

## **The Trust, Registered Charity No' 287315**

AGM of the Trust will be held on 14<sup>th</sup> April 2017 in the Boat House at Burnham Overy Staithe at 6pm.

The objects of the Trust are set out in the Trust Constitution dated 7th April 1983. The constitution and the minutes of all management committee meetings can be found at [www.burnhamoveryharbour.com](http://www.burnhamoveryharbour.com).

### **1.0 Members and Associate Members**

The Constitution provides for two classes of membership; members and associate members. Full membership is open to any person on the electoral roll of Burnham Overy Parish Council and to Council Tax payers in the parish and members of their family aged over 18 years, who were born in the parish and are now resident in any of the Burnham parishes. Associate membership is open to anyone with an interest in the objectives of the trust. At a General Meeting of the Trust, members have one vote, associate members have no vote. The issues on which members they are:

- Election of the Chair, Hon. Secretary and Hon Treasurer
- Approval of the annual accounts
- Appointment of auditors
- Changes to the Constitution

### **2.0 Summary 2016/17**

The Harbour Trust, through the Management Committee, is bound to deliver the objects of the Trust. The majority of users value the Creek for its unspoiled beauty and want to see the Harbour maintained for the benefit and enjoyment of its many and diverse users. Most are agreed that any exploitation of the creek that affects its unique character and scale would be unwelcome.

The management of the Creek and the moorings is frustrated by tensions between different groups and their competing interests. The tensions this year culminated in threats of violence, the laying of unauthorised moorings, the alleged sabotage of buoys marking the harbour entrance and interference with the Trust's efforts to keep the harbour free of abandoned boats.

The tensions, which were evident at last year's AGM, have overshadowed the work of the Management Committee, leading to the resignation of two members of the committee. Nevertheless the main activity in 2016/17 has been negotiations with the Scolt Head and District Common Rights Holders Association. The aim of these negotiations has been to find a way in which the Trust and the Common Rights Holders can work together to maintain the Common and the Harbour in the interest of all users. These discussions are proceeding positively and the Trust has deliberately withheld from undertaking any major projects on the basis that it will be more effective to move forward with the support of the Common Rights Holders.

### **3.0 The Management Committee**

Since the AGM the management Committee has met on 4 occasions:

13/05/2016

8/07/2016

21/10/2016

01/02/2017

The day to day business of the Trust is described in the minutes of the meetings, which are posted on the Trust's website [www.burnhamoveryharbour.com](http://www.burnhamoveryharbour.com). Together with the Trust's Constitution and the Trusts' lease from the Holkham Estate.

#### **3.1 Membership of the Committee**

Henrietta Faire, Burnham Overy Tennis and Sports Club – resigned, not replaced  
Chris Henson, channels and buoys (co-opted) – resigned, not replaced  
David MacLean, Burnham Overy Parish – resigned, replaced by Iain MacKechnie Jarvis

#### **3.2 Discussions with Scolt Head and District Common Rights Holders**

Following last year's AGM the Management Committee invited Michael Smith (Chairman, Scolt Head and District Common Rights Holders Association) to consider how the Harbour Trust and the Common Rights Holders could work together. Both parties agree on the shared objective of maintaining the Harbour and the Common for the benefit of its users, whilst respecting the rights of the Commons Rights Holders and both parties have determined to focus on their common aims rather than small differences. To that end, the Harbour Trust and representatives of the Common Rights holders have been engaged in a constructive dialogue to set out the terms of a new constitution. Both parties have agreed that it is preferable to draft a new constitution, rather than amend the existing one, thus signalling a new start.

Representatives of the SCDCHA met the Harbour Trust Trustees on 22<sup>nd</sup> August 2016 to discuss how the parties can work together. The Chairman of the Harbour Trust has met the Chairman of the SCDCHA on four occasions and the Chairman of the SH&DCRH attended the meeting of the Management Committee on 8<sup>th</sup> July 2016 to consider how all parties could cooperate. The meeting was also attended by Cyril Southerland, Chris Cotton, Stephen Bocking and Peter Bickell. Discussions centred on a structure, which broadly mirrors the set up at Brancaster.

A new constitution is being drafted and the terms largely reflect the existing body but it is proposed that greater consideration and influence is given to the rights of the Commoners, who in turn will agree to participate in the effective management of the moorings.

It not proposed to debate the terms of the new Constitution until the parties are agreed. When both parties are agreed on a new constitution an Extraordinary General Meeting will be convened at which members will be invited to consider the terms and vote for or against

its adoption. Under the terms of the current constitution this will require a three quarters majority of the voting members present at the meeting.

### 3.3 Consideration of proposals for a Mud Dock

At the meeting held on 01/02/2017 consideration was given to John Lumley's detailed and extensive options for a Mud dock and Pontoons. The Management Committee recognised the time and effort, which had been dedicated to this project but concerns were raised, mostly around visual impact and changes to the character of the Creek. It was agreed to put these ideas on hold until a new constitution is agreed.

### 3.4 Harbour Markers

The process of upgrading the marks continued with a new red outer marker replacing the old can type buoy which came apart from its moorings, and moorings replaced on others. Several of the newly re-installed buoys came adrift, some in good weather, for no apparent reason. Wells Harbour continued to support and assist with the renewal and maintenance of the outer channel buoys; thanks to them for this service. Trinity House conducted its annual navigation marks survey in July and found them to be 'in good and efficient order'.

### 3.5 Projects

Repairs to the Hard have been carried out at a cost of £8,500. The cost and scope of repairs to the Dam and the Cackle Path are being priced.

### 3.6 Annual Accounts

The accounts presented have been audited and reflect the accounts approved by the committee in meetings over the past twelve months. Memberships Fees and have increased by Licences by £1,441 an increase of 12.6%. Repairs/projects reflects the £8,500 spent on the hard. The increase in interest received reflects an increase in the sum deposited at the end of 2015.

### 3.6 Land Ownership

Holkham Estate's ownership of the Creek and the Marshes has again been queried in an attempt to infer that the lease from the Estate to the Harbour Trust is invalid. The Estate's Title is registered with the Land Registry (the UK's Official Record of Land Ownership) under title numbers NK419143 and NK416721. The registrations can be viewed online. The Estate has supplied copies of the registrations as well as plans from the original 1922 Conveyance (between the Earl of Orford and the Earl of Leicester) to parties who have queried the Estate's Title. A letter from the Estate's solicitors is attached for clarification. Title disputes are a matter for the Holkham Estate.

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