



North Sunderland Harbour Commissioner  
General Meeting

Friday 17<sup>th</sup> November 2023 @1430, The Olde Ship  
**Minutes**

Present: James Boulton (JB) Chair  
Toby Douglas (TD)  
Michael Evans (ME)  
Colin Hardy (CH)  
Kerren Rodgers (KR)  
Matthew Stephenson (MS)  
Les Weller (LW)  
Paul Brown (PB) Harbour Master (HM)  
Ron Bailey (RB) Designated Person (DP)  
Lara Moore (LM) Ashford's LLP  
Kay Barkess (KB) Clerk

**1. Introduction and Introductions**

- The Chairman, James Boulton, welcomed both Toby Douglas and Matthew Stephenson as elected Fishermen Commissioners.
- Paul Brown (HM) & Ron Bailey (DP) introduced themselves.
- Toby Douglas introduced himself as co-owner of Sovereign Diving Ltd and vessels 'Our Lads III' and the Serenity fleet.
- Matthew Stephenson introduced himself as having fished from the 'Unity' for 30 years.

**2. Apologies and Declarations of Immediate and Related Party Interests.**

- Apologies for absence: William Lawrence  
Guy Renner-Thompson

### **3. Approval of Minutes from July and any Matters Arising.**

- The Minutes of the Meeting held 30<sup>th</sup> June 2023 were approved by LW, seconded by CH.

### **4. Role of Commissioners – Servants of Harbour / Succession Plan for Commissioners.**

- JB advised that the Commission is now fully and correctly constituted.
- Next elections are in October 2024 when the next Fishermen's Election is due.
- Once elected in October 2024, the elected Fishermen can serve for three years.
- Commissioners can serve a maximum of three terms unless they hold position of Chairman – 4<sup>th</sup> term possible.
- 2 external bodies, NIFCA and Northumberland County Council, will continue to elect individuals to the Commission until the Harbour Revision Order (HRO) comes into effect.

### **5. Frequency, Length and Content of Commissioners meetings.**

- It was agreed that Commissioners meetings will be held every two months. The Chair reminded Commissioners that the meetings should be kept at strategic board level.

### **6. Recruitment of Full Time Harbour Master.**

- PB said North Sunderland Harbour deserves a full-time Harbour Master (HM).
- PB had originally thought that the post should be filled by Summer 2024 but now feels it needs to be an earlier appointment. The position must be filled by someone who is competent, experienced and can liaise effectively with stakeholders.
- LM advised that the salary that is being suggested is suitable.
- The matter of the HM cottage was discussed.
- The Chair explained that there were several avenues to be explored but discretion was required as the cottage is still occupied.
- It was agreed that the closing date for applicants for the HM role will be 4pm on Friday 22nd December 2023. A shortlist will be drawn up late Dec '23 / early January 2024, interviews late January / early February 2024.
- The successful applicant should ideally be in post by April 2024 latest.

### **7. Legal Update; Judicial Review & Harbour Revision Order**

- LM introduced herself.
- By way of update LM advised that Mr Shiel's appeal re the ICO decision is on 28th November 2023.

- Ashford's have provided NSHC's accounts to the ICO and advised that the Register of Interests was not available when requested in 2022. LM advised the meeting that the ICO may criticise NSHC for the lack of documentation available.
- LM confirmed that the Commission is correctly constituted following the Fishermen's Election.
- Harbour Revision Order (HRO)
- LM told the meeting that Ashford's have taken advice from Counsel to ensure that the submission of the HRO is valid.
- LM said that some provisions are missing from the current HRO. LW queried the potential delay of amending it at this stage. LM confirmed it would not make any difference to the current timescale.
- Based on the scrutiny that the port is currently under LM believes it prudent that this be incorporated in to the HRO. What is to be included?
- Also to be included is the setting up of a stakeholder advisory group.
- LW proposed that LM proceeds with the amendments to the HRO and all other attendees agreed.
- LM asked for confirmation that all attendees still wish to proceed with the HRO – all confirmed they were. Once amendments have been made the HRO will go back to public consultation.
- ME asked about probable timeline and LM believes the HRO will be at public consultation stage February 2024. LM said she was 100% confident that the HRO will be granted with only grey area currently is timeline for same.

## 8. Port Marine Safety Code

- PB confirmed with all attendees that they have read and understood the PMSC. Refresher training re the PMSC will be carried out annually and a revised PMSC is expected to be published shortly.
- PB explained the role of the DP.
- LW queried "collectively and individually" re responsibilities held by each Commissioner and asked if Indemnity Insurance for the Commissioners was required? LM advised that under Section 60 it is in place and that the personal assets of any Commissioner are never at risk. If all actions and decisions are carried out "in good faith" there is nothing for the Commissioners to be concerned about. Only if an act were proven to be fraudulent, carried out in bad faith, etc could there be an issue.
- LM pointed out that RB is an independent Designated Person so if he advises the Commission to do something then they really should follow that guidance.
- An external audit of NSHC's compliance with the PMSC will be carried out annually. This is to be scheduled for March 2024 latest.

## **9. MCA, DfT, Trinity House – Level of scrutiny and compliance.**

- PB confirmed to the meeting that Trinity House are now happy following their visit to the Harbour on 13th November 2023 (their letter of 20 November confirms same).
- Department for Transport (DfT) have requested a meeting with PB & JB on 27th November 2023 to discuss how NSH are moving forward.
- LW told the meeting that he was meeting with Anne-Marie Trevelyan, MP, that evening and asked if there was anything he should pass on to her as she was interested in NSH. LM advised that all is well.

## **10. Role of HM, staff, resilience, skill sets**

- PB advised that there are currently two experienced deputy HM's in place but succession training is required. The position of Clerk has been allocated. PB will assess current training requirements for his team.

## **11. SMS, Risk Assessments, pre-read by Commissioners**

- The Risk Assessments are correct as at September 2023 but PB made the observation that they are always under review and he welcomes comments from the Commissioners.
- Top Risk should be reviewed at every meeting - PB stated that he believes the top risk is tripping boats passengers getting on and off vessels.
- SMS is written - PB explained that this is how the Commissioners want the HM to run the port. The most important are Section 1, SMS Policy & PMSC Compliance Plan, and Section 2, Marine Safety Plan. These form a three year plan for the port against which we will be measured. PB is discussing Section 2 with the DfT during their meeting on 27th November.
- LW queried Bunkering as he is concerned about the waste oil. PB advised that he spent some time on the harbour on 16th November and is assessing this.

## **12. Mooring, Vessel Licencing and Berthing Policy**

- PB stated that a new Mooring policy will have to put in place after careful stakeholder consultation.

## **13. Harbour Users Group – need, role, composition**

- This is part of the PMSC.
- Ideally no more than 10-12 members to be effective and should comprise representatives from the fishing and pleasure stakeholders as well as bodies involved with the Harbour locally ie suppliers and local businesses.
- PB will produce a set of TORs.

#### **14. Finance**

- There is currently not a cashflow for the port.
- Chair said he would like to see the Profit & Loss against the forecast re performance and variance.
- A volunteer to act as Treasurer was requested and ME put his services forward.
- The query was raised as to when funds are moved from the Current account to the Reserve account. No transfers have been made since 1st January 2023. CH said that the Reserve account should, if not already, be ringfenced.
- Grants for the freezer and pontoon have been extended to March 2025 but this is with all works completed by that time. PB queried the affordability and some further work may be required to confirm that costings remain same as at time of application. Costings for project works are also required. PB asked for a volunteer to push this forward and TD volunteered. TD advised that the power supply for the freezers needs to be confirmed/costed and groundworks for the freezers costed.
- An updated report will be presented at the next Meeting and a decision taken as to whether the project/s will proceed or not. If the funds are not used it may have a bearing on any future grant applications made. Les offered to assist Toby re both projects. TD advised that he cannot attend the next meeting on 26th January 2024 and it was agreed that PB will present TD's report to the meeting.

#### **15. Any other business – All.**

- LW thanked PB for all his hard work to date and believes NSH is now where it needs to be.
- LM was also thanked for her efforts with the HRO, JR and ICO.
- LW said he thought that the previous Minutes left some issues 'open' ie RNLI request for the slipway matting trial. PB will contact the RNLI to discuss further.
- The Chair thanked RB, LM and PB for all their work.

#### **16. Date of 2 Next Meetings**

- a. 1430 - 26<sup>th</sup> January 2024.
- b. 1430 - 22<sup>nd</sup> March 2024.