

**MINUTES OF THE BOARD MEETING HELD ON  
20 NOVEMBER 2009 AT 1000 HOURS**

**Present:**

Mr D Ellis	Chairman
Capt M Sansom	Chief Executive and Harbour Master
Mr P Fish	
Mr J Langan	
Mr P Morgan	
Dr K Sumser-Lupson	Via Conference Call
Mr R Yates	
Mr R Reed	
Ms L Allan	Finance and Administration Manager

**Apologies:** None

**The minutes of the October Board Meeting were approved and signed.**

**Matters Arising Not On This Agenda:**

All complete, except LA not had chance to amend the FAM report as yet.

**Reports from Sub-Committees:**

**Pilotage Standards Committee**

It was stated that the meeting was reported at the last Board Meeting but the minutes had not been ready for that meeting. It was reported that Liverpool pilots were providing the course which Mark Sansom and Alex Head would be attending. Questions were raised as to the relevance of linking First Aid and Sea Survival training to pilot re-authorisation and it was agreed that they would be considered.

**Compliance Sub-Committee**

It was stated that this was not formally noted, and discussions will be required to ascertain the type of information to be included in the combined annual report and strategy document. The timescale for publishing this would be at the end of next Summer after finalising the accounts. It was agreed that details of the change would be released to inform stakeholders of the change of schedule.

**Remuneration Sub-Committee**

The draft new Terms of Reference were presented for Board approval. These had been amended to expand the role of that committee to look at the HR functions of the senior management and Board. The additional role is based on the recent Trust Port Guidance. The Remuneration committee is to be made up of 3 board members, 1 senior manager and 1

HR expert and a suitable stakeholder representative. The Chairman is invited to attend when he wishes as an observer and the CEO to attend regularly as an adviser, this make up is outside of the MTP 2, but gives a more robust structure from an accountability point of view. The revised terms of reference were agreed unanimously by the Board.

### **Marine Operations Report:**

It was reported that FHC learnt of an internal incident which was dealt with by the Coastguard regarding the occupants of a tender returning from a night out at 0500 hours, who fell into the water. It was decided that there were no grounds for pursuing enforcement in this case, but there was anecdotal evidence that small craft may be being operated by persons under the influence of alcohol. It was agreed that FHC had a good system for communicating safety messages using annual seminars and stakeholder meetings. The CEO was asked to write to Department of Transport detailing this incident and enquiring into the progress of the alcohol legislation. It was also agreed that the CEO should speak to the local Senior Coastguard Officer about reporting these types of incidents.

A Court case initiated by the Police relating to a collision in the Penryn River is to be heard on 21<sup>st</sup> December. No members of staff have been called as witnesses but someone will attend as an observer. The Board expressed their appreciation for the fact that the police & CPS had taken this case forward.

The October Oil Pollution exercise was reported to have been a success. It included for the first time the introduction of Cornwall Council Emergency AIMS management software which they had allowed FHC to use. The software allows the different organisations to enter their data onto a central database, so producing a common record as well as transmitting requests for action. The overall management of the exercise proved to be a lot quieter as the phone lines were not required to be utilised as much. It was noted that the MCA have their own system similar which is not compatible .

It was reported that

- the Local Safety Partnership meeting raised some interesting points.
- LK Mitchell has been accepted and successfully trialled post refit.
- Arrow is out of service for work next week
- Killigrew is at Challenger Marine for work and coding
- Pendennis is at Falmouth Boat Construction for significant maintenance

### **Enforcement decisions:**

Case 1 HADLEY 6

It was reported that during the Falmouth Classics the HADLEY 6 went through the finish line at high speed, the investigation was complicated by the lack of co-operation on the owner's part.

The case was discussed in general. It was agreed that the evidence available did not meet the necessary standard to support prosecution although there were issues of concern.

The Board agreed that the CEO should write a letter of concern to the owner of Hadley 6.

The Board also stated their appreciation of the efforts of Dave Townson & Mark Killingback in respect of the report produced.

#### CASE 2 COLLISION BETWEEN HAYLEY MARIE AND CAMELOT

Both parties have now been interviewed with regards to the collision between the HAYLEY-MARIE and the CAMELOT. Mark Killingback has provided a report on the incident. The owner of the HAYLEY-MARIE reported that he didn't see the CAMELOT despite good visibility as he was looking ahead and not to the side.

The Master of the CAMELOT stated that he had observed HAYLEY MARIE but had stood on as he was the stand on vessel expecting HAYLEY MARIE to change course.

The CEO advised that he believed that the evidence would be sufficient for prosecution if the Board decided that that was the appropriate action.

The Board's assessment was that both parties were to blame but they felt that there was significantly less blame attached to the conduct of the CAMELOT than to that of HAYLEY MARIE.

Having fully discussed the alternatives taking into account their enforcement policy and particularly the public interest element of the case, the Board agreed that a case should be brought against the master of HAYLEY MARIE. The charges to be agreed between the CEO and legal advisors.

The Board agreed that the master of CAMELOT should be offered a formal caution in lieu of prosecution.

The Board resolved to thank the Deputy Harbour Master and Mary Stribley for the excellent Health & Safety minutes, and it was confirmed that issues arising were included in the Budget for 2010.

#### **Finance and Admin Report:**

The Board were asked if there were any queries in respect of the FAM report. LA re-iterated the reasons for the reduction in profit to budget. The Management accounts for September were accepted by the Board.

#### **Leisure Services Report:**

Dave Ellis commended Barry Buist on the lay-out of his leisure services report. It was noted that the overall visitor nights are comparable to last

year, but with an increase of out of season visits balanced by a fall in peak season visits.

It was noted that the £16k regarding the SWW backflow project was in the Budget for 2010.

It was reported that Mr Weller's boat, Free Spirit, was now laid up at a local boat yard as it had been left unattended on the Yacht Haven. The costs of which would be claimed from him in addition to the outstanding berthing charges.

#### **KTP Associate's Report:**

At the Boards request CEO expanded on the SANY buoy trial that was taking place. He reported that it is an EU funded project to demonstrate the feasibility to report back environmental information in real time via the internet. There were live readings of oxygen levels, salinity, turbidity, tidal strengths and directions etc. The data has already been useful in checking the tidal information for Pieces.

The Anchoring project was also discussed, bespoke software for which had been acquired to record the positions of anchors dropped in Falmouth Bay. All relevant ships are recorded in a database, detailing the numbers anchored in various positions. This data will facilitate the study of the effects on the habitat. This statistical information can be used to inform future policies and demonstrate that FHC is proactive on environmental issues. FHC is pioneering this project, which is completely unique, a report of which will be completed in the last period of the KTP project, the results of which will then be promulgated.

#### **Public Relations Report:**

Noted

#### **Falmouth Port Development Initiative:**

CEO reported that the consultation period for the Environmental Consents had technically expired. Only two objections have been received although another is expected in relation to the use of the dump site.

A meeting had been held on 9<sup>th</sup> November with advisors to decide on how to proceed in light of the objections. At the meeting it was agreed to write to MFA with a copy to Natural England demonstrating that the proposed dredge would affect less than 2% of the maerl habitat within the SAC.

The Tender for the production of a masterplan has been publicised and there will be a series of interviews to select a Tenderer. Cornwall Council are leading this exercise and had managed to conduct the exercise within a very tight time frame.

Dave Ellis reported that he had held a meeting with Sarah Newton who is facilitating setting up a meeting with Julian Brazier the Shadow Minister for Ports.

It was reported that CEO and Peter Morgan had hosted Pat Harvey on a trip using the ARROW to see the port and the site of the planned project.

John Langan recommended that Chair and CEO attend The Town Centre Forum to give a presentation re the PFDI.

It was reported that Rear Admiral Ibbotson planned to visit on 22<sup>nd</sup> January in response to a request submitted via the Regional Naval Officer.

Dave Ellis reported that he had attended the Regen SW question time chaired by David Dimbleby but that time had precluded a question being raised.

It was agreed that CEO should write to Julia Goldsworthy thanking her for her assistance to date and reminding her that FHC are seeking an opportunity to brief the County's MPs.

#### **Building on North Quay update:**

CEO reported that this is not progressing very quickly. A modest redesign was being undertaken as recommended by the urban design officer of CC. A meeting to discuss the re-design would be held in December.

#### **National Ports Policy Statement:**

CEO gave a brief summary to the Board of the BPA interpretation of the new policy statement. There was the opportunity to respond which FHC could use to put forward their views regarding public funding support for port projects.

The Board requested that MS draft an appropriate response

#### **Renewable Energy Association:**

Discussions were held in regard to the joining of the REA. It was agreed that FHC should investigate other Associations that are more interested in the Marine Energy area.

Richard Reed was tasked to explore elsewhere.

#### **Potential Conflict of Interest – Advice from Auditors:**

CEO declared an interest and offered to withdraw if the Board wished to discuss the matter in his absence.

He explained that the advice related to FHC's dealings with Triskel Marine Limited. He explained that he was an original director of TML which was set up after he had been invited by CC to design a booming system for

them. TML had kept going after the end of the booming project specialising in innovation and had invented a number of marine related devices including the buoy that had been used for the SANY project.

He stressed that FHC had not engaged TML directly for any work although Kevin Wittamore who was a director of TML had undertaken work in connection with PISCES installation and the anchoring monitoring software. These pieces of work were of relative low financial value but the significant benefits brought to FHC have been apparent.

Recently TML had hired FHC assets to lay a prototype acoustic monitoring buoy. Lesley Allen had advised that there may be an issue with transparency and the advice of auditors had been sought. They had advised that the relationship did not breach the guidelines but the Board should minute their knowledge of it and should declare it in their reports if the values of transactions were material.

Mark Sansom stated that in order to ensure that there was no potential for the FHC relationship with TML to be misinterpreted he has now resigned as a director of TML. If he provides any advice on a consultancy basis he will declare it as it occurs. He will retain a minor shareholding in TML which will continue to be declared on the Board's register of interests.

The Board acknowledged that the resignation went further than was required but agreed that it was helpful to be clear on the matter to avoid any misunderstandings.

#### **Commissioner Training – Proposal from J Langan:**

John Langan declared an interest and left the room.

The Board considered the request for financial support for higher level management training.

The Board discussed the matter and agreed that whilst it was appropriate to ensure that board members had appropriate development training, this could only be contemplated when part of a training plan identified for individual commissioners as part of the appraisal process. The revised terms of reference for the Remuneration Sub-Committee would allow them to be more proactive in this area in the future.

The Board therefore declined to offer support.

John Langan returned and was apprised of the Board decision.

#### **Visit by Deputy Commander in Chief of the Fleet on 22 January 2010:**

It was reported that FHC had requested the visit, through Commodore Miller the Regional Naval Officer and had been asked to draft a programme for the day. The aim is to obtain support for the PFDI in respect of the requirements of visiting warships.

It was recommended that all Commissioners be involved, with FHC leading the presentation with a nice lunch to be provided.

## Correspondence:

### **Pilotage Charges**

Falmouth Docks & Engineering Company had written regarding the changes in our charges for 2010. It was pointed out that the contract was imperfect in that the word variance was used rather than increase when referring to the RPI. It was agreed that we should obtain legal advice which would be considered at the budget meeting on 27 November 2009, and in the meantime MS would write to Mike Reynolds to that effect.

### **First Friday Breakfasts**

It was agreed that FHC should sponsor a Friday Breakfast meeting at the maritime Museum.

### **Sea Cadets Roof**

Peter Fish declared an interest

An application for a donation was received from the TS Robert Hitchens, whom FHC have supported in the past. It was agreed that the letter be put forward to the Budget 2010 meeting on 27 November 2009 for discussion.

KTP academic supervisors have approached FHC in respect of the provision of a prize for the best dissertation related to the Port. After discussion it was decided to make a proposal of a FHC plaque and a cheque for £100.

## Urgent Business:

CCTV – it was reported that the budgeted cost for 2009 of £25k has been increased to £38k for the 2010 budget.

Marine School Proposal – to be discussed at a later stage.

Aqua Protect – the final decision is to be made 23 to 24 November.

International Safety Maritime Training Centre – there is an opportunity for FHC to be represented during a visit 29 + 30 November and 1 December 2009.

**Meeting Ended: 1255 hours**

**Date of Next Meeting: Friday 27<sup>th</sup> November 2009 at 1000 hours (budget meeting).**

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Signed, Chairman 18 December 2009