



Minute 52 Contact boat yard and clubs

G Courtney has visited one boatyard. No clubs have been contacted in view of the legal advice that charges cannot be imposed but could invite donations.

Minute 52 Item b) Harbour Dues for Leisure Craft

Definition from legal advice – leisure craft must be vessels using the navigation.

## **63 CLERK'S REPORT**

Item 1. Department for Transport Return (Minute 49, Item 3). The DfT Return was submitted on time.

Item 2. Insurance Renewal. MHIC Commercial Marine Combined Liability was renewed. The price was reviewed and adjustments made by Winters reduced the cost to £1360.80 as against £1604.98 in 2022. This was achieved by applying a 10% No Claims discount and adjusting some conditions to Employers Liability and Public and Products Liability. Wreck Removal remains unchanged. Commercial Legal Expenses remained unchanged at £124.31.

## **64 TREASURER'S REPORT**

Received by email, M Gibson reported that the current bank balance was £9052.93. This includes the recent Harbour Dues receipts and the payments to Ashfords and Winters.

## **65 TO CONSIDER THE RE-APPOINTMENT OF NANCY HARRISSON WHOSE PERIOD OF APPOINTMENT ENDED ON 16 JUNE 2022**

On being duly proposed and seconded it was **AGREED** that Nancy Harrisson be re-appointed as Commissioner.

## **66 TO CONSIDER THE RE-APPOINTMENT OF JAMES DINES WHOSE PERIOD OF APPOINTMENT ENDED ON 16 JUNE 2022.**

On being duly proposed and seconded it was **AGREED** that James Dines be re-appointed as Commissioner.

## **67 TO CONSIDER THE RE-APPOINTMENT OF NIGEL CARDY WHOSE PERIOD OF APPOINTMENT ENDED ON 20 OCTOBER 2022.**

On being duly proposed and seconded it was **AGREED** that Nigel Cardy be re-appointed as Commissioner.

## **68 TO CONSIDER THE RE-APPOINTMENT OF ALLAN WISEMAN WHOSE PERIOD OF APPOINTMENT ENDED ON 31 DECEMBER 2022.**

On being duly proposed and seconded it was **AGREED** that Allan Wiseman be re-appointed as Commissioner.

## **69 TO CONSIDER THE RE-APPOINTMENT OF PATRICK ELLUM WHOSE PERIOD OF APPOINTMENT ENDS ON 24 APRIL 2023.**

This was deferred until the next meeting.

## **70 HARBOUR DUES – OUTSTANDING DUES**

G Courtney stated that Topsail will provide Passenger Returns. Invoices would be calculated. Topsail had informed G Courtney that they intended to take out a formal complaint under the Harbours Act.

### **a) Report of Legal Advice**

P Ellum reported. There is an “ability to distrain” (debt recovery) but this is not relevant as it applied to Cargo Dues not Passenger Dues.

If agreement with yards were reached, this could be substituted for individual boats. Similarly with clubs.

Dues could not be claimed from Maldon District Council but they could be approached on the basis of moorings.

Regarding jet skis, the legislation did not specify size. Therefore it would not be possible to charge jet skis, canoes, sailboards etc but sailing craft could be charged.

Boats on moorings – precedent was that they were not exempt including houseboats.

Work boats could be charged. Jim Dines gave a number of examples eg a boat out of the water on hardstanding. Legally MHIC could charge but whether they would, would be a matter of procedure.

### **b) Update on Communications**

See Minute 70 above, first paragraph.

## **71 HARBOUR DUES FOR 2023**

### **a) Structure and Level of Harbour Dues for Leisure Craft.**

G Courtney displayed a breakdown of estimates for 2023/2024. The estimated income required, assuming no equipment was needed would be just under £7000 minimum, with a maximum of just over £10000.

G Courtney reported feedback from one of the boatyards which pointed out that people are paying for the use of the navigation regardless of size of craft. If a flat rate were used (rather than by size), the estimates indicated about the same amount of income. G Courtney suggested that if boatyards were to help collection (possibly a 10% incentive), this solution could be easier.

This was discussed including reasonable rates; per yard, per berth, per boat; simplicity of procedure; effect on customers of boatyards; application to vessels just entering the Harbour; significance and need to maintain navigability; the need for simplicity and fairness; the need to identify clearly how much a yard would pay.

Consideration was given to the dues required and the boatyards operating in the Harbour. It was **AGREED** to charge £20 per berth (N Harrison against).

Post Meeting Note – an email poll of Commissioners was taken to decide whether to introduce Leisure Craft Dues in either 2023 or 2024. The majority was for introduction in 2024. (5 for 2024, 2 for 2023, 1 abstention, total 8 votes.)

b) Confirm Structure and Level of Harbour Dues for Commercial Vessels

N Harrison proposed that the 10% early payment discount be withdrawn. It was **AGREED** to withdraw the 10% early discount for commercial vessels (unanimous).

It was proposed that terms should be 30 days (invoice payment) then 2% per month would be added thereafter for non-payment. It was **AGREED** that terms should be 30 days, 2% added per month thereafter for non-payment (unanimous).

N Cardy would look back at his records over 15 years to provide background and comparison.

## **72 HARBOUR MAINTENANCE AND STATE OF BUOYS**

a) Buoy Report

Buoy No 10 light would be replaced.

b) Responses to Advertisement to Tender. Selection Panel.

G Courtney suggested that two Commissioners, knowledgeable and impartial, should assess the tenders and make a decision. D Patient and John Dines offered to do this. They would draw up a list of criteria.

## **73 PORT MARINE SAFETY CODE**

a) Review

G Courtney and M Chapman had liaised with former Commissioner I Hiner. The changes were reviewed.

Section 4 – a mobile phone would be needed. Jim Dines stated that the phone should have a diversion facility. The cheapest options for a phone would be researched.

Section 7 – G Courtney suggested that Commissioners could provide overviews of their qualifications and experience.

## **74 HANDLING WRECKS**

There were two by Herring Point and one on the Bath Wall. N Harrison would contact the River Bailiff.

## **75 DREDGING AND SILTATION COMMITTEE**

N Cardy reported that dredging from last year was complete. He had spoken to A Janbakhsh at Essex and Suffolk Water regarding reinstatement of the Siltation Committee. She would get back to him.

Dredging for 2023 was discussed. N Cardy advised that dredging should be done in one length. It was **AGREED** to dredge from Downs Road Boatyard up to Fullbridge (unanimous). Note: this was last dredged 8 years ago.

## **76 TRIATHLON**

D Patient reported that Mike Jubb of Active Training had visited. The tide situation had been clarified and Mike Jubb had been given a set of tide tables. As a result, the date for the Maldon Triathlon has now been changed to Saturday, 2 September 2023, 1350 – 1500 hrs. This was a good tide ensuring that swimmers would be out of the Fairway. D Patient and John Dines would be in attendance. Active Training would deploy marker buoys.

## **77 RIVER SAFETY MEETING**

It was resolved that Joint River Safety Meetings should recommence. The Clerk would arrange this for March 2024, ie start of season. A River Safety Newsletter would be published for 2023.

## **78 URGENT ITEMS OF BUSINESS**

There were none.

D Patient thanked G Courtney, P Ellum and the Clerk for their work in establishing legal background for Harbour Dues.

## **79 DATE AND TIME OF NEXT MEETING**

This would be Tuesday, 25 April 2023, 7 pm at Maldon Little Ship Club.

The Chairperson closed the meeting at 9.35 pm