension and will naturally go back out into the estuary with the outgoing tide so we are ok to start work.

## Hinkley point – Oil Spill Contingency Plan

I had a meeting with the Hinckley Harbour Master about an oil spill contingency plan, whereby if there was an oil spill from a vessel from Hinckley and it landed on our coast or beach we would know what to do regarding the clean-up and cost. A councillor contacted me recently with concerns that the council would be liable and pay for the clean-up, he clearly stated there was no liability or costs to the council it was also suggested that JG join in an oil spill drill which would show how it operates. I explained to the councillor that we have a company called Briggs they experts with oil spill clean ups, all we have to do is call them and they will clean and send the invoice to Hinkley but if there was any oil spill from a different source then the local authority or company would be charged.

PP Do we have a clean-up plan in place?

No I don't think so, there are boats in and out of both Harbours so I do strongly recommend it is something we look at. The Harbour Master from Hinkley also wrote to the councillor explaining it. Hinkley are happy to arrange the training.

**Dry Dock Request:** We have a request for a dry dock to be installed in Minehead Harbour. It is a frame whereby their boats can rest on to allow them to work on the underside of the boat, this would be beneficial especially as the crane doesn't work in Watchet is there money available to pay for it maybe council could get a loan or mortgage and then the boat owners could pay a fee this would create an income for the council and will cover the loan.

**Fuel Tanks** - Another request is for a fuelling tank be installed as they have difficulty getting fuelling as it involves rolling barrels around the Harbour this increased the risk of an fuel spillage, we could look into an oil companies installing it like Certass this will give a permanent place where boat owners can fuel. I do have some concerns about this as it is an open port and the tourist can walk round and potentially putting them at plus it's a security risk as-well, the other option is to have the fuel is delivered on a truck and they could go down 2 or 3 times a week to fill up this may lower the risk.

I keep trying to get the DP situation sorted Georgina and myself are worried about who provides the DP funding is it the duty holder or the Harbour Board or is it the chief executive decides we need clarification and get the process speeded up so if everyone is in agreement is it possible to get a judgement on that right now?

PP Who is the duty holder for the Harbours?

CH The Duty Holder is the Council's Executive this was declared within the previous report to council and was accepted by the MCA in a recent audit. Setting aside the duty holder as being the executive in terms of who makes the financial decisions around the budget, depends if we are talking about operational spend within the or expenses for the DP, The normal operational expenditure budget sits within the service area and whilst we may discuss it on the items of the Harbour Board but if

it's something that needs doing and there is a separate budget for that and we would just go ahead and organise that work, therefore we wouldn't bring it to the Harbour board for approval as its for maintenance of our asset. Anything that is required outside of budget would have to go through a democratic process and we have held that position for as long as I can remember.

- JG Jerry to communicate with Georgina with this or give Chris Hall a ring with any queries regarding this ACTION
- CH If Georgina has a particular concern the three of us can arrange a meeting to discuss if she wishes, I don't want to do is change the process unnecessarily.
- PP I was only put down as the duty holder on a temp basis until the new portfolio holder was in place.
- PP The dry dock seems a good idea I don't know what the protocols are if we will need a survey or consultation. How do we progress with this?
- JG Check the feasibility, will need detailed plans to ensure it will take the weight of the vessels and if it's financially viable from a council point of view.
- CH More details are required to get a better understanding of cost and what impact it will have on the moorings and harbour, before we ask Member to vote and think we will need to bring it back to a future Harbour Board Meeting.
- IC is very pleased the dry dock is being considered, a suggestion asking that the contractors who are doing the Watchet wall could come here and put at the same time as they are the expertise. The sailing club moorings are pretty empty so it wouldn't impact on them and another option for the fuel tank is have one of these specially designed moulded tanks it could run along the bottom of the wall and could be fenced off although it will smell of diesel in the summer so unsure what the best option is.
- PP We need to look at this in more detail and discuss at the next HB meeting
- IC Is it possible to lift the boats out onto the Minehead harbour it has been an ongoing issue and I know I can't get an answer now.
- PP Is there any cranes facilities in Minehead.
- IC They use a mobile crane since Watchet Crane stopped working some-time ago.
- CH What is clearly coming out of this is a range of requests for Minehead Harbour, but at the moment we have other priorities like the Watchet Wall and the prosecution of Marina Ltd. All of these in Minehead need planning and obviously licences too we so we need to know the cost and then put together a business case, all these seem small amount of work but they all require a considerable amount of work, I suggest we put a business plan forward for next year 2021 as at the moment we have other priorities with repairing the Harbour Wall and the prosecution with the Marina Operator so their need to prioritise those.

- IC Understands that it's not going to happen overnight and understand the list of the council is endless but we have to start somewhere we need to put it on the list for Harbour Board Agenda to consider in the future.
- CH We will discuss at a future Harbour Board meeting.
- JG As you can see the LH is painted red and incorrect it should be red with white hoops or green as it means to mariners you have to keep to the port side coming in and if you do that then they will crash so it needs to be put right it was only when we were repair the light on the other pier that we realised if it is purely a lighthouse and not used to navigational purposed then shouldn't be purely red I suggest it is changed to the red and white hoops.
- PP How long has it been red? I have only known it that colour, maybe we could change the colour at the same time as the planned maintenance?
- CB Allerford Forge has quoted for the repairs to the panel above the door, a lantern repair, we are just waiting for the OK from Corporate to give us the ahead with the work. The lighthouse will have to be sandblasted and it would have to be collected and vacumed to stop contamination and then painted.
- PP Can we have this planned in?
- CH Craig can you have a conversation with Roy find out what the holdup is and with regard the painting it back to the prioritises the work on all our assets across the whole organisation. We will have to look what the options are the possibility of getting external funding for it or a wider maintenance programmed organised and there is a difference between an immediate need and long term wish list.
- CB To liaise with Roy and team to find out what the delay to the LH repairs? ACTION
- PP We need to look into painting LH ASAP
- MS Just a bit of history about the lighthouse, in the 1980's it was a half tide mark it was just a red light it was not a navigation mark it was changed I suspect the people didn't understand what the red light meant.

**Craig Butler Update,**

- CB An asbestos survey was done on the light house and none was found, Allerwood Forge will do the repairs.

I have been issued a card reader and taking payments for mooring and slipway fees it has been very successful.

Since becoming full time, I ve spent equal amounts of my time in Watchet and Minehead and very good for Watchet in particular.

The web cam in Minehead is working again now and we've had a lot of issues this with people jumping off the pier into the water, I have kindly advised them of the dangers but I can only advise and there are many signs warning of the dangers.



We've have had a few issues with Jet Ski's abusing the harbour taking advantage and speeding mostly in the evening and spoken to them.

We had a number of complaints from residents about the car park in Minehead problems with camper vans parked we had a dozen staying overnight also using the facilities.

CH This is parking issue is not one for the Harbour Board.

MS There was fatality involving a jet ski so advise we check their insurance they have, I recently read a report that our currents have changed it now has an undertone and anyone swimming or falling into the water could be swept out to sea it is a really serious issue.

CB Craig asks to see a copy of their insurance when I take the fees and not has any issues or problems.

PM Nothing to update you on we did have a meeting of the WHAC and will report back at the next meeting.

MS Fishing stake issue has cropped up again we have just parked it whilst in lockdown.

Update – Iain Cobb

IC Complaints around floating rope on back of a boat getting in the way and spoke to CB about this the mooring. The yacht club will no longer be looking after the moorings or taking payments from the birth holders from April 20021 etc at the last Harbour Board meeting Craig was going to speak to them to clarify it. The sailing clun collected all the payments and then sent once cheque to the council there are new people running it now and will not offer this service.

Everybody is happy that the webcam is working again.

Harbour advisory meeting don't know if that happened yet or not?

CB 21 out of 24 birth holders from the sailing club have renewed their moorings and if they stay empty for more than 6 months then we advertise and can fill the places easily, it's up to the boat owners to provide sinkers and chains and ropes.

CH We need some clarity of who is responsibility for the transition from the boat club to the council and we need to have an auditable trail for the money coming in and we need to know what the implications are.

MB to send a letter to the mooring holders to liaise with CB & IC on this ACTION

No updates from MB, end of meeting 12.00

MS We lost the chair of the WHAC and would like on record what great job Sally did over 20 years it will be a fitting legacy to get the marina up and running and would be a great honour for her and family.

MB Please send MB the meeting End of meeting 3 Mon 9<sup>th</sup> November at 10 until 12.00