

**MINUTES OF THE BOARD MEETING HELD ON
23 APRIL 2010 AT 1000 HOURS**

Present:

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

Apologies: P Fish tendered his apologies

The minutes of the March Board Meeting were approved and signed, subject to:-

- the date of Chair's signature and that of the next Board meeting.
- under Correspondence the second paragraph should read "CEO reported that FHC had been approached by Falmouth Docks as to ..."

Matters Arising Not On This Agenda:

CEO reported that:-

- Investigation of the opportunity to present the KTP findings at UKHM/BPA conferences was ongoing.
- Revised annual meeting procedure was compliant with guidance.
- Leisure services manager had been appointed to lead the Red Arrows entertainment arrangements.
- The recruitment of an Apprentice was ongoing and that the Board would continue to be updated with the progress.
- Arrangement of a compliance meeting to review performance indicators was in hand, not yet complete.
- Liaising with Cornwall Council re future economic strategy was in hand, not yet complete.
- Advice from Paul Thompson (PT) had been obtained re Ship to Ship Transfer regulations, and one significant point was raised that we were in fact lightening on a different harbour area to the discharge.
- Advice from PT had been obtained re Low Sulphur Regulations, which was there were concerns at the interpretation, and it was agreed that World Fuels be involved in future consultations.
- The options for the replacement of the Deputy Harbour Master had been completed and a recruitment process was in place.

All other outstanding items were reported to be complete.

Reports from Sub-Committees:

Pilotage Standards Committee

CEO reported that a meeting had been held with all the pilots to discuss the future training requirements. Captain Barnicoat had suggested that a trial for a specific passage should be carried out in order to better inform the actual training plan.

The Board agreed to defer making any decisions, in respect of funding the development of the full training plan until the trial results were presented. It was suggested that the total costs would be around £10k.

Audit and Risk Sub-Committee

The minutes of the A&RSC were presented and that DE apologies were to be recorded. It was reported that Barry Buist (BB) had been tasked with facilitating the Commissioners access to a confidential part of the website to view such things as the Risk Register.

The revised Terms of Reference were presented and the adjustments detailed to the Board. The Board agreed to adopt the TOR after the paragraph in respect of the Background had been removed.

Remuneration Sub-Committee

PM presented a synopsis of the Special meeting called to address the replacement of the DHM and reported that discussions had been held over the CEO's comprehensive paper detailing the job descriptions for the Assistant Harbour Master (Operations) + (Conservancy). The roles had the potential to progress to DHM.

The recruitment process is underway and MS, BB and LA would be sifting and interviewing.

It was reported that the current AHM is to be AHM (O) and that his pay scale would be adjusted to spine point 5 as from 1 May 2010. The next RSC meeting on 4 May 2010 would include the discussions on pay scales for FHC.

The Board expressed their appreciation to the RSC for their work in this matter.

Marine Operations Report:

It was reported that in respect of the Collision in Penryn River that Mr Roger Gates' case was finished and that sentencing had been adjourned pending an appeal to which MK and David Townson may be called as witnesses. The costs of which would be met by the court.

It was reported that in respect of the collision between HAYLEY MARIE and CAMELOT that Mr Williams had pleaded to guilty to the Bye-Law offence and sentencing was a Formal Caution and to pay £50 costs.

It was agreed, by the Board, that the outcome of the two cases provided a positive message about enforcement.

It was reported that the Emergency Response and Oil Pollution Exercises was well attended and received.

Training by the Fire Brigade is to be provided for FHC staff in recognition of the berth provided to their rib.

A project group is to be set up providing the Board with a full report in respect of the Red Arrows event.

PENDENNIS – the CEO reported that the staff had been very busy with mooring maintenance and other tasks, since it's return from refit. The Board wished to commend the crew for their efforts and that a letter would be sent from the chairman.

Enforcement decisions:

There were no decisions required.

Finance and Admin Report:

LA ran through the major items of the report for the period ended 28 February 2010 and briefed the board on the results.

The Board expressed their satisfaction with the results for the start of the year.

Leisure Services Report:

The Board expressed their appreciation, to the team, in respect of the collection of debts.

Recovering the debt relating to Mr Weller's FREE SPIRIT was reported to be ongoing.

Ferry operators agreements have been issued and the kiosks are in place, there are no planning issues as the buildings are temporary structures.

CEO reported that FHC had received 2 offers to hire the old offices on CHQ.

The SWW requirement of a header tank is now in the hands of a new contractor.

KTP Associate's Report:

CEO reported that the project continued to be positive and that the work on the anchoring study was progressing well.

CEO reported that Harriet Knowles was co-ordinating a number of student projects both at Plymouth University and the Marine School. The aim is to exhibit said projects at the Public meeting along with the attendance of the students involved.

Discussions were held about the possibility of the retention of HK at the end of the KTP project.

The Board wished that the ongoing success of the project be noted and their continued appreciation of HK.

Public Relations Report:

There were no comments.

Falmouth Port Development Initiative:

CEO reported that the meeting with Cornwall Sea Fisheries had taken place, with HK attending in place of the CEO. It was agreed that CSF do not object as long as certain mitigation actions are agreed.

A meeting with Natural England was to be held on 16 June 2010, at which it would be necessary to demonstrate to the MMO that FHC cannot do any more to accommodate NE's concerns.

In respect of the Water Framework Impact Assessment it was reported that though the standards would be breached temporarily as a result of the dredging, the dredging would then improve the current water quality.

It was reported that Charlotte MacKenzie had been updated at her request and there had been a working group and steering group meeting. The consultants had received a response from the RDA that dredging was not eligible for funding from convergence funds. Subsequent enquiries had indicated that dredging could be eligible under certain circumstances. A meeting to resolve this issue had been postponed due to the election.

Pilots National Pension Fund:

It was reported that the outcome of the court case is still being awaited.

Cornwall Council Pension Fund:

As a result of the presentation by Hewitts, it was agreed that the Board have some decisions to make.

It was reported that the report to 31 March 2010 would not be available until the end of May.

It was agreed that a report be commissioned, after a tender exercise to look at the options for the future pension arrangements for the Organisation. CEO and RY to liaise on this matter.

EU Sulphur Content of Liquid Fuel Directive:

CEO reported that this was a work in progress and that FHC had made representations to the MCA. Legal advice has been obtained from Paul Thompson, who commented on the definition of Port Limits which can be interpreted differently.

The Board agreed that there were serious concerns and it would be useful to work with World Fuels Ltd combining the Commercial and Statutory perspectives.

It was agreed to arrange a meeting with WFSEL as soon as possible.

KSL was tasked with investigating the Directive through her EU contacts, to obtain a way forward.

Commissioner Recruitment Procedures:

CEO reported that the RSC had approved the procedures and that it was deemed a robust process that would stand scrutiny.

The Board agreed to adopt the procedures to be used for the appointment of future commissioners.

Yacht Haven and Workshop Development Options:

CEO reported that as a result of lateral thinking by BB and himself a long term vision was being created which would incorporate the proposed Yacht Haven and Workshop development together with shelter for the moorings enabling a greater efficiency overall.

CEO proposed that a draft vision for 20 years time be drawn up and the Board agreed that it be presented at the next Board meeting at 0930 hours, not forgetting the income resilience for the short term.

PORTONOVO Update:

CEO reported that unfortunately it was necessary to put the presentation back to the May Board meeting.

Correspondence:

CEO reported that a number of letters had been received requesting financial support for various / charitable activities. The Board agreed to:-

- As FHC investing in the provision of the Red Arrows for Falmouth Week, no further funding would be available for the Falmouth River Festival.
- Provide two nights berthing and £100 donation to support a fundraising scheme for the Ellen Macarthur Trust.
- £500 donation to the Restronguet Junior and Youth Laser Dinghy Sailors.
- £350 to appear in the 150th Anniversary Commemorative book for Falmouth Docks, proceeds of the sale of which will go to the Missions to Seafarers.

CEO reported that advice was being taken on the letter from the MNOFF, which is suggesting that Employers should carry out consultation with their relevant Employees.

CEO reported on the letter on behalf of Estuary Services Limited and the Board agreed that CEO take legal advice prior to any response made.

It was agreed that DE would attend the Mayor making on 10 May 2010.

Urgent Business:

Meeting Ended: 1225 hours

Date of Next Meeting: Friday 14 May at 0930 hours