



**Burnham Overy Harbour Trust Management Committee  
Friday 29<sup>th</sup> September 2017 7pm, Burnham Overy Village Hall**

Attending: David Horton-Fawkes (DHF) (Chairman), Pete Low (PL) (Hon. Secretary), Jonnie Usher (JU) (Hon Treasurer), Peter Beck (PB), David Hart (DH), David de Stacpoole (DdS), Iain Mackechnie-Jarvis (IMcJ), Peter Connor (PC), Kev Gathercole (KG), Tim Gatti (TG), Pam Thompson (PT),

Apologies: Tom Leicester, Sarah Henderson, John Lumley, Sam Sandell, Tim Gatti

**1.0 Minutes of Last Meeting**

1.1 The minutes from the meeting held on Friday 7<sup>th</sup> July 2017 were approved.

**2.0 Matters Arising**

2.1 Unlicensed boats and notice – amended notice approved and to be used next spring/summer.

2.2 DHF has spoken to Honk re tender for Whisky, which is used on a regular basis, it has not been abandoned.

2.3 Spring Tide Notice: it was agreed at the July meeting that it was up to the public to know the tide times.

2.4 Charlotte Chapman's Van: At the May BOHT meeting Charlotte's offer of putting her refreshment van on the hard was declined, she then asked at the Common Rights AGM where she was told they could not give permission at the AGM. However, the van started trading on the hard. DHF wrote to Charlotte on 8<sup>th</sup> August to explain that she did not have consent and she moved the van. CC was subsequently offered a pitch in the Park at Holkham next to the play area which she was used during the school holidays.

2.5 Drakes: The boathouse have a quote for repairing the quay. JH to ask Drakes to come and quote for dam and groynes repairs.

JH/PB

2.6 Constitution and Common Rights: There is an agreement that the Chairman will alternate between a full CL65 common rights holder and non-common rights holders, to be reviewed after 3 years.

Still to be agreed who has a vote on the management committee. The current suggestion is that the following will have a vote:

4 x full common rights holders (CL65)

4 x non- common rights holders which will be made up from a representative from:

1 x Landowner

1 x Burnham Overy Parish Council

1 x Burnham Norton Parish Meeting

1 x District Council (Cllr Sam Sandall)

The Sailing Club and boathouse would not have a vote, the Sailing Club are content not to have a vote if it is written that the freeway is kept clear of moorings in the new constitution. The Boathouse believes that it should be entitled to a vote because of its contribution to the Creek and its significance as the primary point of contact for most users. The Committee discussed the background to the Common Rights Holders objections to the Boat House, which centred on a concern that the Boat House is profiting from the Common. DHF explained that according to

DHF

DHF/DH

the legal advice that has been received there is no legal reason why third parties could not profit from the Common provided it did not infringe the rights of the Common Rights Holders. DHF proposed a meeting with George Parry, Michael Smith (CRH) and TG, Harry Cory Wright and Tara Douglas Home from the Boathouse to discuss this.

To continue general constitution discussion DHF and DH are meeting George Parry and Michael Smith on 6<sup>th</sup> October 2017 (*post script: meeting rescheduled for 9.30am on 17<sup>th</sup> October*).

- 2.7 Succession: DHF will remain as the Chairman until the AGM on 30<sup>th</sup> March 2018. If the new constitution is agreed Michael Smith has been asked to stand as Chair. It was agreed that a Vice-Chair should also be elected. ALL
- 3.0 Reports**
- 3.1 JU circulated the updated figures and will send out another set to cover 2017 10-month period. JU
- 3.2 The fixed term loan is on a year's notice therefore JU needs to know costs of repair work before December 2017. JU/DHF
- 3.3 PL reported that the PI insurance renewal is due in October 2017 at a cost of £1,156pa to give £10m cover— agreed. PL
- 3.4 PL has completed the Charity Commission annual return with details from the AGM.
- 3.5 Trinity House inspected the buoys in August, reds are ok but there is only one green, KG is aware and once he has organised the greens to be re-instated (with assistance from Wells Harbour Master) he will inform Trinity House. KG
- 5.0 Any Other Business**
- 5.1 Ownership of the Creek: DHF reported that it was now widely accepted that the 1922 Conveyance demonstrated that the Earl of Leicester bought the “77 Acres” from Lord Orford as part a much larger acquisition. The issue now is whether Lord Orford was entitled to sell that land in 1922. DHF said that given the detail and complexity of the conveyance and the standard of record keeping at that time, it is inconceivable that the land could have been mistakenly or mischievously sold. Peter Connor said that on a number of occasions the 7<sup>th</sup> Earl of Leicester had told him Holkham did not own the land and he offered to provide a letter that showed this. Holkham's archivist is investigating Orford Estate archives to see how the 77 acres came to be sold to the Earl of Leicester in 1922. Jonnie Usher asked whether Holkham would be entitled to make a claim for “adverse possession”. DHF explained that this was unnecessary and it would be preferable to find out how the land was acquired by the Earl of Orford.
- 5.2 PL confirmed that drones are not permitted over SSSI or an NNR.
- 5.3 Agreed that the donation box should be removed. DHF
- 5.4 Increase in numbers of paddle boards this summer, PL confirmed that they should have a licence.
- 5.5 As swimmers are hard to spot from a boat it was discussed if they should be asked to wear a fluorescent float. To be discussed further.
- 5.6 The Boathouse are hosting the launch of Nelson Coastal Water Sports Trust on 21<sup>st</sup> October 2017. Unfortunately, as TG was not able to attend the BOHT meeting no details are known yet.
- 5.7 SR asked for a mooring, as a common rights holder. DHF noted his request and explained that it had been agreed that no new mooring would be laid until the new Constitution had been agreed. As part of that constitution it is proposed that full common rights holders would be entitled to a mooring, subject to availability and the approval of a “moorings committee” SR/DHF
- 5.8 AG raised a number of concerns from Andrew Llewelyn mainly about moorings that are above the surface. DHF will ask an NNR warden to do a risk assessment. DHF
- 5.9 DHF informed the committee that there is an ongoing dispute with one of the Gathercole boys who is accused of removing a Boat House mooring. DHF has asked Kevin Gathercole to resolve the matter and Michael Smith has been involved. No resolution has been reached yet. DHF

The meeting finished at 20.00