

Maldon Harbour Improvement Commissioners

**Minutes of the Ordinary Meeting of the Commissioners held on Tuesday,
11 October 2022 at 7.00 pm.**

PRESENT: G Courtney (Chairperson) D Patient (Vice Chairperson)
 M Chapman Jim Dines
 John Dines P Ellum
 C Swann

20 APOLOGIES FOR ABSENCE

Apologies for absence were received from N Cardy, M Gibson, N Harrisson, K Lagan, A Wiseman.

21 DECLARATIONS OF PERSONAL AND PREJUDICIAL INTEREST

There were none, other than those declared during the meeting.

22 MINUTES – MEETING 16 August 2022

The Minutes of the Ordinary Meeting held on 16 August 2022 were formally received. It was **AGREED** that the Minutes of the Ordinary Meeting held on 16 August 2022 be confirmed as a correct record.

23 MATTERS ARISING

There were none.

24 CLERK'S REPORT

Item 1. The dates for the 2023 meetings were confirmed. (Post meeting note: these dates have been booked at MLSC.)

Item 2. The Clerk was following up the matter of the Port Marine Safety Code Letter of Compliance with MCGA.

25 TREASURER'S REPORT

The Treasurer emailed. The Clerk's salary for August and September, plus the MLSC room hire for the Harbour Dues Consultation meeting were the only items paid out since the August MHIC meeting.

26 CONSULTATION – HARBOUR DUES; MEETING 16 SEPTEMBER 2022

a) Report on the meeting

G Courtney thanked the Commissioners for their introductory reviews of MHIC. G Courtney reported on the meeting which was as per the Notes of the Consultation Meeting previously published and distributed on 18 October 2022 (appended at the end of these Minutes).

There was discussion of lease costs for the yards, which were considerable.

Costs of buoy maintenance were discussed with estimates of £3725 up to £6500.

b) Next steps

i) Legal advice

It was established that there was a need for a clear legal understanding of MHIC's powers.

Ashfords LLP had been recommended and they had quoted £1500 +VAT for a review. £330 per hour thereafter. Dorade Law had also been approached for a quote. These were discussed, including the need to establish exactly what was included in the quotes. P Ellum suggested that Commissioners draft a list of requirements/specific questions first and then get an indication if this were possible. MHIC should take advantage of any pro bono advice.

P Ellum would compose a draft letter of instruction to the lawyers for Commissioners' approval.

Commissioners asserted the need for a clear written scope of what the lawyers would provide.

A proposed timetable for actions was drawn up:-

- 1) Ask Ashfords for a scope of the review.
- 2) P Ellum to draft a letter of instructions.
- 3) Use point 2) above to assist with any pro bono advice.
- 4) Decide on how to proceed using points 1) and 3) to formulate a request.

The 1964 Harbour Act was considered briefly. It applies to Maldon.

ii) Harbour Dues – Commercial

Jim Dines had produced figures based on average 80 ton barge.

G Courtney and D Patient proposed:-

Keep status quo, ie tonnage or passenger numbers

Operator to choose which one per vessel

Signed agreement for a period of 2 years, then they could change their choice

There was discussion of type of tonnage – net.

There was a proposal for the above two changes (ie choice and 2-year period). It was **AGREED** with four Commissioners for the motion out of seven attending.

iii) Harbour dues - Non Commercial

The following points were made:-

- need to raise fees via yards as simply as possible,
- should it apply to all vessels in yards either afloat or out of water or just to the number of berths?
 - if barges stopped then MHIC have no choice,
- need clubs and yards to do the collecting,
- it has to be simple for clubs and yards.

Jim Dines – he would be prepared to pay a fee per berth.

There was discussion regarding clubs:-

- could not be per boat, a better suggestion would be per member,
- P Ellum stated that it would be dependent on legal advice received,
- need to spread costs in order to keep individual payment down,
 - suggestion of flat rate per club,
 - should Maldon District Council pay on same basis as yards, Jim Dines estimated approx £4 - £5K pa from MDC,
 - should it be voluntary for yards?

Jim Dines noted that yards can object to the Secretary of State if they do not feel it is a fair charge. (Post meeting note. This was corrected to:- Boatyards cannot appeal to the Secretary of State if they do not feel the Harbour Dues are a fair charge; this can only be done by boat owners who pay Harbour Dues.)

27 BUOY REPORT

All buoys were in good condition.

28 DREDGING

D Patient wished to start up the Siltation Committee again. N Cardy would provide the Clerk with the appropriate contact.

29 TRIATHLON 2023

D Patient reviewed the situation and would draft a response to be passed to P Ellum for possible amendment.

The proposed date of 28 May 2023 had a very poor tide, similarly to 2021. There was discussion of how to ensure safety.

30 NEXT MEETING, TUESDAY 29 NOVEMBER 2022

The Clerk would be away. A note-taker would be required.

31 URGENT ITEMS OF BUSINESS

There were none.

The Chairperson closed the meeting at 9.00 pm.

Chairperson

MALDON HARBOUR IMPROVEMENT COMMISSIONERS

HARBOUR DUES CONSULTATION MEETING, FRIDAY 16 SEPTEMBER 2022

Attendance – 38, including representatives from local businesses, sailing and sports clubs, Maldon District Council, Maldon Town Council.

1. Welcome and Intros

G Courtney (MHIC Chairperson) welcomed participants and outlined the aims of evening. The meeting was addressed at the wider community of the river, not just boatyards. The focus was the funding the Harbour.

2. Background and Overview

Patrick Ellum (MHIC) reviewed the history of the Harbour, its status as a trust port. As a statutory body it is a not for profit organisation and Commissioners were not paid.

G Courtney (MHIC) outlined the responsibilities and duties of the Commissioners including:-

maintenance of the Local Aids to Navigation reporting to Trinity House and achieving their availability target;

Department for Transport cargo returns and submission of MHIC Annual Report and Accounts;

consultee on Personal Water Craft draft legislation;

liaison with Marine and Coastguard Agency, UK Hydrographic Office, Office of National Statistics;

Marine Management Organisation consultee;

Incident reports, risk assessments, safety;

Liaise with Maldon District Council eg lighting at recycling plant;

Public awareness – website, Library;

In the past, pre-Covid, Commissioners have held the Annual Joint River Safety Meeting, and an Annual Public Meeting.

John Dines (MHIC) reviewed Local Aids to Navigation and harbour maintenance. The work of the Commissioners included inspection, maintenance, removal of obstructions. This was unpaid work and Commissioners used their own boats. The estimated costs per buoy, if using a contractor, would be £1200.

David Patient (Vice Chairperson, MHIC) gave an overview of dredging, history, inception of the Siltation Committee and pre-emptive dredging.

3. Sources of Harbour Dues

Review of Accounts

2019 surplus, 2020 Harbour Dues waived leading to a deficit, currently in deficit and reserves dwindling.

Harbour Dues come from commercial passenger vessels with a small amount from cargo which was previously the source of income. Income is now not covering costs.

MHIC need to employ people for harbour and buoy maintenance. This will be put out to tender, likely minimum £65/hour. Will entail 50 – 100 hrs work = minimum of £3725 up to £6500.

MHIC needs about £4K to run everything except buoyage.

A minimum of £7250 is required to break even.

Comments and suggestions from participants (non MHIC)

Have we considered getting more cargo eg Carrs. MDC Planning now means that there is a lack of frontage despite MHIC representations.

We all use the buoys, we should not be shy of contributing.

Pays for moorings, not sure how much goes to MDC but they do not dredge. What do MDC do with the money? Doesn't mind paying contribution to buoyage.

BSC – foreshore lease approx £9.5K pa. Harbour dues – it is important to get all money to the Commissioners.

Has a mooring, money goes to MDC, no River Bailiff boat, no money comes out from MDC.

Will bring up at next meeting of MYC.

Canoe club does not use buoys, so why should they pay for them? They have to pay out to Brightlingsea and others.

Gig club – appropriate we make a contribution on a club basis. Difficulty otherwise to keep paperwork if it is based on number of club members.

Is Woodbridge in the same situation? (Response from G Courtney (MHIC) have looked at other harbours ie Crouch and Brightlingsea.)

Usually has a sailing boat. Recalls RYA campaigned not to pay dues to Trinity House for buoyage. Could boatyards put on a percentage? MHIC need a basic income. Different way of raising via clubs – perhaps a percentage?

About 220 boats at berths in Maldon Harbour authority. 80% are in yards including MDC.

£30/boat to cover dues.

Need to raise more. Importance of dredging to get to the moorings.

Question – who maintains buoys outside the Harbour? – Answer MDC.

BWS – could MHIC work in conjunction with MDC, ie share contractor?
(G Courtney invited Nigel Cardy (MHIC) to respond. MDC buoys had not been checked for some time and had been going adrift. Required contractor.)

On a trip up the river the Mayor was amazed at the amount of sewage. Could sewage be a contributing factor so should Anglian Water contribute to dredging?

Frangipani SUP is a commercial organisation which does not use the Harbour but if paddleboard operators did use it then they should contribute. Personally stores her kit at Maldon and would consider a contribution.

Should the buoys be put back to MDC?

5. Timescale for Action and

6. Summing up

G Courtney – everything mentioned here would be discussed by the Commissioners. When decisions were made, MHIC would consult marine lawyers.

When? Intend to implement for 2023 season.

MHIC were looking to improve the Harbour further in the future.

Contact would be via emails, posters and website. Maintaining contact was important.

G Courtney thanked participants for attending.

A vote of thanks to MHIC was raised from the floor.