

MEETING OF THE PADSTOW HARBOUR COMMISSIONERS 12/18

HELD AT THE PADSTOW HARBOUR OFFICE

ON THURSDAY 20th DECEMBER 2018 AT 7.00PM

Present: Mr M England, Chairman, Mr P O’Neill, Mr I Kitto, Mr J Hewitt, Mr M Stacey, Mr C Toogood, Mr G Saunders, Mr W Delacour, Mr N Billing.

Apologies: Mr D Martin.

In Attendance: Mr B Phillips, Harbour Master, Mr P Olivey, Cole Rayment & White, Mrs N Dyer, Assistant Administrator and three members of the public.

**To Take
Information and
Comments from
Any Members of
the Public
Present:**

Messrs J & B Murt, Commercial Fishermen, both addressed the meeting to discuss comments concerning Protectors of the Sea. They only became aware of the project after Calum Richard’s presentation at the last Commissioners meeting. Mr J Murt expressed the view that there is nothing locally affecting our seabird populations and believes the issue is up in the North Sea where puffins spend eight months of the year in the open waters unable to find enough food to survive the winter. They are concerned that the recommended 50 metre exclusion zone around Moulds Island for all leisure vessels will lead to an exclusion for all vessels and impact on the local fishing fleet. They stated that the positioning of marker buoys will be unworkable and boats will get tangled in the lines. They appreciate Commissioners had considered the implications of the exclusion for commercial fishermen, however, they are unhappy the Commissioners have effectively endorsed a project which is outside of their jurisdiction before seeking their views and those of other fishermen.

The Chairman explained that Commissioners had wrongly assumed that Mr Richards had spoken to a number of fishermen about the project and he felt the idea was well-meant but misguided.

Commissioner Kitto advised that he and his skippers (Calum Richards being one of skippers) had had a meeting with Natural England and the RSPB regarding the seabirds and islands. Natural England maintain that if boats go too close to the island and disturb nesting seabirds it can lead to their eggs falling from cliff edges and this will affect the colony in the next 10 years unless a proactive approach is taken. He stated that Mr Richards initiative to protect the Puffins and other seabirds was well-meant but misguided and suggested Kate Sugar, Marine Lead

Advisor at Natural England be contacted to clear this matter up.

Mr B Murt informed that he has been fishing for 35 years and had not noticed a decline in the number of Puffins and thinks they are breeding down at the Gulland.

Messrs J & B Murt requested that any future issues relating to where local boats fish is consulted on before Commissioners make any decisions. Chairman and HM agreed this was a fair and valid point.

**Presentation by
Mr P Olivey, Cole
Raymond &
White regarding
Commercial
Leases**

HM introduced Mr P Olivey, to the Commissioners. Mr Olivey explained that there are generally two types of leases. The main lease is under the Landlord and Tenant Act 1954, Part II, which is well established and offers more protection for the tenant as opposed to the Landlord which the Commissioners need to be aware of as the Landlords.

Agreeing terms for a new lease will include whether the lease should be inside or outside the act. In the past, an agreement outside the Landlord and Tenant Act had to be approved by the Court for a fixed term and on expiry of the lease a tenant effectively gave back the keys and the Landlord was free to offer the property to someone else. Inside the 1954 Act, business tenants have automatic renewal rights at the end of the term and the Landlord is obliged to offer a new lease unless they have grounds for possession such as substantial redevelopment or own use business occupation.

He pointed out that it has become quite common for Landlords to take the lease outside of the 1954 Act for a fixed term as it gives the Landlord a bit more control should they wish to gain possession of the property in the future. Because there is no protection on renewal, tenants don't tend to pay an 'incoming premium' but the rent can be set slightly higher to offset this. Furthermore, it can cause difficulties for a new business requiring finance if they don't have protection on renewal. If PHC are happy with the tenant at the end of the term granted and the rent has been paid on each quarter day then they can grant a new lease putting them in control. Another consideration if charging an 'incoming premium' is that the proceeds will be deemed as taxable income.

He explained that the right to assign a lease normally has to be approved by the Landlord and references can be requested on who the lease is being assigned to. If someone is in the property for 3 years and they have a 9 year lease they can sell the remaining part of their lease, obviously the shorter the term left the less valuable it becomes. Commissioner Toogood enquired if there was a method to stop the tenant from profiteering if they assign the lease. Mr Olivey replied that if you think carefully about the rent and don't undersell the property it's unlikely, they would make a significant profit from it.

He stated that the other type of lease is a profit-sharing lease. This type

of lease is more common in remote areas where it's more difficult to determine a rent. There is a risk to the Landlord so it's a good idea to rent to someone fairly well established and find out more about your tenant before making an informed decision.

Commissioner Toogood asked what was expected in the handover of the property. Mr Olivey replied that normally you would list an inventory of fixtures and fittings which could be incorporated in the lease. You can also include Full Repairing and Insuring in the terms which means the tenant is responsible for the insurance but the Landlord arranges and pays for it and passes the cost onto the tenant. Alternatively, you can include Internal Repairing in the terms which means the tenant is responsible only for internal repairs and decorations, with the Landlord being responsible for external and structural repairs.

The Chairman and Commissioners thanked Mr Olivey for his very informative presentation and he left the meeting.

**Invoices and
Payments for the
Period Ending
13th December
2018**

Invoices totalling £109,189.55 had been paid for the period 16th November to 13 December 2018.

**Approval of
Minutes 11/18**

The Minutes were passed as a true and accurate record of the meeting.

**Matters Arising
from Meeting
11/18**

Commissioners' Election – Casual Vacancy – 15 December 2018 - HM introduced Ian Kitto, Proprietor of Padstow Sealife Safaris to the meeting as the newly elected Commissioner for the parishes of Padstow & St Issey, to serve until the elections to be held in 2020. The Code of Conduct had been duly signed before the meeting.

Cameras Wadebridge – HM advised that the tower had been erected and cameras installed. Awaiting a fibre connection at Bridge Bike Hire before the cameras go live. Commissioner Delacour enquired how the cameras would be accessed. HM replied that the cameras would be accessed remotely via the internet and monitored at the Harbour Office.

RQCP Extension – HM reported that the works are well underway. There was an issue with sand quality for beach re-nourishment but this was overcome by hiring a screening plant. During the re-nourishment of the beach, a couple of complaints were received of persons encountering difficulty with deep soft sand. The area was checked and extra signage was placed over the area of re-nourishment and the piles

of sand were reduced to 150mm. HM informed the Commissioners that there may be a few extra costs due to unforeseen obstacles, but the works are well in budget and on course to be completed by the end of March 2019. HM circulated a plan of ducting for electrical cables to future-proof any lighting requirements or other electrical installations. An allowance of 200mm of ducting is included in the contract price.

Soft Sand Caution Signs – HM circulated a proof of the design for approval. The idea of the location point and the “you are here” text is to provide an effective communication plan to the coastguard. Location points for the signs agreed at a previous meeting 09/18. Dimension of signs to be 750mm x 650mm. Commissioners had no objections to the design. HM reported that Padstow Coastguard have plans to include mud rescue in their training and response. This was welcomed by the Commissioners.

Red Brick Building Apartments - Windows – HM had inspected the condition of all the windows with a specialist from Camel Glass, with the exception of Apartment 2, as he was unable to gain access. Most of the windows require new gaskets, some new latches and a few re-aligning all of which is repairable. Furthermore, he stated that he was having the leases looked at professionally as the service / maintenance charge has been the same since inception and does not reflect inflation and justify modern day prices.

Schedule of Rates 2019 - Dinghy Park Combined Storage / Launch Fee – This item had been deferred from the previous meeting. After discussion, it was agreed to change the tariff description to Combined Storage / River Dues. The subject of winter storage was raised. HM pointed out that it's been previously Minuted that the Commissioners were not in favour of sailing boats being left on the dinghy park during the winter months as during periods of high winds they can roll over and get damaged. This was acknowledged by Commissioner Hewitt but he expressed the view that a facility should be provided for winter sailors wanting to sail all year round. He didn't think the majority of seasonal sailors would be interested solely in winter storage, as they appreciated sailing boats were at risk of damage. It was noted that the dinghy park was only half full during August and the number of people using the facility had declined over the past few years. After discussion, it was proposed by Commissioner England, seconded by Commissioner Saunders and CARRIED to allow sailing boats on the dinghy park over the winter for a trial period – no change to charges but wording to be changed from seasonal to annual. HM to draw up a policy for winter storage and signs to be erected '*sailing boats left at owner's own risk*'. (To be reviewed October 2019).

12/18/01

Wadebridge Boat Club – Harbour Dues – A request was put forward at the last meeting by Commissioner Saunders to bring back a discounted rate for river dues at Wadebridge due to the length of time afloat

available to users in this area. It had been agreed to defer the subject to this meeting. Commissioners Saunders and Delacour declared an interest in this item as members of Wadebridge Boat Club. HM briefly explained the history of why the discount had been abolished well over 10 years ago and the Chairman expressed his concern that if a rebate was granted for this reason it could set a precedent. After consideration, this did not find favour with the Commissioners.

Commissioner Saunders advised that one of the reasons behind his request is membership of the Club has declined by approximately 20% over the last couple of years and the Club's jetty is in a state of disrepair. The Club is looking to finance the building of a pontoon to replace the jetty, which is quite a costly project and they don't have the funds in place at this stage to go ahead. The Chairman stated the Commissioners have provided a pontoon facility at Wadebridge for boat users. Commissioner Saunders replied that the pontoon provided by PHC is well-used, however, several members prefer to use the Club's facility. HM suggested the Commissioners consider a contribution towards the pontoon. The Deputy HM pointed out Commissioners need to be consistent with contributions made to other organisations. Commissioner Toogood suggested that the Club may be able to apply for grant funding towards the pontoon. Commissioners Saunders and Delacour advised that they were appreciative of any help that could be offered. HM to contact PSC to ascertain grant application process.

Financial Briefing

The Commissioners were presented with a current debtors and bank situation and a Profit and Loss account for the month of November.

Correspondence

Padstow Christmas Festival – Mrs Tina Evans – Write to thank HM and staff for their help and support over the festival and requesting to book the South Quay Car Park from 5pm on Sunday, 1st December until 12 noon on Tuesday, 10th December for the 2019 Festival. The Commissioners had no objection to the dates proposed for the 2019 Festival. HM to confirm this approval in writing and arrange a meeting with Festival Organisers to discuss ideas to involve more local businesses / organisations.

Sand in the Estuary - An email from Alex Roads highlighting his concerns for protecting the sands in the Camel Estuary. He brings to the Commissioners attention an article in the Telegraph regarding the diminishing sands from beaches across North Cornwall caused by the storms. Commissioner Hewitt commented that there are concerns on the Rock side of the estuary and notable changes on Daymer Bay and Rock beaches which has been exacerbated by the recent storms. The erosion of the sand dunes has also accelerated in recent years. Furthermore, he felt expert advice was needed to ensure dredging of the estuary was conducted according to a well-considered plan. It was

noted that the last technical study of the Camel Estuary was carried out in 1989. HM stated that PHC have a duty to maintain and improve Padstow harbour by carrying out maintenance dredging in order to keep the channels clear and safe for shipping. After discussion, it was agreed to commission an expert to undertake a survey / study of the estuary. HM to investigate.

Port
Administrators
Business

Black Tor II Ferry – New Engines – HM reported that the engines had arrived and are now in place on the ferry. Also, the jets had to be repaired and although fairly new they seemed very worn which is possibly due to the coarseness of the sand in the estuary.

Fishermans Pontoon – South Dock – The works to install the extra sections of pontoon along the South Dock wall to the north is scheduled to commence on 14 January 2019 and will be completed by 18 January 2019. The wall column connection method will be used for these sections.

Proposed Installation of Petrol Tank – HM advised that he would like to investigate the feasibility of installing a petrol tank with a self-service type pump so PHC can provide a service to commercial and leisure vessels. The plan is to use one section of the 7.5m pontoon and two of the wall columns and erect them on the opposite wall between the bullnose and dock wall. HM circulated a plan of the proposed area where the pontoon would be installed. HM was seeking the Commissioners approval in principle before undertaking any further research. Commissioner Kitto declared an interest. It was proposed by Commissioner Delacour, seconded by Commissioner England and CARRIED to grant permission for the proposal to be investigated further.

12/18/02

Inner Harbour Wall – HM reported that the harbour dry down was a success and the survey of the Inner Harbour Wall was undertaken more expediently than predicted. Awaiting results of survey from John Grimes Partnership.

Grid Repair / Renewal – HM reported that he had received only one quote so far and is awaiting a further two quotes before he can apply for grant funding. Furthermore, he advised that whilst conducting health and safety repairs an electrical problem was encountered, so in the process of repair, additional ducting for the installation of water and electric to a bollard on the North Pier was included which will be of use to port users when using the grid. Awaiting date for connection of services.

Vanstones – Quotes for works to Activity Centre – to be discussed “In Committee”

Ice Plant Grant – HM reported that the Ice Plant cannot be modified within 6 years of the grant offer being accepted. Therefore, any changes cannot be considered before 31/12/2019.

PMSC

Nothing to report at this meeting

Items for Discussion

None at this meeting

Date of Next Meeting

The next meeting will be held on Thursday 17th January 2019 at 7.00 pm in the Padstow Harbour Office.

All other business was taken 'In Committee'.

There being no further business the meeting closed at 21.05 hours.