



Southwold Harbour Lands Joint Committee

Members:

Councillor Ian Bradbury
Councillor Jessica Jeans
Councillor Michael Ladd
Councillor Will Windell
Councillor Norman Brooks
Councillor David Ritchie
Councillor Craig Rivett
Councillor Mary Rudd

Members are invited to a **Meeting** of the **Southwold Harbour Lands Joint Committee** to be held in the Stella Peskett Millenium Hall, Might's Road, Southwold, IP18 6BE, on **Monday, 3 February 2020 at 2.00pm**

An Agenda is set out below.

Part One – Open to the Public

Pages

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- 1 Election of a Chairman**
To elect a Chairman for this meeting.
 - 2 Election of a Vice-Chairman**
To elect a Vice-Chairman for this meeting.
 - 3 Apologies for Absence and Substitutions**
 - 4 Declarations of Interest**
Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

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|----------|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 5 | Minutes
To confirm as a correct record the Minutes of the Meeting held on 5 July 2019. | 1 - 10 |
| 6 | Governance of Southwold Harbour Lands ES/0284
To consider the future governance arrangements for the Southwold Harbour Lands. | 11 - 307 |

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker
Chief Executive, East Suffolk Council



Lesley Beevor
Town Clerk, Southwold Town Council

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Unconfirmed



Minutes of a Meeting of the **Southwold Harbour Lands Joint Committee** held in the Stella Peskett Millenium Hall, Might's Road, Southwold, Suffolk, IP18 6BE, on **Friday, 05 July 2019 at 10:00 AM**

Members of the Committee present:

Councillor Ian Bradbury, Councillor Norman Brooks, Councillor Jessica Jeans, Councillor Michael Ladd, Councillor David Ritchie, Councillor Craig Rivett, Councillor Will Windell

Other Members present:

Councillor David Beavan

Officers present:

K Blair (Head of Operations), A Jarvis (Strategic Director), H Slater (Head of Legal & Democratic Services and Monitoring Officer), D Wyatt (Commercial Lead Lawyer) and N Wotton (Deputy Democratic Services Manager)

Others present:

L Beevor (Southwold Town Clerk), Councillor D Beavan, Councillor S Flunder and Councillor M Rowan-Robinson

1 Election of a Chairman

Mrs Slater, Head of Legal & Democratic Services and Monitoring Officer called for nominations for Chairman of the meeting. It was duly proposed, seconded and

RESOLVED

That Councillor Windell be appointed Chairman for this meeting of the Southwold Harbour Lands Joint Committee.

NOTE: Councillor Windell presided over the rest of the meeting.

2 Election of a Vice-Chairman

The Chairman called for nominations for Vice Chairman of the meeting. It was duly proposed, seconded and following a collective vote it was

RESOLVED

That Councillor Rivett be appointed Vice Chairman of the Southwold Harbour Lands Joint Committee meeting.

3 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Rudd.

4 Declarations of Interest

Councillor Bradbury declared a Local Non Pecuniary Interest as he was the Secretary of the Blyth Estuary Partnership.

5 Minutes

RESOLVED

That the Minutes of the Southwold Harbour Lands Joint Committee Meeting held on 6 March 2019 be approved as a correct record and signed by the Chairman.

6 Governance of the Southwold Harbour Lands

Mr Blair, Head of Operations, presented the report which contained the proposal to set up a Harbour Management Committee (HMC), which would be responsible for the governance of the Southwold Harbour Lands. It was noted that various governance models had been suggested in the past, including a Trust and a Local Authority Trading Company, however, those models had been rejected following further consultation. An HMC was considered to be the best and most appropriate method for overseeing the day to day arrangements for the Harbour Lands.

The Joint Committee meeting held on 18 December 2018 had formally proposed the HMC model as an alternative to the Trust Model. The meeting had also agreed to undertake a public consultation and this had taken place in January and February 2019. The consultation process had been positive and wide ranging and had included an online survey, various public events, 1 to 1 sessions and drop in sessions. Lots of valuable information had been received from the public consultation and the importance of gathering local views was noted, as well as the need for transparency.

The Joint Committee meeting held on 6 March 2019 had rescinded the 2015 decision to adopt a Trust model, following consideration of the responses to the public consultation. It was also agreed that professional advice should be sought regarding the creation of an HMC and Ashfords Solicitors were duly instructed to provide advice on this matter.

Ashfords had provided draft Terms of Reference (TOR) and a Memorandum of Understanding (MOU) regarding the operation and governance of a future HMC for Southwold. The Joint Committee were asked to consider the covering report, which set out the context of developments so far, as well as the advice received from Ashfords. A proposal was therefore recommended to undertake a further public consultation on the proposed HMC for 2 - 3 months and then another meeting of the Joint Committee would be required to consider the information received. It was noted that Ashfords currently provided advice on ports and harbours nationally and were experts in their field.

Mr Wyatt, Commercial Lead Lawyer, confirmed that the Joint Committee was not being asked to approve the draft constitution contained within the report. The Joint Committee were being asked to consider taking the advice received out to public consultation, in order that the views of the public, interested parties and local residents could be collated and fully considered before the Joint Committee reached a decision on the drafts. It was confirmed that the instructions issued to Ashfords had been carefully detailed, summarising the information that had been received from the public consultation and emphasising the recommendations which had been made by the Joint Committee, so that Ashfords would take these into account when they advised on the constitution for the proposed HMC to improve both the short term and long term governance of the Harbour Lands.

The draft constitution advised by Ashfords had been included as appendices to the report. The TOR would provide a high level framework for the creation of an HMC and the Memorandum of Understanding set out more detailed provisions. Clarification was provided that the HMC would need to act as the Harbour Authority, as it was essential to comply with Local Government legislation in this respect so that external members could have voting rights. The TOR and MOU would require the HMC to operate in accordance with an approved budget and business plan. It was anticipated that an initial business plan would be created, which might last for approximately 1 year, to enable the day to day working of the HMC and planning for a longer-term business plan. A 5 year business plan would then be created for the HMC, which would be based upon the findings of the Harbour Study, which were expected in or soon after the autumn of this year. This would then enable the preparation of an application for a Harbour Revision Order to address the longer term issues of the Harbour, as well as the day to day operation of the Harbour, including any new provisions to restrict the disposal of property at the Harbour, which had been raised as a concern during the public consultation and recommended by the Joint Committee.

The advice from Ashfords had recommended that the HMC should comprise 11 Members - 6 from East Suffolk Council's Cabinet. The remaining 5 Members would be non-elected external people who would be co-opted onto the HMC, who had the relevant skills and experience which would benefit the HMC. The draft Memorandum of Understanding notes that it is expected that at least one of those 5 external members should be a member of Southwold Town Council. It was anticipated that adverts would be placed advertising the vacancies and a full and robust interview process would then take place for the vacancies, as required by the Ports Good Governance Guidance (PGGG). It was also suggested that the appointments to the non-elected co-opted positions would be staggered, so that there would be no total knowledge loss due to all of those Members being replaced at the same time. The importance of ongoing corporate memory was noted and this approach would improve the ongoing resilience for the HMC. It was recommended that the HMC would meet 6 times per year, which was in accordance with the PGGG.

Councillor Ladd sought clarification regarding paragraph 3.1 of the TOR (on page 43 of the report), where it stated that the 6 elected Members would be appointed by the Cabinet. It was confirmed that the HMC would be performing an Executive Function of the Council, therefore the 6 Members would need to be selected from the Cabinet Members of East Suffolk Cabinet. It noted that the wording was slightly confusing and would benefit from further clarity in this respect.

Councillor Jeans reported that she was concerned by the proposals, as she felt that there were too many Cabinet Members from East Suffolk Council and not enough Members from Southwold Town Council. It was very important the Southwold Town Council was kept involved, as they were able to reflect the views of the local residents. She felt that it was important not to overlook the principles which were agreed in 2014, as partnership working was the strongest thread and was the basis for all of the collective working so far. She was also concerned about the focus and reliance on co-opted Members with technical competence. She felt that the co-opted Members needed to have good judgement and common sense, as high level technical advice and guidance could always be sought from external providers, as required.

Councillor Bradbury raised a point of clarification at this point in the proceedings. He stated that at the last meeting of the Joint Committee, Members of Southwold Town Council and Waveney District Council who were not on the Joint Committee, had been able to speak and ask questions. He reported that there were 3 Members of Southwold Town Council in the public gallery for this meeting and queried whether they would be able to ask questions. The Chairman reported that the 3 Members of Southwold Town Council would be invited to ask questions once the Joint Committee had finished their questions.

Councillor Ritchie stated that he had listened carefully to the concerns raised by Councillor Jeans and he still believed that the proposals drawn up by Ashfords should go out to public consultation as they currently stood, as this would enable all interested parties to view the advice and make suggestions on how the proposals could be improved. This would ensure that the final version of the HMC would be as effective as possible for the future.

Councillor Bradbury stated that he would like to place on record his concerns about the proposals, which he felt were disturbing from a Southwold residents' point of view. He reported that he had also been advised that the draft instructions for Ashfords were sent to Southwold Town Council for their comments on 3 May 2019 and he had not been aware of this happening, which was at the time of the elections and very disappointing and therefore there had been no contribution to the instructions from Southwold Town Council. As such, Southwold Members felt like pawns in the whole process, rather than equal Members. There were also a number of inaccuracies contained within the proposals and he did not feel that the proposals were fit to send out for public consultation at this time. His concerns included the uses of the term 'surplus income' on page 33 of the report, when it had been previously agreed not to use that terminology. Also, the caravan site should not have been referred to as being included with the Harbour Land at all, which would cause significant alarm for many local people. He felt that there needed to be more forensic debate prior to the information going out for public consultation, as many stakeholders would be concerned by these errors and it would result in a lack of faith in the work being undertaken.

The Chairman took the opportunity to clarify that Councillor Bradbury was sharing his own personal views and not those of Southwold Town Council. Councillor Bradbury confirmed that this was correct.

Councillor Ladd raised concerns about page 43 of the report, section 3.1 of the TOR, as he felt that the HMC would be too heavily weighted in favour of East Suffolk Councillors and that Southwold Town Council was distinctly disadvantaged by the proposals. He felt that it was unfair that Southwold Town Councillors would need to demonstrate their skills and expertise for a place on the HMC as part of the 5 external members, when the East Suffolk Cabinet Members would not need to. He stated that this disparity would need to be addressed, as sensible people, with local knowledge and common sense were required, and technical expertise could be sought, as necessary.

The Vice Chairman reported that lawyers had been charged with providing information and creating these proposals and he suggested that it would be better to take those out to public consultation unchanged, so that the public were able to comment on the legal advice received. However, he agreed that any mistakes should be amended quickly, prior to the public consultation.

Mr Wyatt, Commercial Lawyer, thanked the Joint Committee Members for their comments. He confirmed that East Suffolk Council also had concerns about the proposals received from Ashfords, as elements of the advice had not been as anticipated. It was therefore important that both East Suffolk Council and Southwold Town Council considered the advice carefully, during and in the light of the public consultation process. East Suffolk Council had not specified what it had wanted for the HMC, it had simply presented Ashfords with all of the information and what different stakeholders wanted, so that Ashfords could advise, taking this into account.

Their advice was, essentially, to follow the PGGG, particularly because if the HMC did not comply with the PGGG, it will be difficult to pursue an application for a Harbour Revision Order. A Harbour Revision Order would be needed for the longer-term improvements recommended by the Joint Committee; the Harbour Order of 1933 had not been updated and a Harbour Revision Order would also be needed to make the other changes recommended by the Joint Committee, including any new disposal restriction and any provision, if possible, to enable Harbour monies to be spent outside of the Harbour, if it were for the benefit of the Harbour.

As for the queries about the contents, the expression “surplus income” is used only in the introductory documents and is the expression used in the Joint Committee’s recommendations from 6 March 2019. The reference to the caravan site in the introductory documents was made because that was how the Harbour Lands had been described in all of the reports and some stakeholders would be concerned about any suggestion that the caravan site was not within the area covered by the Harbour Order of 1933. He suggested that it may be helpful to include a note with the consultation documentation to make it clear that both East Suffolk Council and Southwold Town Council have some questions and reservations about the advice that had been provided and that this would be considered during the public consultation process.

Mr Blair, Head of Operations, took the opportunity to provide some clarification that the Harbour Management Committee would be a Committee of the Cabinet, therefore it would have Executive powers and be able to make decisions. If the HMC were not a Committee of the Cabinet, it would not have Executive powers and would only be advisory in nature and be able to make recommendations to the Cabinet for its

consideration. This would lengthen the decision making process and disempower the HMC.

Councillor Jeans confirmed that some elements of the advice provided by Ashfords may be set in stone, some may not, however it was important to work collectively to try and get the best possible outcome. She reported that lawyers did not create the rules, they worked within them and it was important for them to be challenged to come up with better and different solutions to any concerns raised. Ashfords were given a significant amount of information to consider, therefore, it would have been very difficult for them to discover which elements were the most important. Therefore, Councillor Jeans felt that any areas of concern needed to be robustly challenged at an early stage in order to get the best outcome. Councillor Jeans then asked whether it would be possible to go and visit an exemplar HMC to see how it worked and to ask their advice, as it was important to learn as much as possible before final decisions were taken.

Councillor Ladd queried whether the future budget and business plan for the HMC would need to be approved by the HMC or the East Suffolk Council Cabinet? It was confirmed that, while the HMC would make its recommendations as to what should be in the future budgets and business plans, both would need to be approved by the East Suffolk Council Cabinet.

The Vice Chairman confirmed that it was the lawyers role to enable, wherever possible within the constraints of the legislation, and that their advice should be challenged and questioned to make sure that the final version of the HMC would work and fully meet the needs of Southwold Harbour Lands. Councillor Ritchie stated that he fully agreed with that statement.

There being no further questions from the Joint Committee Members, the Chairman stated that he would open up the discussion to the other Councillors present, starting with Councillor Beavan, who was both an East Suffolk Councillor and a Southwold Town Councillor.

Councillor Beavan stated that he was pleased that there had been a good debate so far at the meeting. However, he feared the consultation documents as they currently stood were a backward step and he asked the Joint Committee to reconsider the plan to undertake another public consultation at this time. He felt that the information was based upon an HMC in Cornwall, which covered 10 - 14 separate Harbours, therefore, was it justified to have so many Cabinet Members on the HMC? Southwold Harbour was very small in comparison and really only needed 2 or 3 Cabinet Members on the HMC. Practically, it would prove extremely difficult to get 6 Cabinet Members to attend meetings 6 times per year. There also needed to be much more representation from local people and stakeholders, who have significant local knowledge and experience, who were all willing and able to support the HMC to make it work in the interests of Southwold Harbour. He felt that the current proposals would be very unpopular with local people.

Councillor Beavan stated that the Harbour currently had a business plan that was 6 or 7 years old and had been created by a local person with detailed knowledge of the Harbour. He queried who would be involved in creating the new business plan - would

East Suffolk Council dictate what should be included or would it co-operate with Southwold Town Council and the stakeholders? He also queried why there had to be 6 Cabinet Members on the HMC, as the HMC would have very limited powers and would only be able to make financial decisions up to £24,000 in value - if higher amounts were needed, permission would be required from the East Suffolk Council Cabinet. He felt that a sensible and robust plan was needed and that the proposals required additional work before they were ready to go out to public consultation.

Councillor Rowan-Robinson reported that he was the Mayor of Southwold until May 2019 and he had chaired the 6 March 2019 Joint Committee meeting and 15 March 2019 Simultaneous WDC Cabinet and Southwold Town Council meeting. He felt that there had been significant progress over the last 2 years, which had been characterised by the spirit of co-operation and partnership working. After the meetings, there had been the feelings of harmony and good will and there was the firm belief that Southwold Town Council would be working with East Suffolk Council in a positive and empowering way. The 18 December 2018 meeting had confirmed that stakeholders would be involved and consulted throughout the process and this was the basis for the last public consultation and the two March meetings. However, he felt that had all been forgotten and now it was as though East Suffolk Council were wanting to control everything. The Harbour had a complex history and there was a lot of local knowledge which was in danger of being overlooked. He felt that the current proposals should not be put out for public consultation at this time, as it would receive a strong backlash from the local community. By making the HMC a Committee of the Cabinet, it was ensuring that East Suffolk Council would need to have the balance of power. The HMC needed to be more of a partnership. It was also concerning that East Suffolk Council would oversee the appointment of the 5 other Members on the HMC, which would provide them with even greater control. He stated that Southwold Town Council should have more input into the HMC and that the proposals as they current stood, were like a kick in the teeth and should be rejected.

Councillor Flunder stated that he agreed with the sentiments of the previous two Councillors. He congratulated the Council Officers for convening a meeting when they had stated they would, however, he had substantial concerns about the lack of representation from Southwold Town Council and local residents on the proposed HMC. He also felt that the Blyth Estuary was being overlooked, as it was vital to Southwold Harbour and should therefore be included when considering the future of the Harbour. With regards to the size of the HMC, he felt that 11 Members was too many and the HMC would therefore be ineffective. The Blyth Estuary needed significant investment to stop it from disappearing and the HMC needed to have a real budget in order to be able to undertake the necessary works. It was also unclear at this stage, who would be paying for all of the required legal advice. He stated that the proposals were a backward step and should be revised prior to going out to public consultation. A Project Plan was also required for the creation of the HMC, in order to provide certainty and clarity for all.

Councillor Bradbury took the opportunity to commend the debate which had taken place so far and wanted to seek clarification about whether any stakeholders present at the meeting would be able to speak. The Chairman advised that only Councillors were able to speak at this meeting, in accordance with the East Suffolk Council's Constitution.

Mr Jarvis, Strategic Director, raised concerns about not wanting to lose any momentum and stated that his preference would be for all of the draft proposals received from Ashfords to be circulated as part of the public consultation, in order that all interested parties would be able to comment and make suggestions for improvements. There were certainly elements in the proposals which the Council was not content with and would prefer to be changed. He stated that it was important to circulate the advice from Ashfords as it was received, in order that the public was fully informed. The results of the public consultation would be discussed in detail at a future meeting and he suggested that a representative from Ashfords could be invited to attend, in order to answer questions and provide further advice.

Councillor Jeans suggested that the Council could go back to Ashfords and ask for them to provide a different configuration of the HMC membership, seeing as both East Suffolk Council and Southwold Town Council had valid concerns about the proposals.

Councillor Rivett took the opportunity to confirm that East Suffolk Council were very keen to make the HMC a success and he queried whether 6 meetings per year for the HMC would be sufficient, given the amount of work they were required to do. He stated that he did not want to delay the public consultation and, in the interests of openness and transparency, he believed it was important to circulate the proposals from Ashfords in their current form, so that all interested parties would be able to comment and make suggestions for improvements. This would ensure that there was a real consultation rather than just a ratification. He also agreed that inviting Ashfords to the next meeting to explain the proposals and answer any questions would be very beneficial.

Councillor Brooks stated that this was his first meeting of the Joint Committee and he had listened to all the debate with interest. He felt that it was important to take the proposals out to public consultation, in order that they could be thoroughly discussed and debated in full and the results would be used to inform the structure of the HMC.

Councillor Ritchie agreed that there had been many good points raised during these discussions and he believed that taking the proposals out to public consultation, with a form of qualification expressing the views of this meeting, would be beneficial. Mr Jarvis, Strategic Director, stated that a document giving some context around the discussions of this meeting could be provided. Councillor Ritchie stated that he agreed with Councillor Rowan-Robinson, in that he did not wish there to be a backwards step in terms of progress, given the length of time it had taken to get to this point. He also agreed with Councillor Flunder, that the Blyth Estuary was extremely important and required major works, following the withdrawal of the Environment Agency.

Mr Blair, Head of Operations, reported that there had been significant concerns raised prior to the previous public consultation, which had taken place during January and February 2019. However, that public consultation had turned out to be extremely positive and well received. He hoped that there would be a similar response in respect of the next public consultation exercise.

Councillor Bradbury stated that he could not vote for the recommendations as they currently stood, as he felt that the proposals were incoherent and required significant

work, including the correction of errors already highlighted during this meeting.

Councillor Ladd reiterated that paragraph 3.1 of the TOR (on page 43) required further explanation and work, as this was the section that was most controversial. He agreed with Councillor Rivett that the public consultation should take place shortly, in order that momentum was not lost. The results of the public consultation would then provide a mandate to move forwards with the HMC.

Mr Jarvis, Strategic Director, confirmed that an additional document would be created to supplement the public consultation, setting out the context for the consultation. He suggested that officers would draft the wording and would then seek approval from the Chairman and Vice Chairman of the Joint Committee, outlining the concerns of both East Suffolk Council and Southwold Town Council regarding the advice received.

All Councillors present were content with this approach and the Chairman of the Joint Committee agreed to adjourn the meeting for 5 minutes, in order for officers to amend the wording of the recommendation within the report, to accommodate this.

The meeting was therefore adjourned from 11.10 am to 11.15 am.

The Chairman then re-convened the meeting.

Mrs Slater, Head of Legal & Democratic Services and Monitoring Officer, drew Members attention to page 20 of the report, which contained the recommendations. She stated that it was proposed to add additional wording to recommendation 2(i) only, adding in the words '...a consultation circular setting out the context, which has been approved by the Chairman and Vice Chairman of the Joint Committee...' after the word website. There followed further discussions and it was confirmed that the Chairman and Vice Chairman would also consult with their fellow Joint Committee Members and the additional wording was therefore added: '...after discussions with their respective Joint Committee Members.' Recommendation 2(i) would therefore read as follows:

(i) publishing on the East Suffolk Council website a consultation circular setting out the context, which has been approved by the Chairman and Vice Chairman of the Joint Committee after discussions with their respective Joint Committee Members, the explanatory note (as produced at Appendix B to the Report) and the draft Harbour Management Committee constitution (as produced at Appendices C and D to the Report) from Ashfords LLP;

Those present confirmed they were content with the change in wording and it was duly moved and second and

RESOLVED

That the Joint Committee resolves to:

1. Note the report dated 24 June 2019 to the Joint Committee (Report) and appendices;
2. Arrange a further consultation exercise by:

- (i) publishing on the East Suffolk Council website a consultation circular setting out the context, which has been approved by the Chairman and Vice Chairman of the Joint Committee after discussions with their respective Joint Committee Members, the explanatory note (as produced at Appendix B to the Report) and the draft Harbour Management Committee constitution (as produced at Appendices C and D to the Report) from Ashfords LLP;
 - (ii) inviting any new written representations by e-mail by a suitable date, making it clear that there is no need to repeat representations made in the previous consultation exercise because those will continue to inform future planning; and
 - (iii) arranging a public event at a suitable location in Southwold, to enable stakeholders to make representations and ask questions in person if they prefer.
3. Meet again after an appropriate period to decide the way forward, taking into account the results of that consultation exercise.

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Chairman



SOUTHWOLD HARBOUR LANDS JOINT COMMITTEE

Monday, 3 February 2020

GOVERNANCE OF THE SOUTHWOLD HARBOUR LANDS

EXECUTIVE SUMMARY

1. On 6 March 2019, following a consultation exercise and detailed review of the position, the Southwold Harbour Lands Joint Committee (**JC**) rescinded resolutions about previous planned governance changes which had proved inappropriate, and made the recommendations set out in section 5 of this report, including the recommended governance improvements described in paragraph 2 below (the **March Resolutions**).
2. On 15 March 2019, Waveney District Council (**WDC**)'s Cabinet and Southwold Town Council (**STC**) noted and endorsed these recommendations and, as recommended, directed the JC to arrange to consult professional advisers and stakeholders and advise WDC's Cabinet and STC on proposals for a Harbour Management Committee (**HMC**) to succeed the JC and:
 - (i) enable short term governance improvements (including more local involvement and engagement in management and delivery) in line with the key principles in a June 2014 consultation document and the Ports Good Governance Guidance issued by the Department for Transport in March 2018 (**PGGG**); and
 - (ii) design proposals to deliver medium term improvements, which are likely to be made by application to the Marine Management Organisation for a Harbour Revision Order to update the 1933 legislation which governs the harbour.
3. On 1 April 2019, East Suffolk Council (**ESC**) replaced WDC. Pursuant to the recommendations and directions outlined above, specialist solicitors (at Ashfords LLP) were instructed to advise and prepare a draft constitution for the proposed HMC.
4. On 5 July 2019, the JC met to consider the advice and draft constitution and had questions and reservations about whether to follow the advice from the solicitors (which recommended following the PGGG) or, for example, have automatic places for member(s) of STC and a greater proportion of members from ESC, as proposed in the report to the JC for 6 March 2019 and the instructions to the solicitors. To enable this to be resolved as soon as possible, the JC resolved to put the advice and draft constitution out to public consultation with a circular highlighting key points and the JC's concerns.
5. This report explains the public consultation which was carried out between September and December 2019, the consultation responses and the changes to the draft constitutional documents which are recommended in light of the JC's initial concerns (as highlighted in the consultation circular) and the consultation responses.

6. The JC had arranged to meet on 11 December 2019 to consider this and decide on the way forward. Unfortunately, this was delayed by the general election subsequently announced for 12 December 2019 and diary problems in January 2020.
7. At the meeting on 3 February 2020, the JC will be asked to consider the consultation responses and proposals to recommend to ESC's Cabinet and STC, as set out in this report. As requested by the JC at the last meeting, a solicitor from Ashfords has been asked to attend the meeting to answer any questions about their advice.

Is the report Open or Exempt?	Open
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Wards Affected:	Southwold
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Cabinet Member:	Councillor Craig Rivett Deputy Leader and Cabinet Member with responsibility for Economic Development
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Supporting Officer:	Kerry Blair Head of Operations 01502 523 007 kerry.blair@eastsoffolk.gov.uk
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1 INTRODUCTION AND GLOSSARY

- 1.1 Links to the documents referred to in this report are provided in the table at the end of this report.
- 1.2 For ease of reference, the following expressions used in this report, and the background reports referred to in it, have the following meanings:

2015 Resolutions: the resolutions made by the JC on 18 March 2015, including the resolutions that the legal model for the new governance arrangements for the SHL should be a charitable company with a trading subsidiary and that the statutory function of harbour authority should be transferred to that company.

December Report: the report to the meeting of the JC on 18 December 2018. The December Report explains the background, the establishment and terms of reference of the JC, the range of issues which had prevented previously planned governance changes and new proposals to improve the governance of the SHL pursuant to the PGGG.

December Resolutions: the resolutions made by the JC on 18 December 2018.

DfT: the Department for Transport.

ESC: East Suffolk Council.

February Report: the report to the meeting of the JC on 6 March 2019, a copy of which is at Appendix A to this report for ease of reference. The February Report explains the December Resolutions and the interim results of the consultation exercise arranged pursuant to those resolutions for the JC to consider on 6 March 2019. Later results up to the end of the main consultation exercise were published with the February Report and were made available to the JC and online on 6 March 2019.

Harbour Order: the Southwold Harbour Order 1933, the governing legislation for the harbour undertaking, as summarised in section 2 of the December Report.

Harbour Revision Order: an order to change the legislation governing the management of a harbour. Application for such an order would be to the Marine Management Organisation under Section 14 of the Harbours Act 1964, as explained in paragraph 6.2 of the December Report.

HMC: a Harbour Management Committee, as explained in paragraphs 5.20 to 5.24 of the December Report by reference to the PGGG.

JC: the Southwold Harbour Lands Joint Committee, which was established by the resolutions made by STC and WDC's Cabinet in 2014 and, modified by the resolutions made by WDC's Cabinet and STC on 15 March 2019, as described in more detail in section 4 of the December Report.

July Report: the report to the meeting of the JC on 5 July 2019.

March Resolutions: the resolutions and recommendations made by the JC on 6 March 2019.

OSC: the Overview and Scrutiny Committee of WDC.

PGGG: the Ports Good Governance Guidance issued by the DfT in 2018 (a copy of which is available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/684839/ports-good-governance-guidance.pdf).

PMSC: the Port Marine Safety Code published by the DfT and the Maritime and Coastguard Agency (a copy of which is available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/564723/port-marine-safety-code.pdf).

SCOA: the individuals describing themselves as the Southwold Caravan Owners Association (who are understood to represent most of the users of the caravan site on the SHL), whose website is at: <http://www.southwoldcaravanowners.co.uk/index.php>.

SHL: Southwold harbour and neighbouring lands, including the relevant stretch of the River Blyth, Buss Creek, Salt Creek, the caravan and camping site and commercial properties leased to independent operators to generate rental income for the harbour.

SHPSG: the individuals describing themselves (from about May 2018) as the Southwold Haven Port Stakeholders Group, whose website is at: <http://southwoldharbour.info/>, who claim to represent “*individuals, organisations and businesses with expertise in offshore and onshore marine management, business owners, property owners and lessees, fishermen, caravan owners, those engaged in tourism and experience of senior management across a wide range of industries including local government*”.

SHRBUA: the individuals describing themselves as the Southwold Harbour and River Blyth Users Association.

STC: Southwold Town Council.

WDC: Waveney District Council (or where, appropriate, East Suffolk Council, which replaced Waveney District Council and Suffolk Coastal District Council on 1 April 2019).

2 DECISION TO REVIEW PREVIOUS PLANNED CHANGES

- 2.1 In December 2018, the Southwold Harbour Lands Joint Committee (**JC**) reviewed the background and the problems encountered when seeking to implement previously planned changes to the governance of the Southwold Harbour Lands (**SHL**), meaning Southwold harbour and neighbouring lands, including the relevant stretch of the River Blyth, Buss Creek, Salt Creek, the caravan and camping site and commercial properties leased to independent operators to generate rental income for the harbour.
- 2.2 The report to the JC for their meeting on 18 December 2018 (**December Report**), which is available at the link in the table at the end of this report, explains the background in detail, including in particular:
- 2.2.1 in section 2, a summary of the Southwold Harbour Order 1933 (**Harbour Order**), the governing legislation for the harbour undertaking, which should be updated;
 - 2.2.2 in section 3, a summary of the history of management of the SHL by WDC for more than 40 years, ever since 1974 (replacing Southwold Borough Council, the original Corporation under the Harbour Order, on local government reorganisation);
 - 2.2.3 in paragraphs 4.1 to 4.5, the background and consultation in June 2014 which proposed what it described as key principles and led to the establishment of the JC and the resolutions made by WDC’s Cabinet and Southwold Town Council (**STC**) on 28 July 2014 to adopt those key principles, establish the JC and enable the JC to:
(a) provide a strategic steer (*ensuring compliance with legislation and holding the management to account for the operation and delivery of the SHL within the budgets set by the Councils*); (b) investigate, (c) instruct professional advisers; and (d) develop a community engagement strategy;
 - 2.2.4 in paragraphs 4.6 to 4.7, the resolutions made by the JC on 18 March 2015 (**2015 Resolutions**), including the resolutions that the legal model for the new governance arrangements for the SHL should be a charitable company with a trading subsidiary and that the statutory function of harbour authority should be transferred to that company;

- 2.2.5 in paragraphs 4.8 to 4.18, introduction of the issues which had been encountered while seeking to implement the 2015 Resolutions in 2016 and then the local authority trading company model which had been investigated in 2017 as an alternative;
- 2.2.6 in section 5, further details of those issues, including:
- (i) the (informal) advice from the Department for Transport (**DfT**) that the Harbour Order should be updated before any transfer;
 - (ii) the risks for WDC that it would lose control of the SHL but remain liable for the SHL directly (through any guarantee, or other security, required by the DfT for consent to transfer the SHL to a charity, company or other body) or indirectly (to manage flood risks etc. and as the only body with sufficient resources to advance very substantial funds);
 - (iii) the advice from Coastal Partnership East that advances of several million pounds would be needed to bring the caravan site up to date, repair harbour structures and address upstream changes on the River Blyth; and
 - (iv) the recommendations made in the new Ports Good Governance Guidance (**PGGG**) issued by the DfT in 2018 promoting the establishment of a harbour management committee (**HMC**) as one way to meet the requirements of the PGGG;
- 2.2.7 in section 6, the (informal) suggestion made by the DfT, when consulted in July 2018, of looking at interim governance improvements (such as establishing a harbour user's committee or HMC, advisory or otherwise) and working on a longer term project to update the Harbour Order through an application for a Harbour Revision Order or the like; and
- 2.2.8 in section 7, the further consultations which had been carried out already, particularly during 2017 and early 2018 when alternative governance models were being considered.

3 DECEMBER RESOLUTIONS

- 3.1 On 18 December 2018, having considered the December Report and appendices, heard from members of WDC and STC and considered responses from officers to the questions raised and comments made by those members, the JC resolved to:
- 3.1.1 revisit the 2015 Resolutions;
 - 3.1.2 note the December Report, including the proposals that the JC rescind the 2015 Resolutions and recommend modification of the role of the JC to advise on proposals for a Harbour Management Committee (**HMC**) to succeed the JC;
 - 3.1.3 arrange a consultation exercise; and
 - 3.1.4 note that the JC kept an open mind and all potential outcomes (as to the 2015 Resolutions, the future of the governance arrangements for the SHL and the future role of the JC) remained open and that the JC intended fully to take into account the results of the consultation exercise before it made its decision, (the **December Resolutions**).

4 CONSULTATION PURSUANT TO THE DECEMBER RESOLUTIONS

- 4.1 The report to the next meeting of the JC, on 6 March 2019 (the **February Report**), and the documents published with it, are available at the links in the table at the end of this report. A copy is also produced at Appendix A to this report for ease of reference. The

February Report explains developments since the December Report in detail, including in particular:

- 4.1.1 in section 4, the consultation exercise carried out in accordance with the December Resolutions, from the first event on 16 January 2019, providing for the main consultation exercise to conclude on 28 February 2019 and with a final deadline for written representations by e-mail of 1 March 2019;
 - 4.1.2 in section 5, the complaints about historic issues relating to the SHL which had been made to the Overview and Scrutiny Committee (**OSC**) of WDC and considered by the OSC on 7 February 2019;
 - 4.1.3 in section 6, further points relevant to the proposed HMC arrangements arising from informal consultation with the Department for Transport (**DfT**);
 - 4.1.4 in section 11, the other governance options which had been considered; and
 - 4.1.5 in section 12, the reasons for the recommendations made in the February Report and specific points arising out of the consultation to be taken into account in future if the recommendations were accepted, all subject to any new grounds or considerations submitted by any potentially interested person by 1 March 2019.
- 4.2 The further consultation responses, representations and other information received after the print deadline for the February Report and by 1 March 2019 were published on the WDC website, and made available to the JC, on 6 March 2019.
- 4.3 Copies of these consultation responses are available at the links in the table at the end of this report. These further consultation responses were largely in line with the preceding consultation responses or made suggestions which were either not appropriate or should be taken into account in future (such as representations about the constitution of the proposed HMC; these were summarised in section 12 of the February Report). However, three particular requests emerged from the consultation as having been made by a range of stakeholders:
- 4.3.1 to have reassurance, in view of allegations which had been made by third parties, that surplus income from the SHL would - so far as possible - be protected for the benefit of the SHL (generally expressed in wide terms, including for example any works needed to address upstream changes on the River Blyth, outside the SHL but recognised as being for their benefit);
 - 4.3.2 to have reassurance that WDC would not seek to sell the SHL; and
 - 4.3.3 to ensure that the planned short-term governance improvements would correspond with and not be replaced by proposed long term governance improvements, which included a potential application for a Harbour Revision Order to update the existing Harbour Order.
- 4.4 The JC wished to recommend such reassurances. It was mindful that they would either conflict with or confirm, change or supplement the provisions of the current Harbour Order (which has specific provisions, relied upon by some stakeholders, governing issues such as the application of the income from the harbour undertaking and any sale of the harbour undertaking), so should be made by an application for a Harbour Revision Order or the like, that some stakeholders (such as the DfT or the Marine Management Organisation) may have specific restrictions or requirements in relation to any such

provisions and that legal advice should be sought to ensure that any such provisions are carefully considered, well drafted and do not cause unforeseen problems in future.

5 MARCH RESOLUTIONS

5.1 Accordingly, at the meeting on 6 March 2019, after considering the February Report with appendices and the further consultation responses, representations and other information referred to above, and after hearing from members of STC and WDC, the JC resolved to:

5.1.1 rescind the 2015 Resolutions because, having considered the circumstances which had emerged and developed since the 2015 Resolutions were made and the results of the consultation exercise arranged pursuant to the December Resolutions, the JC was satisfied that the 2015 Resolutions are no longer appropriate;

5.1.2 recommend to WDC's Cabinet and STC that they modify the resolutions made by them on 28 July 2014, to withdraw the delegation to the Joint Committee to act as an "Initial Strategic Board" and direct the Joint Committee to, in line with its terms of reference, arrange to consult professional advisers and stakeholders and advise WDC and STC on proposals for a Harbour Management Committee to succeed the Joint Committee and:

- (i) enable short term governance improvements (including more local involvement and engagement in management and delivery) in line with the key principles in the June 2014 consultation document [*improvements that reflect the culture and character of Southwold, local influence and accountability, working in partnership, discharging statutory obligations, financial transparency, investment and local re-investment and viability and sustainability (both financially and in terms of governance)*] and the PGGG; and
- (ii) design proposals to deliver medium term improvements (which are likely to be made by application to the Marine Management Organisation for a Harbour Revision Order), addressing future ownership and providing for the long-term welfare, sustainability, responsibility, liability and delivery of the Harbour Lands,

5.1.3 recommend that, when planning the short term improvements described in 5.1.2(i) above, the points set out in section 12 of the February Report should be taken into account, including places on the proposed Committee for member(s) of STC and other external appointees to represent local and other stakeholders;

5.1.4 recommend that, when designing the medium-term improvements described in 5.1.2(ii) above, specific safeguards should, subject to legal advice and the requirements of stakeholders including the Department for Transport/Marine Management Organisation, be included to:

- (i) protect surplus income from the Harbour and Harbour Lands, for the protection and benefit of the Harbour and Harbour Lands;
- (ii) preserve the Harbour Lands in the ownership of WDC and its successor local authority; and
- (iii) complement the short-term governance improvements made in accordance with the resolutions above,

5.1.5 arrange to instruct professional advisers to advise on the appropriate constitution for a HMC as outlined above; and

5.1.6 make stakeholder engagement arrangements to consult community stakeholders and all other relevant stakeholders on the improvements outlined above.

6 DIRECTIONS FROM WDC'S CABINET AND SOUTHWOLD TOWN COUNCIL

6.1 At their simultaneous meeting on 15 March 2019 at the Stella Peskett Millennium Hall, Southwold, WDC's Cabinet and STC considered the matters outlined above, heard from members of WDC and STC (and, under STC's provisions for public comment at their meetings, from members of the public), and from WDC officers responding to questions raised, and resolved to:

6.1.1 note and endorse the recommendations made by the JC in their March Resolutions (as set out in section 5 above); and

6.1.2 modify the resolutions made by WDC's Cabinet and STC on 28 July 2014 to withdraw the delegation to the JC to act as an "Initial Strategic Board" and direct the JC to instead, in line with its terms of reference, arrange to consult professional advisers and stakeholders and advise WDC's Cabinet and STC on proposals for a HMC to succeed the JC, as set out in paragraph 5.1.2 above.

7 EAST SUFFOLK COUNCIL

7.1 On 1 April 2019, East Suffolk Council replaced WDC. All property, rights and liabilities of WDC transferred to and vested in East Suffolk Council by operation of law (the East Suffolk (Local Government Changes) Order 2018 and the Local Government (Boundary Changes) Regulations 2018).

7.2 Elections to East Suffolk Council took place on 2 May 2019 and the newly elected members took up office on 6 May 2019.

8 PROFESSIONAL ADVICE ON THE CONSTITUTION OF THE PROPOSED HMC

8.1 The following matters are explained in more detail in the report for the meeting of the JC on 5 July 2019 (**July Report**). A copy of the July Report and appendices are available at the link included at the end of this report.

8.2 Following the March Resolutions and the directions from WDC's Cabinet and STC, as described above, arrangements were made to instruct professional advisers to advise on the appropriate constitution for the proposed HMC, to fit with the constitution of, and within the legal powers and restrictions which apply to, East Suffolk Council.

8.3 As explained in the February Report, the DfT had (informally) suggested liaising with Littlehampton and/or Langstone harbour. When we did so, Littlehampton harbour recommended Ashfords LLP (**Ashfords**) and suggested other potential firms for comparison purposes.

8.4 We contacted these firms to ask them to carry out conflict checks. Matters were slightly delayed because Ashfords had previously been sent information by a third party seeking to instruct them in relation to Southwold Harbour. Ashfords had not acted for that third party and confirmed they would not disclose the information they had been provided with, but would have to contact that (unnamed) third party and give them an opportunity to object before they could confirm whether they could act. With our agreement, Ashfords did so. They then confirmed that the third party had consented and that they were accordingly free to act. The other firms of solicitors confirmed that they were likewise able to act.

- 8.5 We prepared detailed draft instructions and provided these to STC on 3 May 2019. A copy of these instructions is at Appendix A to the July Report.
- 8.6 These instructions deliberately set out the background and the points from the various consultations, reports and meetings in detail, to ensure that these would be taken into account. The instructions emphasised the JC's recommendation in the March Resolutions that, when planning the short term governance improvements which the HMC is intended to enable, the points set out in section 12 of the February Report (which explained the results of the consultation exercise) should be taken into account, including places on the proposed HMC for member(s) of STC and other external appointees.
- 8.7 The draft instructions were provided to the potential firms of solicitors to enable them to provide their initial cost estimates and proposals. After comparing their proposals and allowing a suitable period for any comments from STC on the draft instructions, we instructed Ashfords in May 2019.
- 8.8 Ashfords then provided in June 2019:
- 8.8.1 an explanatory note, for the JC and for use in consultation, of their advice (copy produced at Appendix E to this report); and
 - 8.8.2 their draft constitution for the proposed HMC (as produced at Appendices C and D to the July Report; copies are available at the links reproduced at the end of this report), comprising:
 - (i) Terms of Reference to create the proposed HMC in accordance with the East Suffolk Council constitution; and
 - (ii) a Memorandum of Understanding to set out matters in more detail, in line with the PGGG.
- 8.9 These draft constitutional documents would together:
- 8.9.1 provide that the HMC shall consist of 11 members, comprised of 6 Members of the Cabinet of East Suffolk Council and 5 Co-opted Members;
 - 8.9.2 state that each Co-opted Member will, as far as it is achievable, be appointed on a 'fit for purpose basis' through assessment of each nominee's skills, knowledge, experience and commitment on matters identified from time to time by a skills audit as being the main skills requirements for the HMC; and
 - 8.9.3 state that it is considered that at least one Co-opted Member should be a member of Southwold Town Council.

9 JULY RESOLUTIONS

- 9.1 On 5 July 2019, the JC met to consider these documents. The JC considered the July Report with appendices, heard from members of ESC and STC and considered responses from officers to questions.
- 9.2 The JC had questions and reservations about the draft constitutional documents. In particular, it had been expected that the solicitors would be comfortable with the JC's recommendation that there should simply be automatic places for member(s) of STC, and ESC was expecting to require a higher proportion of ESC members in order to ensure adequate control over the matters it will be asked to fund and for which it will remain, directly or indirectly, liable.
- 9.3 Officers explained at the meeting that they had raised these points with Ashfords, who had confirmed that they had fully taken them into account and their advice was that the constitution should follow the PGGG, as summarised in their explanatory note and their

draft Memorandum of Understanding. They explained that this advice was given as a matter of good practice and in particular because the HMC constitution will need to follow the PGGG in future if a Harbour Revision Order is to be secured to update the legislation governing the SHL (the Harbour Order of 1933).

9.4 Having considered this, the JC resolved on 5 July 2019 to arrange a further consultation exercise and then meet again after an appropriate period to decide on the way forward, taking into account the results of that consultation exercise. The JC resolved to carry out the further consultation exercise by:

9.4.1 publishing on the East Suffolk Council website: (a) a consultation circular, approved by the Chairman and Vice Chairman of the JC after discussions with their respective JC Members, setting out the context; (b) the explanatory note from Ashfords; and (c) the draft HMC constitution from Ashfords;

9.4.2 inviting any new written representations; and

9.4.3 arranging a public event at a suitable location in Southwold.

10 FURTHER CONSULTATION

10.1 Pursuant to the resolutions made by the JC on 5 July 2019:

10.1.1 a consultation circular was prepared and approved. A copy is available at the link at the end of this report. The circular explained the context and specifically drew the attention of consultees to the membership advice and proposal summarised above;

10.1.2 the consultation circular, minutes of the meeting of the JC on 5 July 2019, explanatory note from Ashfords and draft HMC constitution from Ashfords were published on the ESC website;

10.1.3 a consultation questionnaire was prepared for consultees to complete online, with the questions described below; and

10.1.4 a public consultation event was arranged and held at the Stella Peskett Millennium Hall in Southwold on 26 October 2019.

10.2 It was suggested that, in the first year of the proposed HMC, most of the proposed external places on the HMC should be initially reserved for STC Councillors, and these initially reserved places would then become open to others in subsequent years. The first question in the consultation questionnaire noted the legal advice explained above, explained this proposal and asked consultees for their views.

10.3 Further, to seek to cover as much as possible in the consultation, an outline draft business plan was prepared (informed by the results of the previous consultation) and published with the other consultation documents. A specific question was included about this outline draft business plan in the consultation questionnaire, as explained below.

10.4 The consultation opened and was published on the ESC website from late September 2019. It was originally expected to end on 1 November 2019, but this date was extended to 18 November 2019 and then finally 4 December 2019 following, respectively, requests from consultees for extensions of time and the extra time needed to arrange the intended next meeting date for the JC. The JC had arranged to meet on 11 December 2019, but this was delayed by the general election subsequently announced for 12 December 2019 and diary problems in January 2020.

10.5 The detailed results of the consultation exercise are appended to this report and summarised below. 79 responses were provided to the consultation questionnaire and

copies of all of these responses are at Appendix B to this report. The responses to questions with set reply options are analysed at Appendix C to this report. Copies of all responses provided by consultees who made separate written representations are provided at Appendix D to this report.

11 COMMENTS ON RESPONSES TO THE FURTHER CONSULTATION

- 11.1 Some consultees who made separate written representations (produced at Appendix D) chose to comment in these separate representations on questions from the consultation questionnaire. It appears that some of these consultees also completed the questionnaire, and some did not. Accordingly, the summary below gives the relevant percentages based on the consultees who answered the questionnaire (as detailed in the analysis at Appendix C), but aims also to refer to the separate representations where they seem to be significant. Please refer to Appendices B and D for the full details.
- 11.2 As with the previous consultation, some consultees appeared to have co-ordinated preparation of their responses to give similar answers, or duplicated comments in the online questionnaire and their separate written representations. The apparently co-ordinated responses tended to argue for an HMC comprised of two cabinet members from ESC, plus the ESC ward councillor, one member from STC and four independent members (some suggesting these four should be people with financial, marine, landowner and business skills/experience, and one or more suggesting that one of them should be from the Blyth Estuary Partnership and three should be co-opted from harbour users with appropriate qualifications in relation to the harbour).
- 11.3 The first question in the consultation questionnaire was: *“The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June [meaning July], it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town Council to join the HMC. Do you support this proposal?”*
- 11.4 Approximately 40%¹ of the consultees who answered this question supported that proposal.
- 11.5 The second question in the consultation questionnaire was: *“How do we ensure that there is a strong local voice on the HMC?”*.
- 11.6 Broadly in line with the results of the previous consultation (as summarised in section 12 of the February Report, a copy of which is at Appendix A to this report), consultees who responded to these first two questions made a variety of comments. In particular:
- 11.6.1 A number felt that there were too many HMC members overall and that a smaller committee would be more appropriate, with suggestions ranging from totals of five to nine members and one consultee observing that (as explained in the consultation documents) the first draft constitutional documents were based on Cornwall Council’s HMC, which manages a number of harbours;
- 11.6.2 A number felt that there should be fewer members from ESC, so that there is always either an exact split between ESC and other members, or an exact split between ESC, STC and other members;

¹ Over 41% of the consultees who answered this question in the consultation questionnaire, but fewer of the consultees who made separate written representations and may or may not have completed the questionnaire.

- 11.6.3 A number felt there should be more, or fewer, permanent members from STC, noting that local and STC involvement had been a particular theme from the results of the previous consultation;
- 11.6.4 Some would like “representatives” from Walberswick, Reydon and Blythburgh parish councils to be members of the HMC;
- 11.6.5 Some felt that all of the members of the HMC should be external individuals or experts, not councillors;
- 11.6.6 Consultees proposed as members a variety of categories of people including: knowledgeable full-time residents of Southwold, representatives of harbour businesses, representatives of the Blyth Estuary Partnership, representatives of the Environment Agency, Southwold Caravan Owners Association, moorings personnel, regular users of the harbour, people elected through a ballot of local groups, people with skills and/or knowledge of benefit to the harbour and members with knowledge of coastal management, environmental matters, maritime/marine/port matters, fishing, leisure and business management;
- 11.6.7 A number felt that there should be an independent chairperson;
- 11.6.8 Consultees who appeared to have co-ordinated their responses felt that there should be an automatic dispensation for anyone with a pecuniary interest in the harbour; and
- 11.6.9 Consultees who appeared to have co-ordinated their responses felt that the HMC should have the right to co-opt non-voting members to represent local stakeholder groups, or a separate stakeholder committee could be formed to provide advice to the HMC of stakeholder views.
- 11.7 The third question in the consultation questionnaire was: *“What skills and experience do you consider to be most important when selecting committee members?”*.
- 11.8 This question had fixed reply options. Over 53% selected maritime and marine skills and experience. Over 18% selected organisational management skills and experience. Over 11% selected financial management skills and experience. Just under 8% selected leisure user skills and experience.
- 11.9 Other consultees observed that all of these skills and experience would be important. Some referred to the need for members to understand the running of the caravan site and the local area and/or be local residents. Some referred to needs for skills and experience in communication and social media, accounting, riparian ownership, business management, valuation surveying and property management, acting as councillors, technical statistics and surveying of the estuary and legal matters. The apparently co-ordinated responses suggested business and recreational harbour users, and individuals with experience of the Blyth estuary, either on the HMC or on a separate stakeholder advisory committee.
- 11.10 The fourth question in the consultation questionnaire was: *“How long should Committee Members be appointed for?”*
- 11.11 This question had fixed reply options. Over 45% of the consultees who answered this question chose three years, which is the period suggested in the draft consultation documents. Over 32% chose two years and just under 13% chose one year. Other respondents suggested periods of three to four years with staggered reappointments (as provided by the draft consultation documents), recognising that it will be important to seek to avoid the co-opted membership changing all at the same time.
- 11.12 The fifth question in the consultation questionnaire was: *“Do you have any comments on the priorities in the attached outline Business Plan?”*.

- 11.13 This was a draft initial business plan to start the work of the HMC. Consultees noted that this was not a detailed business plan, preparation of which would need to be considered by the new HMC at an early stage as proposed in the draft Memorandum of Understanding and the draft outline business plan.
- 11.14 Consultees (including those who appeared to have co-ordinated their responses) were concerned by the advice from Ashfords (in their explanatory note) about the potential need to secure appropriate provision in a Harbour Revision Order if the harbour authority is to be enabled to carry out or fund flood protection and similar works outside the SHL for the protection/benefit of the SHL, and suggested that this aspect of the proposed application for a Harbour Revision Order should be a priority for the HMC, acknowledging the “interdependence” of the harbour and the estuary. Some felt that this should go further, and that the limits of the Southwold Order should be extended to include the river Blyth up to the A12.
- 11.15 The sixth question in the consultation questionnaire asked: *“Which of these areas do you feel should be a priority for the HMC in the first few years?”*
- 11.16 This question had fixed reply options. Just under 65% of the consultees who answered this question selected harbour engineering and protection works as a priority. Over 10% selected improvements to the environment, including the access road. Over 10% selected improving facilities for marine users. Just under 6.5% selected improvements to the caravan site and over 2% selected training for members. None selected promoting the harbour to visitors or improving facilities for visitors, but other consultees referred elsewhere to the general need for such promotion and improvement.
- 11.17 Other consultees referred to harbour engineering and protection works, and, in particular, the need for works to maintain the Blyth estuary (and the Harbour Revision Order which may be necessary to seek additional powers for such works). A number of consultees referred to the need to improve the caravan site, and improvements for marine users and commercial businesses.
- 11.18 The seventh question in the consultation questionnaire asked: *“How can we ensure that the public are better aware of the committee's work?”*
- 11.19 Consultees referred to the need for an active website and use of social media, holding meetings in public, ensuring that all minutes of HMC meetings, reports and accounts are readily accessible, providing a public forum for comments/questions and publication of meetings on the website, in the local press and on social media.
- 11.20 The eighth question in the consultation questionnaire asked: *“Where should meetings be held?”*
- 11.21 Most consultees would like meetings to continue to be held in Southwold, in a venue large enough to allow the public to attend.
- 11.22 The ninth question in the consultation questionnaire asked: *“How often should financial information be reported?”*
- 11.23 This question had fixed reply options. Just over 62% of consultees who answered this question would like financial information to be reported quarterly. Just under 30% would like financial information to be reported annually and just over 5% would like financial information to be reported on a monthly basis.
- 11.24 The tenth question in the consultation questionnaire asked: *“What other performance information [should] be made public?”*
- 11.25 This question had fixed reply options. Over 37% of consultees who answered this question selected income. Over 27% selected investment. Over 10% selected health and safety updates and just under 8% selected visitor numbers/trends.

11.26 Other responses from consultees included suggestions that:

11.26.1 the draft constitutional documents should not be subject to limitations from ESC's constitution/Cabinet, should not refer to ESC as the harbour authority under the Southwold Order or otherwise to ownership and should specifically include references to the intention to apply for a Harbour Revision Order (to ensure protective provisions are in place in respect of sale of the SHL and harbour income, and/or to seek powers to carry out or fund works to the Blyth estuary, outside the SHL);

11.26.2 the HMC should be free to engage non-voting advisers;

11.26.3 financial and technical risk should be added to the list in paragraph C1 of Annex 4 to the Memorandum of Understanding;

11.26.4 the HMC should have a larger budget;

11.26.5 meetings of the HMC should be in public;

11.26.6 an annual report should be published, monitoring against the budget, and the HMC should (in line with the PGGG) consider moving to preparation of commercial-type accounts; and

11.26.7 a five-year business plan should be updated every 12 months.

11.27 This summary is intended to assist but is not exhaustive; please refer to the detailed consultation responses at Appendices B and D to this report, together with the summary of the previous consultation in section 12 of the February Report, produced at Appendix A to this report for ease of reference.

11.28 Further, we have been referred to paragraph 1.9 of the Port Marine Safety Code Guide to Good Practice on Port Marine Operations, which states:

"1.9.1 Some harbour authorities have powers, through their local enabling legislation, to give 'general directions' to enable them, after due consultation, to lay down general rules for navigation (subject to certain constraints) and regulate the berthing and movements of ships. These carry the force of law, but are often easier to achieve and amend than using byelaws, and thus act as a useful mechanism for managing navigation and furthering safety. General directions procedural provisions involve publication of proposed directions but they do not require to be confirmed by the Secretary of State as is the case with byelaws.

1.9.2 Harbour authorities would be well advised to secure these powers to support the effective management of vessels in their harbour. This can be achieved in two main ways:

1.9.3 a) through a harbour revision order under section 14 of the Harbours Act 1964 (the 1964 Act) or;

b) through designation under section 40a of the 1964 Act with the power to give harbour directions for the movement, mooring, management and equipment of ships. These powers are of the nature of general directions to support the effective management of vessels in their harbour waters. A non-statutory Code of Conduct on the use of the section 40a power has been agreed by the Department in conjunction with organisations representative of ports and port users."

12 AMENDMENTS MADE TAKING INTO ACCOUNT THE JC CONCERNS AND CONSULTATION RESPONSES

12.1 In view of the responses from the further consultation, considered with the responses from the previous consultation and the initial comments from the JC at the meeting on 5 July 2019, we propose to amend the draft Terms of Reference and draft Memorandum of Association as marked up (with deletions struck through and additions underlined) in the revised drafts produced at Appendices F and G to this report, to:

12.1.1 reduce the number of HMC members from 11 to nine, comprised of five Members of the Cabinet of East Suffolk Council and four Co-opted Members, to accommodate the comments and preferences of consultees as far as reasonably possible;

12.1.2 provide for STC to have the automatic right to nominate two Co-opted Members in the first year of the HMC, one for a term of two years and one for a term of three years, in view of requests from consultees for automatic places for Southwold Town Council (but for the initial three years only, because the HMC needs to follow the PGGG over the longer term), to enable a phased transition to compliance with the PGGG over a reasonable period (during which preparations for the application for a Harbour Revision Order could be made), following the staggered reappointment pattern advised by Ashfords and requested by consultees;

12.1.3 provide in the Memorandum of Understanding for the HMC to establish a stakeholder advisory group. This would enable a range of potential stakeholder representatives and others to be appointed to the advisory group, in line with the requests from consultees. Arrangements would need to be made by the HMC (with advice from Ashfords as appropriate) to enable the stakeholder advisory group to operate efficiently and for its views to be reported to the HMC; and

12.1.4 repeat in the Memorandum of Understanding the recommendations made and endorsed earlier in relation to protective safeguards (as described in sections 5 and 6 of this report) and make a further recommendation in relation to potential additional powers, in view of the requests from consultees in relation to the Blyth estuary and the further information in relation to the Port Marine Safety Code Guide to Good Practice on Port Marine Operations and powers of general direction, as summarised in section 11 of this report, in substantially the following terms:

“X. The [Harbour Order] includes protective provisions in relation to any sale of the harbour undertaking and the [revenue from the harbour undertaking]. Further, the Council has [endorsed] the recommendations made by the Southwold Harbour Lands Joint Committee on 6 March 2019 [and 3 February 2020], including the recommendations that:

X1 the [HMC] should be established to replace the Southwold Harbour Lands Joint Committee, enable short-term governance improvements and design proposals for long-term improvements, including an application for a Harbour Revision Order to update the [Harbour Order];

X2 when designing these long-term improvements, by applying for a Harbour Revision Order or otherwise:

X2.1 specific safeguards should, subject to legal advice and the requirements of stakeholders, be included to protect income from the Harbour and preserve the Harbour in the ownership of the Council; [and

X2.2 the [HMC] should consider whether any appropriate additional powers should be sought, including powers of general direction and/or to carry out or fund works to the Blyth estuary, outside the Harbour, for the protection of the Harbour.]”

12.2 A number of the proposals made by consultees had already been addressed in section 12 of the February Report, explaining why these were not considered to be appropriate. We do not propose to repeat these in this report, but a copy of the February Report is produced at Appendix A to this report for ease of reference.

12.3 In relation to the proposals made by consultees which are not addressed (so far as possible) by the amendments described above or the explanations in the February Report, we would make the following comments:

12.3.1 Meetings of the HMC will normally be held in public, save for any business which needs to be considered in private in accordance with ESC’s constitution and local government law (such as a discussion about private personal data), in the same way that all committees of ESC operate;

12.3.2 The recommendations (including those in the draft outline business plan /Memorandum of Understanding) are that an Annual Report should be prepared and published and that preparation of a five-year business plan, to be reviewed annually, should be one of the first tasks for the HMC; and

12.3.3 It is not appropriate to provide for automatic dispensation for members with disclosable pecuniary interests, because all members of the HMC will be bound by the Suffolk Local Code of Conduct which provides that members cannot discharge any function or participate in any Council business or discussions, or vote on any issues, that relate to or concern any disclosable pecuniary interest of theirs. Such members could seek, in advance, written dispensation from the Monitoring Officer to remain in the room when the matter relating to their disclosable pecuniary interest is discussed, but the question of whether such dispensation is appropriate needs to be considered on a case by case basis and this important protective provision cannot, or should not, be changed.

13 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

13.1 In the East Suffolk Business Plan, published by WDC and Suffolk Coastal District Council in 2015, it was anticipated that Southwold Harbour would be transferred to a new local trust, pursuant to the 2015 Resolutions.

13.2 It became clear that, for the reasons summarised in the December Report and updated in the February Report, this would not be appropriate. Accordingly, the alternative models explained in those reports were investigated to enable improvements in the governance of Southwold Harbour while working in line with the key principles adopted from the 2014 consultation, as described above.

13.3 The proposed approach is to make recommendations to ESC for creation of a HMC. This will enable improved governance of the SHL, in accordance with the PGGG and in the interests of all stakeholders, and enable longer-term improvements by considering, preparing and making an application for a Harbour Revision Order to update the Harbour Order from 1933.

14 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 14.1 East Suffolk Council agreed to advance funds to enable instruction of the external solicitors to advise on the appropriate constitution for the HMC. This has been arranged through Legal and Democratic Services at East Suffolk Council to control expenditure and work cost-effectively with the arrangements for the new constitution for East Suffolk Council.
- 14.2 The longer term financial and governance considerations for the SHL are described and considered in section 12 of the February Report, produced at Appendix A to this report.

15 OTHER KEY ISSUES

- 15.1 This report has been prepared having taken into account and reviewed the results of an Equality Impact Assessment (**EIA**), as published with the February Report and available at the link in the table at the end of this report. The EIA was carried out to ensure that the proposed way forward takes into account any potential impact on groups with protected characteristics. These groups may share particular and protected characteristics, such as gender, sexual orientation or disability. Please refer to the EIA for full details, but in particular:
- 15.1.1 As to the physical environment of the SHL, we consider that the facility in its current condition is accessible to all groups. Due to the nature of the marine environment, access to vessels may require special adaptations. However, the pontoons and jetties themselves are, where possible, level and accessible. The Head of Operations at East Suffolk Council has arranged a review of access to jetties for marine users to better understand parameters for their use and inform planning for future improvements whatever governance structure applies.
- 15.1.2 The facility is free to access. While there are some commercial outlets on the Blackshore and harbour areas, it is not a requirement that people spend money to access the harbour. Therefore, it is considered that the harbour and its facilities are open to people regardless of socio-economic status.
- 15.2 We consider that the proposal will not adversely affect the status quo and should improve it. Currently, the SHL are managed by officers of East Suffolk Council, in consultation with SHRBUA, and SCOA, and others. The proposed HMC would be well placed to enhance equality of access. In particular, external appointees would (on a staggered basis over the first three years, to allow for the initial automatic appointments for STC) be engaged following open advertisement, in accordance with the PGGG.
- 15.3 No points have been made by consultees during the previous or further consultation exercise about any potential impact on groups with protected characteristics, other than general comments about the need to give priority to good access by land and sea to ensure future viability and a suggestion for improved roadways and footpaths, with particular references to improvements to the access road. This would be a matter for the proposed HMC to take forward.

16 CONSULTATION

This report has been prepared taking into account the results of the consultation exercises referred to above. Further, the proposed approach would enable ongoing consultation, including the provisions for establishment of the stakeholder advisory group described above.

17 OTHER OPTIONS CONSIDERED

- 17.1 The proposals made in this report are to implement the March Resolutions made by the JC and the corresponding directions from WDC and STC. Before those resolutions were made, the JC considered all of the other options described in section 11 of the February Report.
- 17.2 The other options proposed by consultees in respect of the constitution of the HMC are considered and summarised in section 12 of the February Report and above, and in more detail in the appendices to the February Report and the appendices to this report.

18 REASON FOR RECOMMENDATION

- 18.1 The recommendations in this report are made in response to the March Resolutions made by the JC and the corresponding directions from WDC and STC seeking recommendations for the proposed new HMC. These recommendations are made for the reasons summarised in this report and the reasons explained in more detail in the preceding reports referred to in it (which are available at the links in the table at the end of this report).
- 18.2 We believe that the recommended approach strikes the right balance, accommodating the wishes of stakeholders as far as possible and enabling the HMC to comply with the PGGG (after the initial transition period proposed in view of the requests from stakeholders in the consultation exercises). We recommend that the proposed HMC should be created as soon as possible, to allow it to begin work and evolve based on its experience and ongoing consultation with stakeholders.

East Suffolk Council

20 January 2020

RECOMMENDATIONS

That the Joint Committee resolves to:

1. Recommend to the Cabinet of East Suffolk Council and to Southwold Town Council that:
 - a) the Harbour Management Committee recommended by the report dated 20 January 2020 to the Joint Committee ("**Report**") should be created by the Cabinet of East Suffolk Council, based on the Terms of Reference and the Memorandum of Understanding produced at Appendices F and G to the Report;
 - b) the initial business plan to start the work of the Harbour Management Committee should be based on the outline draft produced at Appendix H to the Report; and
 - c) the Joint Committee should be disestablished on creation of the Harbour Management Committee.

APPENDICES

Appendix A	February Report (the report to the meeting of the JC on 6 March 2019)
Appendix B	Responses to the consultation questionnaire
Appendix C	Analysis of the responses to those questions in the consultation survey with set reply options

Appendix D	Copies of other responses provided by consultees
Appendix E	Explanatory note from Ashfords LLP (as published in the consultation exercise)
Appendix F	Revised draft Terms of Reference
Appendix G	Revised draft Memorandum of Understanding
Appendix H	Draft Initial Outline Business Plan (as published in the consultation exercise)

BACKGROUND PAPERS		
Date	Type	Available From
6 March 2019	The documents considered by the JC on 6 March 2019 as referred to in this report, including the specific items listed below for ease of reference	https://www.eastsuffolk.gov.uk/yourcouncil/council-meetings-and-decisions/agendas-reports-and-minutes-of-council-meetings/waveney-district-council-meetings/2019-meetings/march-2019-meetings/southwold-harbour-lands-joint-committee-6-march-2019/
June 2014	Consultation Document	https://www.eastsuffolk.gov.uk/assets/Your-Council/WDC-Council-Meetings/2019/March/Southwold-Harbour-Lands-Joint-Committee-06-03-19/Item-06-Appendix-C-Southwold-Harbour-Lands-Consultation-June-2014.pdf
28 July 2014	Minutes of the simultaneous meeting of WDC's Cabinet and STC	https://www.eastsuffolk.gov.uk/assets/Your-Council/WDC-Council-Meetings/2019/March/Southwold-Harbour-Lands-Joint-Committee-06-03-19/Item-06-Appendix-E-Minutes-of-the-WDC-Cabinet-and-STC-meetings-on-28-July-2014.pdf
November 2018	Equalities Impact Assessment (EIA)	https://www.eastsuffolk.gov.uk/assets/Your-Council/WDC-Council-Meetings/2019/March/Southwold-Harbour-Lands-Joint-Committee-06-03-19/Item-06-Appendix-I-Equalities-Impact-Assessment.pdf
December 2018	December Report	https://www.eastsuffolk.gov.uk/assets/Your-Council/WDC-Council-Meetings/2019/March/Southwold-Harbour-Lands-Joint-Committee-06-03-19/Item-06-Appendix-J-Report-on-Future-of-Southwold-Harbour-Lands.pdf
February 2019	February Report	https://www.eastsuffolk.gov.uk/assets/Your-Council/WDC-Council-Meetings/2019/March/Southwold-Harbour-Lands-Joint-Committee-06-03-19/Item-006-Southwold-Report.pdf
6 March 2019	March Resolutions	https://www.eastsuffolk.gov.uk/assets/Your-Council/WDC-Council-Meetings/2019/March/Southwold-Harbour-Lands-Joint-Committee-06-03-19/Decision-Notice-for-Southwold-

		Harbour-Lands-Joint-Committee.pdf
15 March 2019	Resolutions by WDC's Cabinet	https://www.eastsuffolk.gov.uk/assets/Your-Council/WDC-Council-Meetings/2019/March/WDC-Cabinet-and-Southwold-Town-Council-Meeting/99-Decision-Notice-Simultaneous-Cabinet-15-March-2019.pdf
5 July 2019	July Report	https://eastsuffolk.cmis.uk.com/eastsuffolk/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/108/Committee/26/Default.aspx
July 2019	Draft Terms of Reference as published for consultation	https://www.eastsuffolk.gov.uk/assets/Visitors/Southwold-Harbour/Management-consultation/Terms-of-Reference.pdf
July 2019	Draft Memorandum of Understanding as published for consultation	https://www.eastsuffolk.gov.uk/assets/Visitors/Southwold-Harbour/Management-consultation/Memorandum-of-Understanding.pdf
August 2019	Consultation circular	https://www.eastsuffolk.gov.uk/assets/Visitors/Southwold-Harbour/Management-consultation/Consultation-Circular.pdf
August 2019	Draft outline business case	https://www.eastsuffolk.gov.uk/assets/Visitors/Southwold-Harbour/Management-consultation/Outline-Business-Case.pdf



SOUTHWOLD HARBOUR LANDS JOINT COMMITTEE

Wednesday, 6 March 2019

SOUTHWOLD HARBOUR GOVERNANCE (REPSHLJC06)

EXECUTIVE SUMMARY – INTERIM REPORT

This report:

1. should be read with the report to the Southwold Harbour Lands Joint Committee (**JC**) for its meeting on 18 December 2018 (**December Report**), which reviewed the background and made recommendations for new arrangements to deliver improved governance of the Southwold Harbour Lands (**SHL**, as defined below). For ease of reference, copies of Appendices A to I of the December Report are at Appendices A to I of this report and a copy of the December Report is at Appendix J of this report;
2. reviews developments since the December Report and the results so far of the consultation exercise arranged by the JC pursuant to the resolutions it made on 18 December 2018 to revisit previously planned changes and consider the way forward for the future governance of the SHL;
3. based on the results so far, makes interim recommendations for arrangements to deliver short term governance improvements and to prepare for longer term improvements, but
4. remains subject to consideration of any further consultation responses or representations made by any potentially interested person. An update taking into account any such further responses or representations received by 1 March 2019 will be provided to the JC when it meets again on 6 March 2019 to decide on the way forward to recommend to STC and WDC's Cabinet.

Is the report Open or Exempt?	Open
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Wards Affected:	Southwold
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Cabinet Member:	Councillor Mark Bee Leader of the Council
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Supporting Officer:	Kerry Blair Head of Operations 01502 523007 kerry.blair@eastsoffolk.gov.uk
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1 GLOSSARY

1.1 Most of the following expressions are defined when first used in the body of this report so that it is easier to read, but for ease of reference the following expressions used in this report have the following meanings:

2015 Resolutions: the resolutions made by the JC on 18 March 2015 (relevant minute copied at Appendix H to this report), including the resolutions that the legal model for the new governance arrangements for the SHL should be a charitable company with a trading subsidiary and that the statutory function of harbour authority should be transferred to that company.

December Report: the report to the meeting of the JC on 18 December 2018. A copy is at Appendix J to this report. The December Report explains the background, the establishment and terms of reference of the JC, the range of issues which had prevented previously planned governance changes and new proposals to improve the governance of the SHL pursuant to the PGGG.

December Resolutions: the resolutions made by the JC on 18 December 2018.

DfT: the Department for Transport.

Harbour Order: the Southwold Harbour Order 1933, the governing legislation for the harbour undertaking, as summarised in section 2 of the December Report. A copy is at Appendix A to this report.

Harbour Revision Order: an order to change the legislation governing the management of a harbour. Application for such an order would be to the Marine Management Organisation under Section 14 of the Harbours Act 1964, as explained in paragraph 6.2 of the December Report.

HMC: a Harbour Management Committee, as explained in paragraphs 5.20 to 5.24 of the December Report by reference to the PGGG.

JC: the Southwold Harbour Lands Joint Committee, which was established by the resolutions made by STC and WDC in 2014, comprising four elected members from each of STC and WDC, as described in section 4 of the December Report.

OSC: the Overview and Scrutiny Committee of WDC.

PGGG: the Ports Good Governance Guidance issued by the DfT in 2018 (a copy of which is available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/684839/ports-good-governance-guidance.pdf).

PMSC: the Port Marine Safety Code published by the DfT and the Maritime and Coastguard Agency (a copy of which is available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/564723/port-marine-safety-code.pdf).

SCOA: the individuals describing themselves as the Southwold Caravan Owners Association (who are understood to represent most of the users of the caravan site on the SHL), whose website is at: <http://www.southwoldcaravanowners.co.uk/index.php>.

SHL: Southwold harbour and neighbouring lands, including the relevant stretch of the River Blyth, Buss Creek, Salt Creek, the caravan and camping site and commercial properties leased to independent operators to generate rental income for the harbour.

SHPSG: the individuals describing themselves (from about May 2018) as the Southwold Haven Port Stakeholders Group, whose website is at <http://southwoldharbour.info/>, who claim to represent *“individuals, organisations and businesses with expertise in offshore and onshore marine management, business owners, property owners and lessees, fishermen, caravan owners, those engaged in tourism and experience of senior management across a wide range of industries including local government”*.

SHRBUA: the individuals describing themselves as the Southwold Harbour and River Blyth Users Association.

STC: Southwold Town Council.

WDC: Waveney District Council (or where, appropriate, East Suffolk Council, which will replace Waveney District Council and Suffolk Coastal District Council on 1 April 2019).

2 THE BACKGROUND AS SET OUT IN THE DECEMBER REPORT

- 2.1 Please read the report to the Southwold Harbour Lands Joint Committee (**JC**) for the meeting on 18 December 2018 (**December Report**). A copy is at Appendix J to this report. For ease of reference, Appendices A to I referred to in the December Report are at Appendices A to I of this report.
- 2.2 The December Report was published on the WDC website from 7 December 2018 and explains the background in detail, including in particular:
 - 2.2.1 in section 2, a summary of the Southwold Harbour Order 1933 (**Harbour Order**), the governing legislation for the harbour undertaking, a copy of which is at Appendix A to this report;
 - 2.2.2 in section 3, a summary of the history of management by WDC for more than 40 years of the Southwold Harbour Lands (**SHL**, meaning as appropriate Southwold harbour and neighbouring lands, including the relevant stretch of the River Blyth, Buss Creek, Salt Creek, the caravan and camping site and commercial properties leased to independent operators to generate rental income for the harbour), from 1974 (replacing Southwold Borough Council, the original Corporation under the Harbour Order, on local government reorganisation) to date;

- 2.2.3 in paragraphs 4.1 to 4.5, the background and consultation in June 2014 which proposed what it described as key principles (recited in section 12 below) and led to the establishment of the JC and the resolutions made by WDC's Cabinet and STC on 28 July 2014 (relevant minute copied at Appendix E to this report) to adopt those key principles, establish the JC and enable the JC to: (a) provide a strategic steer (ensuring compliance with legislation and holding the management to account for the operation and delivery of the SHL within the budgets set by the Councils); (b) investigate, (c) instruct professional advisers; and (d) develop a community engagement strategy;
- 2.2.4 in paragraphs 4.6 to 4.7, the resolutions made by the JC on 18 March 2015 (relevant minute copied at Appendix H to this report – the **2015 Resolutions**), including the resolutions that the legal model for the new governance arrangements for the SHL should be a charitable company with a trading subsidiary and that the statutory function of harbour authority should be transferred to that company;
- 2.2.5 in paragraphs 4.8 to 4.18, introduction of the issues which had been encountered while seeking to implement the 2015 Resolutions in 2016 and then the local authority trading company model which had been investigated in 2017 as an alternative;
- 2.2.6 in section 5, further details of those issues, including the (informal) advice from the DfT that the Harbour Order should be updated before any transfer, the risks for WDC that it would lose control of the SHL but remain liable for the SHL directly (through any guarantee required by the DfT for consent to transfer the SHL to a charity, company or other body) or indirectly (to manage flood risks etc. and as the only body with sufficient resources to advance very substantial funds), the advice from Coastal Partnership East that advances of several million pounds would be needed to bring the caravan site up to date, repair harbour structures and address upstream changes on the River Blyth, and the recommendations made in the new Ports Good Governance Guidance (**PGGG**) issued by the Department for Transport (**DfT**) in 2018 promoting the establishment of a harbour management committee (**HMC**) as one way to meet the requirements of the PGGG;
- 2.2.7 in section 6, the (informal) suggestion made by the DfT, when consulted in July 2018, of looking at interim governance improvements (such as establishing a harbour user's or harbour management committee, advisory or otherwise) and working on a longer term project to update the Harbour Order through a Harbour Revision Order or the like; and

2.2.8 in section 7, the further consultations which had been carried out already, particularly during 2017 and early 2018 when alternative governance models were being considered.

3 THE DECEMBER RESOLUTIONS

3.1 On 18 December 2018, the JC met to review the position and consider the future governance of the SHL.

3.2 First, the JC considered the December Report, with appendices, copies of which are at Appendices A to J to this report. Next, the JC heard from members of WDC and STC and considered responses from officers to the questions raised, and comments made, by those members.

3.3 The JC then resolved as follows (the **December Resolutions**):

1. that it is minded to revisit the 2015 Resolutions because, having considered the circumstances which have emerged and developed since the 2015 Resolutions were made, as summarised in the December Report, it considers that the 2015 Resolutions are no longer appropriate.
2. to note the recommendation in the December Report that the JC:
 - a. rescind the 2015 Resolutions; and
 - b. recommend to a simultaneous meeting of WDC and STC that they modify the resolutions made by them on 28 July 2014, to withdraw the delegation to the Joint Committee to act as an “*Initial Strategic Board*” and direct the Joint Committee to, in line with its terms of reference, arrange to consult professional advisers and stakeholders and advise WDC and STC on proposals for a Harbour Management Committee (**HMC**) to succeed the Joint Committee and:
 - i. enable short term governance improvements (including more local involvement and engagement in management and delivery) in line with the key principles in the June 2014 consultation document and the PGGG; and
 - ii. design proposals to deliver medium term improvements (which are likely to be made by application to the Marine Management Organisation for a Harbour Revision Order), addressing future ownership and long term sustainability, responsibility, liability and delivery.

- c. arrange to instruct professional advisers to advise on the appropriate constitution for a HMC as outlined above; and
 - d. make stakeholder engagement arrangements to consult community stakeholders and all other relevant stakeholders on the improvements outlined above.
- 3. to note that the JC keeps an open mind, that all potential outcomes (as to the 2015 Resolutions, the future of the governance arrangements for the SHL and the future role of the JC) remain open and the JC intends fully to take into account the results of the consultation exercise to be arranged as set out below before it makes its decision.
- 4. to carry out an exercise to consult potentially interested persons (**Stakeholders**) by:
 - a. arranging an event or events in Southwold to consult Stakeholders in person; and
 - b. using reasonable endeavours to notify Stakeholders, at such events and by advertisement in a local newspaper and/or publication on the WDC and/or STC websites, of these resolutions and that they must deliver any representations they may wish to make to Kerry.Blair@eastsoffolk.gov.uk and/or townclerk@southwoldtowncouncil.com in writing by midnight on 1 March 2019; and
- 5. to arrange a further meeting to decide how to proceed once the results of the consultation exercise have been obtained and considered.

4 CONSULTATION

- 4.1 The consultation exercise was arranged in accordance with the December Resolutions and with reference to the consultation principles issued by the Cabinet Office.
- 4.2 The consultation ran from the first event on the 16th January, with a final deadline for representations of 1 March 2019.
- 4.3 The consultation events required by the December Resolutions were organised and publicised with the other material described below. These events have now been carried out and concluded:
 - 4.3.1 on Saturday, 19 January, from 10am to 1pm, 'Drop in' event at the Sailing Club, Southwold Harbour, which was attended by approximately 43 people;
 - 4.3.2 on Saturday, 26 January, from 10am to 1pm, 'Drop in' event at the Methodist Church Hall, Southwold, which was attended by approximately 27 people; and

- 4.3.3 on Wednesday, 6 February, from 6.30pm, public meeting at St Edmunds Hall, Southwold, which was attended by approximately 120 people.
 - 4.3.4 On the 11th February 2019 a street survey was conducted in the area of the Caravan Site, where passing members of the public were consulted. This led to 16 responses.
 - 4.3.5 On 18th February 2019, a street survey was conducted in the area of Southwold Town Centre, where passing members of the public were consulted. This led to 28 responses.
- 4.4 The notification required by the December Resolutions was published on the WDC website, as was further material to assist consultees at: <https://www.eastsuffolk.gov.uk/visitors/harbours-and-waterways/southwold-harbour/> which includes:
- 4.4.1 an online survey for consultees to complete;
 - 4.4.2 summary information about the SHL consultation;
 - 4.4.3 a map of the SHL;
 - 4.4.4 information and copies of the documents referred to in section 3 of the December Report in relation to the ownership and control of the SHL, as had been requested at the JC meeting on 18 December 2018; and
 - 4.4.5 a link to the PGGG for ease of reference.
- 4.5 Further, WDC arranged for e-mails to be sent to caravan owners at Southwold with details of the consultation and a link to the consultation documents.
- 4.6 Further, there have been communications with groups which claim to represent stakeholders, namely:
- 4.6.1 SCOA (which e-mailed all of their members and arranged for the project manager to attend their committee meeting to discuss the consultation); and
 - 4.6.2 [SHPSG and SHRBUA, to ensure that they were aware of the consultation]
- 4.7 Further, the project manager for the SHL has consulted the DfT in further detail about the proposed HMC. The points emerging from that consultation are summarised in section 6 of this report.
- 4.8 Copies of all consultation responses so far (whether collected in person at consultation events, through the online survey facility or otherwise) are published at Appendix L to this report.
- 4.9 Based on the results so far, section 12 of this report sets out the reasons for the interim recommendations made at the end of this report to improve the governance of the SHL,

picking up specific additional points from the investigations and consultations so far which should assist with the next stage of work which is recommended.

- 4.10 However, it must be emphasised that this is an interim report, prepared for a publication deadline to give the JC as much information as possible in report format in advance of the meeting on 6 March 2019. It remains subject to consideration of any further consultation responses or representations made by any potentially interested person by 1 March 2019. An update taking into account any such further responses or representations will be provided to the JC when it meets again at 6:30pm on 6 March 2019 to decide on the way forward to recommend to STC and WDC's Cabinet.
- 4.11 STC and WDC's Cabinet would then consider whatever recommendations are made by the JC when they meet on 15 March 2019.
- 4.12 First, section 5 below reports on other interim developments.

5 COMPLAINTS ABOUT HISTORIC ISSUES

- 5.1 On 20 December 2018, the Overview and Scrutiny Committee (**OSC**) of WDC received a Scoping Form about Southwold Harbour, alleging historic mismanagement of the Southwold harbour and caravan site by WDC, inaccurate accounts particularly before 2010, gross mismanagement of the North Dock Wall project, failure of the JC to meet quarterly in public and contravention of the Harbour Order, stating that the purpose of making these allegations was to find a way forward for the governance of Southwold Harbour. This was followed by a report making further allegations and recommending various matters, including extension of the current SHL consultation period.
- 5.2 In response, a detailed report was prepared with supporting evidence confirming that the allegations which had been made had already been addressed (in particular, in accordance with advice from the District Auditor in 2007 in relation to the accounts and the Harbour Order, in accordance with advice from the Head of Internal Audit of WDC in relation to the North Dock Wall project in 2011/12 and through informal liaison and consultations with stakeholders followed by the meeting on 18 December 2018 and the planned meetings of the JC, STC and WDC's Cabinet) and the recommendations which had been made by the complainant were all either: (a) inappropriate; or (b) unnecessary because they reflected what was already being done.
- 5.3 Copies of these allegations, reports and supporting documents are available at the link at the end of this report. The OSC considered this documentation and then heard, in public, from witnesses called by the complainant and from WDC officers responding to questions on 7 February 2019.
- 5.4 The OSC then resolved:
 - 5.4.1 to recommend that the JC should meet publicly and formally with notice and minutes at least once a year; and

5.4.2 that, in the light of the information provided and reviewed, the OSC consider that it is not necessary or appropriate to further investigate the allegations made in the Scoping Form dated 20 December 2018 and it would be inappropriate to interfere with the consultation and consideration by the JC of the way forward for the future governance of the SHL.

6 CONSULTATION WITH THE DEPARTMENT FOR TRANSPORT

6.1 Specific points arising from the PGGG issued by the Department for Transport (**DfT**) and the (informal) consultation with the DfT in July 2018 are summarised in sections 5 and 6 of the December Report and picked up in the recommendations in section 12 of this report for ease of reference in future.

6.2 In addition, the following points have arisen from the (informal) consultations with the DfT so far.

6.3 New governance arrangements need to be clear about who will be the “duty holder” responsible for ensuring that the harbour authority complies with the Port and Marine Safety Code (**PMSC**). We note that:

6.3.1 Under WDC’s current constitution, the duty holder is the Head of Customer Services and Commercial Partnerships. If that post is vacant from time to time, the responsibilities of duty holder are undertaken by the Head of Operations and/or the Strategic Director as appropriate.

6.3.2 The PGGG observes that in many harbour authorities the role of duty holder will be undertaken by the board or management team who are publicly accountable for marine safety under the PMSC both individually and collectively (paragraph 2.33), explains specific operational and resourcing requirements and notes that fulfilling these duties effectively is an essential part of a board’s role in delivering good governance in its broadest sense, referring to the requirements of the PMSC in full (paragraphs 2.34 to 2.38 of the PGGG).

6.3.3 The Guide to Good Practice on Port Operations ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697196/MCGA-Port Marine Guide to Good Practice NEW-links.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697196/MCGA-Port_Marine_Guide_to_Good_Practice_NEW_links.pdf)) advises that the harbour authority must confirm and publish who the duty holder is.

6.3.4 This point is considered further in section 12 of this report.

6.4 The DfT mentioned that it may be helpful when considering the constitution of any Harbour Management Committee (or other body to govern or advise on the governance of a harbour) to look, for the purposes of reference or comparison, at the governance arrangements of Langstone harbour or Littlehampton harbour. An initial review of these is below.

6.5 Details of Langstone harbour are at: www.langstoneharbour.org.uk. It appears that:

- 6.5.1 It is a municipal (local authority) port, which has been run over time by different authorities dealing with different parts as boundaries changed before joint arrangements were agreed for the harbour to work as one.
- 6.5.2 The harbour authority is now a Harbour Board, which is a body corporate and the statutory harbour authority. The Harbour Board works with an Advisory Committee, as follows.
- 6.5.3 There are 15 members of the Harbour Board, two of whom are elected by the Advisory Committee and the rest of whom are elected by the local authorities from their members.
- 6.5.4 The Advisory Committee has a number of members to represent the various stakeholder organisations involved, as listed at: <http://www.langstoneharbour.org.uk/about-committee.php>.
- 6.5.5 The Advisory Committee meets the week before each Harbour Board meeting and considers the full agenda for the next Harbour Board meeting. The Harbour Board have a duty to consult the Advisory Committee on all matters substantially affecting the preservation, regulation, management and improvement of the harbour. The Harbour Board must also consider any matters referred to them on these topics by the Advisory Committee.

6.6 Details of Littlehampton harbour are at: www.littlehampton.org.uk. It appears that it is a trust port governed by a Harbour Board, which consists of 11 members, eight of whom are appointed by the local authorities involved, one of whom is appointed by the Environment Agency, one of whom is appointed by the Board to represent recreational users of the port and one of whom is appointed by the Board to represent commercial users of the port.

7 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 7.1 In the East Suffolk Business Plan published by WDC and Suffolk Coastal District Council in 2015, it was anticipated that Southwold Harbour would be transferred to a new local trust.
- 7.2 It has become clear that, for the reasons summarised in the December Report and updated in this report, this would not be appropriate. Accordingly, the alternative models explained in the December Report and in this report have been investigated to enable improvements in the governance of Southwold Harbour while working in line with the key principles adopted from the 2014 consultation described in the December Report and summarised in this report, taking into account the results so far of the ongoing consultation exercise.

8 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 8.1 WDC is prepared to advance funds to enable instruction of suitable external solicitors to advise on the appropriate constitution for a HMC, as outlined in this report. This would be arranged through Legal and Democratic Services at WDC to control expenditure and work cost-effectively with the arrangements for the new constitution for East Suffolk Council when it replaces WDC in April 2019.
- 8.2 Please refer to the longer term financial and governance implications described and considered in section 12 of this report.

9 OTHER KEY ISSUES

- 9.1 This report has been prepared having taken into account the results of an Equality Impact Assessment (**EIA**). The EIA is attached to this report at Appendix I.
- 9.2 The EIA was carried out to ensure that the proposed way forward takes into account any potential impact on groups with protected characteristics. These groups may share particular and protected characteristics, such as gender, sexual orientation or disability. Please refer to the EIA for full details, but in particular:
- 9.2.1 As to the physical environment of the SHL, WDC considers that the facility in its current condition is accessible to all groups. Due to the nature of the marine environment, access to vessels may require special adaptations. However, the pontoons and jetties themselves are, where possible, level and accessible. WDC is arranging a review of access to jetties for marine users to better understand parameters for their use and inform planning for future improvements whatever governance structure applies.
- 9.2.2 The facility is free to access. While there are some commercial outlets on the Blackshore and harbour areas, it is not a requirement that people spend money to access the harbour. Therefore, it is considered that the harbour and its facilities are open to people regardless of socio-economic status.
- 9.3 WDC considers that the approach recommended in the December Report and in this report will not adversely affect the status quo and should improve it. For the reasons explained in the December Report, it is clear that the proposed charitable Trust model has run into difficulties and is not appropriate, leaving the SHL managed by officers of WDC, in consultation with SHRBUA, and SCOA. Accordingly, it is important to revisit the 2015 Resolutions. The proposed Harbour Management Committee (**HMC**) would be well placed to enhance equality of access. In particular, external appointees would be engaged following open advertisement, in accordance with the PGGG, and it is proposed that the JC would arrange stakeholder engagement arrangements to consult community stakeholders and all other stakeholders on the improvements (which may well include improved access arrangements) to be planned for the SHL.
- 9.4 No points have been made by consultees during the consultation exercise so far about any potential impact on groups with protected characteristics, other than general

comments about the need to give priority to good access by land and sea to ensure future viability and a suggestion for improved roadways and footpaths. The JC will be in a position to review any new points raised in responses received at the end of the consultation exercise when it considers this report and those responses, and where appropriate to ask the proposed HMC to take them into account in the future planning for the SHL.

10 CONSULTATION

10.1 This report has been based on the consultation exercise explained in section 4 of this report, taking into account the responses produced at Appendix L to this report, but remains subject to any further responses provided by 1 March 2019, as explained above.

11 OTHER OPTIONS CONSIDERED

11.1 The following alternative options have been considered. Based on the results of the consultation exercise so far, it appears that these other options are not appropriate, as explained below, but this remains subject to any new grounds or considerations raised in the ongoing consultation exercise.

11.2 Some consultees have suggested that there should be no change and stated that they are opposed to the proposed HMC arrangements. However, WDC is clear that it wishes to improve the governance of the SHL; while the PGGG is not mandatory, it reflects good practice and should be implemented so far as is practical and appropriate to the circumstances of a given harbour authority. Further, simpler and more direct local influence and better transparency should help to build trust and co-operation with local stakeholders, particularly after review of the previously planned charitable model and historical tensions, rumours and allegations. Accordingly, we believe that the costs and time needed to work on setting up a HMC and related governance improvements is worthwhile.

11.3 Some consultees have suggested that WDC should not retain surplus from SHL income, to recover sums which it advanced to the harbour for previous works, arguing that this is contrary to the Harbour Order. As explained in the documents submitted to the OSC for 7 February 2019 (available at the link at the end of this report), this recovery was supported by the advice given by the District Auditor in 2007. Further, it is difficult to see how WDC could justify advancing substantial further sums from the general fund of the district as a whole for the improvement of the SHL in future, as considered in the December Report and in section 12 below, if it could not recover those sums from surplus income over time. Further, the DfT has already advised that the Harbour Order itself needs to be updated. Accordingly, we believe that this suggestion is not appropriate.

11.4 The JC previously considered and adopted the charitable Trust model described in section 4 of the December Report. For the reasons described in sections 5 and 6 of the

December Report, and updated in paragraph 12.2 below, it has become clear that the charitable model is not appropriate.

- 11.5 The JC had previously been considering developments informally and consulted with stakeholders on an alternative proposal for a local authority trading company model, as described in section 4 of the December Report. However, for the reasons explained in sections 5 and 6 of the December Report, it became clear that this would not be appropriate, at least with the Harbour Order in its current, outdated, form. Further, several consultees were opposed to the local authority trading company model.
- 11.6 Some consultees have suggested that the SHL should be transferred to STC or a majority of other “*locals*”. We believe it is unlikely that STC would have the resources to take on the substantial potential liabilities of the SHL or, accordingly, be willing to do so. Similarly, the DfT is likely to require a guarantee from WDC or a provision for the SHL to revert to WDC in the event of insolvency of any such transferee, and the risks of transferring the SHL but remaining liable (directly or indirectly) for them is unlikely to be acceptable to WDC, as explained in this report and in more detail in the December Report. Further, as explained in the December Report, the DfT has indicated that it would be concerned about any transfer to a third party with the Harbour Order in its current, outdated, form. For these and the other reasons set out in the December Report, this suggestion would not be appropriate.

12 REASONS FOR THE RECOMMENDATIONS

- 12.1 As with the preceding sections, all of the comments made in this section and the recommendations made at the end of this report are subject to any new grounds or considerations submitted by any potentially interested person by 1 March 2019, which will be provided to the JC for consideration on 6 March 2019, as explained above.
- 12.2 For the reasons explained in the December Report, it has become clear that the charitable Trust model previously adopted by the JC is not appropriate. A number of consultees have opposed any move away from the 2015 Resolutions which adopted the charitable model and it appears that the SHPSG was established with the purpose of opposing any such move. However, consultees have not produced any new grounds to contradict the reasons explained in the December Report, other than a suggestion that the 2015 Resolutions constitute an agreement which cannot be changed. This suggestion is wrong. The 2015 Resolutions are not contractual. They are the resolutions of a joint committee which depends on authority from WDC and STC. Moreover, the JC and each Council cannot be prevented from changing their approach on good grounds (which they could be criticised for failing to do) and that is what they are being asked to do. Accordingly, the 2015 Resolutions to adopt the charitable model should be rescinded.
- 12.3 The December Report explained why it appeared to be in the interests of all stakeholders to investigate the (informal) suggestion made by the DfT to establish a harbour user’s group or Harbour Management Committee (**HMC**) to enable short term governance

improvements in line with the PGGG (including more local involvement) and plan for longer term improvements (whether by application for a Harbour Revision Order or otherwise) in due course.

- 12.4 Some consultees have opposed this, but the only alternative proposals which have been made so far are those explained in section 11 of this report. For the reasons explained in the December Report and in section 11 of this report, these proposals are not viable. Other consultees have been positive or have suggested specific points for the constitution of any HMC, or practical works or other matters to be addressed for the improvement of the SHL. Some of these points are for the future, but where practicable references are made to these points in the suggestions below for ease of reference in future work on this.
- 12.5 The recommendations at the end of this report would be in line with the terms of reference of the JC, which (as explained in section 4 of the December Report) were adopted following the 2014 consultation exercise and have not been challenged by any of the consultees so far. Those terms of reference provided for the JC to seek to enable:

“In the short term, more local involvement and engagement in the management and delivery of Southwold Harbour and all other activities on the wider Southwold Harbour lands; and

In the medium term, implementation of a revised local model for the delivery of Southwold Harbour and its associated lands that addresses the future ownership, and long term sustainability, responsibility, liability and delivery.”

- 12.6 As explained in the December Report, the proposed approach would enable planning of the new governance arrangements for the harbour to:
- 12.6.1 take into account the practical issues which have come to light since 2015, as summarised in the December Report and updated in this report;
- 12.6.2 arrange consultation with stakeholders and look at examples of good practice from comparable harbours;
- 12.6.3 take into account the results of the external harbour study which is being commissioned in relation to the harbour structures to assess the likely options and potential costs in respect of these in more detail (as described in section 5 of the December Report);
- 12.6.4 check that new governance arrangements would comply with the requirements of the 2018 PGGG and explain any proposed divergence; and
- 12.6.5 take professional advice on the appropriate structures, documents and processes and recommend these to WDC and STC.

- 12.7 The JC would be well placed to take on the recommended new role of arranging the necessary consultations about the proposed approach and advising WDC and STC on how to improve governance of the SHL.
- 12.8 It is suggested that the following specific points arising out of the previous and current consultations and investigations should be taken into account in the design of the proposed HMC. For consistency and in line with the recommendations made, these are grouped below under the headings of the key principles from the 2014 consultation which were adopted by WDC’s Cabinet and STC on 28 July 2014.

Improvements that reflect the culture & character of Southwold

- 12.9 The PGGG states that where local authorities provide a substantial or continuing subsidy to a harbour authority, they should seek to establish and implement a strategy to put port operations on a commercial basis wherever this is possible.
- 12.10 Some consultees emphasised the need for conservation and some the need for a balance between commercial and community considerations. Consultees have proposed a range of potential changes, from car parking charges and upgrading the harbour facilities to add lavatories and washrooms to improvements to the caravan site including electricity, water and waste services for static caravans and upgrading the facilities in general, better use of “green” and carbon neutral materials/facilities, green waste management, a club house, better integration between the caravan site and the camping site and possible expansion. Several consultees confirmed their view that funding and additional staffing will be needed, but some expressed concerns about increases in rents when improvements have been made to recover the investments made to enable those improvements.
- 12.11 WDC has already confirmed that it wishes to make arrangements to enable investment in and improvement of the caravan site, in line with the resolutions made in 2014, in particular. However, it is well aware of the need for improvements to the caravan site and elsewhere to be in keeping with the culture and character of Southwold and recognises the comment from one consultee that the harbour is an integral part of Southwold’s overall attraction. A wide range of interim governance and reporting improvements would be proposed, as outlined below. Further, the longer term project of updating the Harbour Order (whether by applying for a Harbour Revision Order or otherwise) would be a subject for the HMC to address.
- 12.12 It is intended that consultations and the representation of STC and other local stakeholders on the proposed HMC, as proposed under the following heading, will help to ensure that improvements are appropriate and reflect the culture and character of Southwold.

Local influence and accountability

- 12.13 This principle is in line with the confirmation in the PGGG that ports owned by local authorities should be *“governed and operated in the interests of stakeholders including the local community”*.
- 12.14 The PGGG notes that ports owned by local authorities operate within the overall decision making structure of the local authority, and that such ports are ultimately accountable to elected Council members and the local electorate.
- 12.15 While of course that applies to WDC as the harbour authority, it is suggested that STC should also be represented on the proposed HMC. This will automatically assist with accountability and encourage representative influence for local requirements. It should help the HMC to take into account plans for Southwold as a whole, including its *“Neighbourhood Plan”*, and ensure that improvements are suitable.
- 12.16 Direct involvement of suitable external appointees to a HMC to represent other stakeholders should naturally help with direct local influence and accountability (compared to the current situation, where a number of different groups/individuals represent or purport to represent stakeholders and liaise directly with WDC). Different consultees have suggested that commercial and recreational users of the harbour, SCOA, all caravan owners, owners of adjacent land, Walberswick Parish Council, other local people and/or a harbour user’s group should be represented.
- 12.17 The number of such appointees will naturally need to be balanced with:
- 12.17.1 the need to appoint any suitable external agency representatives or specialists to a HMC when appropriate to comply with the requirements of the PGGG or to deal with specific needs from time to time, as noted under the following heading; and
- 12.17.2 the need for WDC to retain control of the SHL, at least for so long as it has the risk of direct or indirect liability in respect of the SHL, as mentioned in this report and explained in more detail in section 5 of the December Report. Some consultees have argued that STC, *“locals”* or others should have control of any HMC without any veto for WDC, but these arguments are unlikely to be acceptable to WDC as matters stand unless the HMC is an advisory body. Other consultees have stated that WDC will need a strong presence on any HMC and that the HMC should not have control unless WDC have a veto on major decisions.
- 12.18 It is suggested that the examples given by the DfT of Langstone and Littlehampton harbours are useful points of reference/comparison, as explained in section 6 of this report. A HMC similar to the former would enable a greater range of external representatives to be appointed to an advisory committee and a HMC similar to the latter would enable fewer external representatives to be appointed to a governing committee, so far as is compatible with the new constitution adopted by East Suffolk Council in April 2019.

- 12.19 This, and the need for consultation with a wide range of stakeholders, is considered further under the following (“*working in partnership*”) heading.
- 12.20 Accountability would be further improved, in line with the PGGG, by the measures described under the “*financial transparency*” heading below.

Working in partnership

- 12.21 As mentioned above, a HMC could decide and keep under review how best to ensure appropriate representation and consultation with other agencies, organisations and potentially interested persons.
- 12.22 While of course local influence and accountability will be vital, as described above, the PGGG confirms that the harbour authority should engage with a wide range of stakeholders. The PGGG notes that this will assist the authority in setting out its position on its current performance and future proposals, as well as allowing it to hear and take account of stakeholder views in formulating its future plans.
- 12.23 These stakeholders might include a wide range of potentially interested persons, including those described under the previous heading, various departments at WDC, the DfT, the Marine Management Organisation, the Environment Agency, the Internal Drainage Board and/or the Blyth Estuary Partnership, particularly in relation to any projects which might extend beyond the SHL.
- 12.24 As to the constitution of the HMC itself, the following guidance from the PGGG should be considered taking into account the points made under the previous heading above. The PGGG states that key features of HMCs are that they should be strategic and aware of the commercial and legal framework within which ports operate, ideally comprising:
- 12.24.1 approximately 50% elected members of the local authority. These do not all have to be local authority councillors; they could be co-opted representatives who are appointed by the local authority or provide specific skills in support of port management;
 - 12.24.2 the port chief executive/harbour master, who should have access to the HMC in an advisory role, but as an officer of the local authority they should not serve on the committee or have voting rights;
 - 12.24.3 external appointees who are stakeholder representatives or individuals with valuable skills and experiences and should be appointed by public advertisement; and
 - 12.24.4 a Chairman appointed on merit, skills and suitability.
- 12.25 As explained under the previous heading above, it will be important to consider whether the HMC will be advisory and what its constitution should be. The PGGG indicates that, before recruiting to a HMC, the local authority should undertake a skills audit to assess the balance of skills required to effectively govern the port and deliver against any adopted business plan. These skills should be considered for all committee members.

- 12.26 At least one consultee opposed the idea of the Harbour Master being involved with a HMC, but at least one consultee supported input from the Harbour Master. The HMC will plainly need to liaise with the Harbour Master and consider his advice on matters, so it seems sensible for them to have access to the HMC in an advisory role as the PGGG suggests.
- 12.27 At least one consultee argued that the Chairman should not be a councillor of WDC. However, the PGGG states that the Chairman of the HMC should ideally be an elected representative of the local authority, as this will automatically maintain reporting lines and accountability to the local authority. The PGGG notes that, should the local authority favour the appointment of an independent Chairman, it is important that reporting lines and voting arrangements are clear and in line with local authority corporate governance practice.

Discharging of statutory obligations

- 12.28 The PGGG confirms that the harbour authority should have a good understanding of the duties and powers set out in the relevant legislation, as well as the common law and fiduciary duties of harbour authorities, and ensure these duties and powers are applied in the governance and management of the harbour authority.
- 12.29 Under the proposed arrangements, WDC would remain responsible for statutory compliance and the Harbour Master would still be employed by WDC. The HMC should enable focus on improvements, monitoring and resourcing, particularly by bringing in specialist expertise through suitable external appointments and/or seeking advice as appropriate.
- 12.30 The Harbour Order will need to be updated. In particular, as explained in the December Report, the DfT have indicated that the current Harbour Order is extremely restrictive and out of date, such that they would be concerned about any new governance model transferring statutory duties to a third party based on the Harbour Order in its current form. However, this would require careful planning and would be a longer term project because the application process for a Harbour Revision Order is lengthy and potentially costly. Accordingly, the HMC would need to work within the restrictions of the current Harbour Order in the interim, but work towards updating the Harbour Order as part of the longer term improvements recommended.
- 12.31 While the Port Marine and Safety Code (**PMSC**) is not mandatory, it sets a national standard for every aspect of port marine safety and should be complied with. As explained in section 6 of this report, the new governance arrangements will need to be clear about who (whether members of the HMC individually and collectively or senior management officers) will be the “*duty holder*” responsible for ensuring that the harbour authority complies with the PMSC.

- 12.32 The PGGG confirms that the duty holder is responsible for ensuring that the harbour authority complies with the PMSC. As set out at para 1.8 of the PMSC, in order to do undertake this role effectively, a duty holder should:
- 12.32.1 be aware of the harbour authority's powers and duties related to marine safety;
 - 12.32.2 ensure that a suitable Maritime Safety Management System (**MSMS**) which employs formal safety assessment techniques is in place;
 - 12.32.3 appoint a suitable designated person to monitor and report on the effectiveness of the MSMS and provide independent advice on matters of marine safety;
 - 12.32.4 appoint competent people to manage marine safety;
 - 12.32.5 ensure that the management of marine safety continuously improves by publishing a marine safety plan reporting performance against the objectives and targets set; and
 - 12.32.6 report compliance with the Code to the Maritime and Coastguard Agency every three years.
- 12.33 The PGGG notes that duty holders cannot assign or delegate accountability for compliance with the PMSC to others, such as a Harbour Master.
- 12.34 The PGGG further advises that:
- 12.34.1 duty holders should take time to gain an appropriate insight and understanding of their port marine activities, MSMS and supporting policies and procedures;
 - 12.34.2 serious consideration should be given to appointing a board member with relevant maritime experience who can act as the initial point of contact to a designated person.
 - 12.34.3 The duty holder should also ensure that appropriate resources are made available for discharging their marine safety obligations, with the level of harbour dues set accordingly.

Financial transparency

Openness and transparency in future HMC finances is something which respondees to the consultation have made frequent comment on

- 12.35 It is suggested that, in line with this key principle, WDC and a HMC should investigate the following points and improvements in particular.
- 12.36 WDC accounts for the harbour as part of its overall published local authority accounts. Further, annual accounts should continue to be submitted to the DfT as required by the relevant legislation. This accounting meets the legal requirements, but has been the subject of questions in the past because WDC is obliged to prepare its accounts in accordance with specific requirements for local authorities but then has to convert

extracts from these into Companies Act 2006 format in accordance with the different requirements for harbour accounts to be filed with the DfT

- 12.37 WDC have confirmed that arrangements have now been made for a separate audit opinion to be issued by external auditors in relation to the harbour accounts to give reassurance to stakeholders about these. Further, in accordance with the PGGG, a HMC should consider preparing accounts on a commercial accounting basis for its ports to help stakeholders understand its performance.
- 12.38 To assist with general transparency, the following points should be considered.
- 12.39 The PGGG confirms that local authority owned harbours should generally operate in an open, transparent and accountable way, making a range of information available to stakeholders about their organisation and activities, subject to commercial and data confidentiality considerations. The PGGG notes that:
- 12.39.1 Annual reports and regularly updated websites are likely to be important ways of complying with this; and
- 12.39.2 The harbour authority should consider producing a business plan that looks at the future prospects of the port and how it will meet the requirements of the stakeholders, who should be fully involved in its development.
- 12.40 WDC has already confirmed that it wishes to ensure Committee or Cabinet level responsibility for the SHL and to see arrangements for governance to be more open and transparent, with annual reports, better reporting and monitoring through websites and other improvements to enable compliance with the PGGG.
- 12.41 The HMC should be tasked with working collaboratively with WDC to achieve this, taking into account the representations from consultees that minutes should be published (with some suggesting that they should be published in local newspapers as well as on a website) and/or that there should be annual public meetings, and consideration given to production of a business plan or plans as described in the PGGG, when the harbour study (as described under the following heading) is available, to enable meaningful Projections.
- 12.42 Further, the PGGG notes that, in order for the HMC to operate effectively, a formal memorandum of understanding could be established between the HMC and the local authority. This could set out the recommended ground rules for a framework between the HMC and the local authority. One consultee has suggested that the HMC should be appointed under article 7 of the Harbour Order, but that will need to be reviewed because article 7 provides only for specific types of external appointees to a local authority management committee and a different approach may be more appropriate. This will need to be considered with suitable professional advice, together with the arrangements for ensuring Cabinet or Committee level responsibility for the harbour within the Council, when the new constitution for East Suffolk Council has been adopted

in April 2019. However, several consultees have requested that the constitution of the HMC should be published online with the other transparency information, which would clearly be appropriate.

Investment & local re-investment

- 12.43 As explained under the *“Improvements that reflect the culture & character of Southwold”* heading above, WDC is considering a range of improvements, for the SHL
- 12.44 As explained in section 5 of the December Report, WDC expects, based on the advice from Coastal Partnership East, that advances of several million pounds would be needed over the coming years to bring the caravan site up to date, repair harbour structures and address upstream changes on the River Blyth.
- 12.45 As described in the December Report, to refine this, and in view of disagreement from stakeholders in respect of advice from Coastal Partnership East in relation to the SHL infrastructure, WDC is commissioning a study to advise on the likely natural effects on the SHL over the coming years, to fulfil the following objectives:
- 12.45.1 to better understand the hydrodynamic regime and performance of the harbour entrance;
 - 12.45.2 to better understand the impacts of flood risk management strategy on the harbour; and
 - 12.45.3 to develop an investment plan.
- 12.46 Accordingly, while the amounts will partly depend on the results of the above study and the precise plans for improvements of the SHL and elsewhere, WDC expects to be asked to advance very substantial sums for the repair, maintenance and improvement of the SHL in future. It is unlikely that WDC could justify advancing substantial public funds without the ability to oversee and control precisely how such funds are applied and ensure they are properly recovered from surplus income over time. The proposed HMC should be designed with this fundamental consideration in mind.

Viability & sustainability (both financially and in terms of governance)

- 12.47 The proposed HMC arrangements should enable WDC to have the confidence and control it needs to make the advances described above and procure the improvements sought for the long term viability and sustainability of the SHL.
- 12.48 The proposed approach will enable the JC to make recommendations for a HMC which would enable short term governance improvements, including direct local involvement and engagement in line with all of the key principles in the June 2014 consultation document and the PGGG, as described above. These governance improvements should themselves facilitate the design and implementation of the practical improvements which are proposed.

12.49 The proposed approach will enable the HMC to plan for long term improvements to the SHL and the Harbour Order itself by designing proposals (which are likely to be made by application to the Marine Management Organisation for a Harbour Revision Order, but could be made by further or other means), addressing future ownership and long term sustainability, responsibility, liability and delivery, in line with the terms of reference of the JC and this key principle.

RECOMMENDATIONS

Subject to the consideration of any further consultation responses or representations made by any potentially interested person between the now and the close of the consultation, on 28 February 2019, which shall have been tabled at the meeting on 6 March 2019, the Joint Committee resolves to:

1. rescind the resolutions it made on 18 March 2015 (the “**Resolutions**”) because, having considered the circumstances which have emerged and developed since those Resolutions were made and the results of the consultation exercise arranged pursuant to the resolutions made by the Joint Committee on 18 December 2018, it is satisfied that the Resolutions are no longer appropriate;
2. recommend to the simultaneous meeting of Waveney District Council (“**WDC**”) and Southwold Town Council which has been arranged for 10:30am on 15 March 2019 at the Stella Peskett Hall, Southwold that they modify the resolutions made by them on 28 July 2014, to withdraw the delegation to the Joint Committee to act as an “*Initial Strategic Board*” and direct the Joint Committee to, in line with its terms of reference, arrange to consult professional advisers and stakeholders and advise WDC and STC on proposals for a Harbour Management Committee to succeed the Joint Committee and:
 - i) enable short term governance improvements (including more local involvement and engagement in management and delivery) in line with the key principles in the June 2014 consultation document and the Ports Good Governance Guidance issued by the Department for Transport in March 2018; and
 - ii) design proposals to deliver medium term improvements (which are likely to be made by application to the Marine Management Organisation for a Harbour Revision Order), addressing future ownership and long term sustainability, responsibility, liability and delivery,
3. arrange to instruct professional advisers to advise on the appropriate constitution for a Harbour Management Committee as outlined above; and
4. make stakeholder engagement arrangements to consult community stakeholders and all other relevant stakeholders on the improvements outlined above.

APPENDICES	
Appendix A	Southwold Harbour Order 1933
Appendix B	Copy plan of the harbour undertaking
Appendix C	Southwold Harbour Lands Consultation – June 2014
Appendix D	Report to WDC Cabinet and STC for 28 July 2014 (REP1127)
Appendix E	Minutes of the WDC Cabinet and STC meetings on 28 July 2014
Appendix F	Winckworth Sherwood report – March 2015
Appendix G	Report to the JC for 18 March 2015 (REPSHLJC02)
Appendix H	Minutes of the JC meeting on 18 March 2015
Appendix I	Equality Impact Assessment
Appendix J	Report to the JC for 18 December 2018 (December Report) (REPSHLJC05)
Appendix K	Minutes of the JC meeting on 18 December 2018
Appendix L	Copies of consultation responses received to date (25.2.19) with any further consultation responses or representations made by any potentially interested person up to the close of the consultation (28.2.19) being tabled at the meeting on 6.3.19.

BACKGROUND PAPERS

Allegations made about Southwold Harbour to the Overview and Scrutiny Committee at WDC (**OSC**) and response documents considered by the OSC on 7 February 2019, available at: <https://www.eastsuffolk.gov.uk/yourcouncil/council-meetings-and-decisions/agendas-reports-and-minutes-of-council-meetings/waveney-district-council-meetings/2019-meetings/february-2019-meetings/wdc-overview-and-scrutiny-committee-07-february-2019/>

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, September 24, 2019 4:16:17 PM
Last Modified: Tuesday, September 24, 2019 4:21:47 PM
Time Spent: 00:05:30
IP Address: 23.15.241.214

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

The members should be residents of Southwold

Q3 What skills and experience do you consider to be most important when selecting committee members? **Leisure user**,
Other (please specify):
Resident in Southwold

Q4 How long should Committee Members be appointed for? **Two years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years? **Improvements to the environment – including the access road.**

Q7 How can we ensure that the public are better aware of the committee's work?

Minutes of meeting should be available online

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

In Southwold

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Income**

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, September 24, 2019 6:33:58 PM
Last Modified: Tuesday, September 24, 2019 6:38:38 PM
Time Spent: 00:04:39
IP Address: 23.15.241.76

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
Counsellors are not best placed to know about needs of the users of the harbour

Q2 How do we ensure that there is a strong local voice on the HMC?

Recruit users - rnli, moorings personnel, harbour businesses

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Two years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Q7 How can we ensure that the public are better aware of the committee's work?

Publush minutes

Q8 Where should meetings be held?

In southwold

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? **Investment**

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, September 25, 2019 6:47:47 AM
Last Modified: Wednesday, September 25, 2019 6:57:27 AM
Time Spent: 00:09:39
IP Address: 172.232.10.77

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
Far too many to run a small harbour /caravan site- five would do .

Q2 How do we ensure that there is a strong local voice on the HMC?

Less ESC more local

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

NOT ATTACHED

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years?

Improvements to the caravan site

Q7 How can we ensure that the public are better aware of the committee's work?

Transparency

Q8 Where should meetings be held?

Southwold Town hall

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? Other (please specify):
All

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, September 30, 2019 3:01:47 AM
Last Modified: Monday, September 30, 2019 3:22:15 AM
Time Spent: 00:20:27
IP Address: 65.153.101.69

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Yes,
Your comments:
other councillors could also be considered - Walberswick for example might like a seat in the first year.

Q2 How do we ensure that there is a strong local voice on the HMC?

If local town or Parish Councillors, or key harbour users are on the HMC then that should be OK

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime ,
Other (please specify):
Boat owning District Councillors with a background in Finance,

Q4 How long should Committee Members be appointed for?

Other (please specify):
Keep it simple - Tie it in with District & Town Elections

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Improving facilities for marine users

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

The Harbour needs it's own website, or it's own dedicated space on the District Council site, with links to it from other sites

Q8 Where should meetings be held?

Responsibility is Principally with the District Council so the meetings should be at the District Office. Holding meetings in Southwold will lead people to believe that the smallTown of Southwold with it's few hundred precept payers , has more powers and responsibility than is actually the case.

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? **Income,**
Other (please specify):
Expenses

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, October 02, 2019 11:26:31 AM
Last Modified: Wednesday, October 02, 2019 11:28:37 AM
Time Spent: 00:02:05
IP Address: 23.52.0.47

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **No**

Q2 How do we ensure that there is a strong local voice on the HMC?

Via the elected district council

Q3 What skills and experience do you consider to be most important when selecting committee members? **Financial management**

Q4 How long should Committee Members be appointed for? **Three years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years? **Improving facilities for marine users**

Q7 How can we ensure that the public are better aware of the committee's work? **Respondent skipped this question**

Q8 Where should meetings be held? **Respondent skipped this question**

Q9 How often should financial information be reported **Monthly**

Q10 What other performance information be made public?

Income

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, October 02, 2019 9:44:40 AM
Last Modified: Wednesday, October 02, 2019 11:51:45 AM
Time Spent: 02:07:04
IP Address: 23.63.251.86

Page 1: Survey questions

Southwold Harbour - Management Committee

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

There must be a balance of Town Councillors, and equal numbers of Southwold and East Suffolk, as well as independent members. The main disagreement was that a great deal of time had been put in by Southwold Town Council in discussions with Waveney over the Harbour Lands, yet in this recommendation they have been sidelined as they were going to be vetted to be on the board, unlike the East Suffolk ones. The ex Mayor of Southwold said that the partnership had been totally undermined, that the report was deeply disappointing and that it should be rejected. It was also pointed out that the Board was too big for its purpose and on a practical level it would be difficult for everyone to get time to meet. The Good Governance guide was referred to, and then its recommendations ignored. Why not use the Port and Good Governance Guide outright which would make the Board practically independent? Also, the PGGG allows for the Chair to not be a council member but no reasons have been given for not considering this. We feel it is essential that the HMC is balanced in terms of East Suffolk, Southwold and independent members. The formation and membership of the committee is critical. It should be strategic and aware of the commercial and legal framework within which ports operate. Based on particular experiences the Committee should ideally comprise approximately 50% LA elected members of a constituent authority. These do not all have to be LA councillors, but can be co-opted representatives who are appointed by the LA or provide specific skills in support of port management; Ashfords proposal includes membership, quorate and Chair suggestions which prioritise WDC but the PGGG talks a lot about stakeholder involvement through co-opted members and a stakeholder advisory committee. The PGGG says harbour must be run in interests of stakeholder and community, what will be the mechanism to deal with serious differences of opinion or interest between stakeholders and Council given that PGGG says that harbour must be run for stakeholders and community? Will council always prevail? Since the caravan owners have the most knowledge and understanding of the site it would seem expedient that there are represented on this board. What is the mechanism for getting rid of a co-opted or other member apart from non attendance? It is, in our view, essential that the constituency of the HMC will ensure long term planning, not short term expediency.

Southwold Harbour - Management Committee

Q2 How do we ensure that there is a strong local voice on the HMC?

This is key it only says that HMC will 'consider' a stakeholder advisory group. It should be REQUIRED to set one up as soon as possible, certainly within the first six months of HMC establishment if stakeholders are to have any influence on initial planning and business planning. Stakeholders may/will also be important in proposing possible co-opted members and should have a say in proposed co-opted members in how they relate to stakeholder interests.

The Stakeholder Forum should see the HMC papers and agenda in advance so that it can have useful input into meetings.

The HMC will take all reasonable steps to engage appropriately with the stakeholder community. It will maintain formal links with stakeholder forum(s) as appropriate.

We note that it is recommended that:

- the port chief executive/harbour master should have access to the HMC in an advisory role, but as an officer of the Council they cannot serve on the committee or have voting rights;
- external appointees who are stakeholder representatives or individuals with valuable skills and experiences;

We support the ability of the Harbour Master to have access to the HMC, but consider it essential that the caravan owners have the same access since they are the main income stream.

It is important that the caravan owners are able to speak to the HMC directly rather than their views be filtered through an intermediary, especial if they have to represent multiple interests.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Leisure user,
Other (please specify):
Awareness of environmental factors

Q4 How long should Committee Members be appointed for?

Three years,
Other (please specify):
On a rolling programme. Essential the independent people are appointed so East Suffolk does not have a majority.

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

It lacks so much detail as to be useless.

Southwold Harbour - Management Committee

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Improvements to the caravan site

Other (please specify):

The long term upkeep of the area while preserving the present atmosphere. The caravan park should remain low key and not have clubhouses etc.

Q7 How can we ensure that the public are better aware of the committee's work?

There must be independent people who report to the relevant bodies.

Stakeholders must will also be important in proposing possible co-opted members and should have a say in proposed co-opted members in how they relate to stakeholder interests.

The Stakeholder Forum should see the HMC papers and agenda in advance so that it can have useful input into meetings but we also suggest that stakeholders need to be represented on the board itself. All papers must be available to the public.

Q8 Where should meetings be held?

The meetings should be public and held in Southwold.

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Income,

Other (please specify):

All accounts of where the money goes, including all the above.

#7

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, October 02, 2019 12:14:14 PM
Last Modified: Wednesday, October 02, 2019 12:35:33 PM
Time Spent: 00:21:18
IP Address: 184.29.35.204

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
Three Southwold councillors would be ample. The remaining two members could be selected from other interested groups, especially the Walberswick community.

Q2 How do we ensure that there is a strong local voice on the HMC?

See my previous answer.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime ,
Other (please specify):
In addition to marine, leisure, finance and project management, it would be helpful to have a member with construction/engineering experience as well as a qualified lawyer.

Q4 How long should Committee Members be appointed for?

Two years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

TBA

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

Ensure sufficient publicity and reporting in local newspapers and community newsletters

Q8 Where should meetings be held?

Southwold

Q9 How often should financial information be reported

Other (please
specify):
Twice yearly

Q10 What other performance information be made
public?

Investment

#8

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, October 02, 2019 2:50:45 PM
Last Modified: Wednesday, October 02, 2019 3:00:46 PM
Time Spent: 00:10:00
IP Address: 104.117.183.46

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
Southwold Town Council hold the harbour on behalf of the residents so it is nothing to do with East Suffolk.

Q2 How do we ensure that there is a strong local voice on the HMC?

It is Southwold's: give it back now please East Suffolk.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Other (please specify):
Only Southwold Town Councillors are eligible.

Q4 How long should Committee Members be appointed for?

Other (please specify):
As aligned with STC terms.

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

No since it has been put together by a body lacking the legal competency to do so.

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Other (please specify):
Getting East Suffolk to repay what it owes Southwold.

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

Hold all meetings in public until handed back to Southwold.

Q8 Where should meetings be held?

Southwold Harbour.

Q9 How often should financial information be reported **Monthly**

Q10 What other performance information be made public?

Investment,

Other (please specify):

The tick box only allows me to pick 1: all of the above, plus expenditure.

#9

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, October 02, 2019 6:53:06 PM
Last Modified: Wednesday, October 02, 2019 6:56:06 PM
Time Spent: 00:02:59
IP Address: 23.15.241.76

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

Ensure that the additional members are local full time residents

Q3 What skills and experience do you consider to be most important when selecting committee members? **Marine and maritime**

Q4 How long should Committee Members be appointed for? **One year**

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

No

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years? **Improving facilities for marine users**

Q7 How can we ensure that the public are better aware of the committee's work?

Website / leaflets

Q8 Where should meetings be held?

Sailing club

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? **Income**

#10

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 03, 2019 10:29:04 AM
Last Modified: Thursday, October 03, 2019 10:40:23 AM
Time Spent: 00:11:19
IP Address: 184.27.140.85

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC? **Respondent skipped this question**

Q3 What skills and experience do you consider to be most important when selecting committee members? **Organisational management, Other (please specify): Environmental management**

Q4 How long should Committee Members be appointed for? **Two years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years? **Harbour engineering and protection works?**

Q7 How can we ensure that the public are better aware of the committee's work?

1. Use local magazines to inform in an easily understood form no extracts of Committee minutes please.
2. A prominent display of plans and progress in the harbour area that is kept up-to-date

Q8 Where should meetings be held? **Respondent skipped this question**

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? Other (please specify):
Timescales met and missed

#11

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, October 04, 2019 1:30:33 PM
Last Modified: Friday, October 04, 2019 1:34:09 PM
Time Spent: 00:03:36
IP Address: 104.117.183.38

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **No**

Q2 How do we ensure that there is a strong local voice on the HMC?

Local residents included or at least a community spokesperson from outside of the council and one of the current harbour management team

Q3 What skills and experience do you consider to be most important when selecting committee members? **Marine and maritime**

Q4 How long should Committee Members be appointed for? **Two years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years? **Harbour engineering and protection works?**

Q7 How can we ensure that the public are better aware of the committee's work?

Better PR across the county and press. Better signage about the harbour in town

Q8 Where should meetings be held?

At the harbour - doesn't matter where down there

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Investment**

#12

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, October 06, 2019 4:55:48 AM
Last Modified: Sunday, October 06, 2019 5:10:54 AM
Time Spent: 00:15:05
IP Address: 23.52.0.39

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

The councillors on the board need to ensure local consultation is sort from all age groups. By questionnaires in the post, to morning/evening meetings. It's important that we know what visitors to Southwold would like to see, our town is thriving because of them. People in the street asking questions.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Leisure user,
Other (please specify):
All of the above is key, to pick one only is to do a disservice to the project. I would assume the councillors would have to have this experience

Q4 How long should Committee Members be appointed for?

Other (please specify):
How long is a councillor given? How long is the project expected to last? If we chop & change members mid project it could be a disaster

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Southwold Harbour - Management Committee

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Other (please specify):

Start with basics, make it safe first. But constantly show the vision to marine users & visitors of why there maybe some upheaval.

Q7 How can we ensure that the public are better aware of the committee's work?

Advertise..... when anyone books a holiday cottage, as part of their information pack, send them details of the committes work, outline the vision, length of time it will take, benefits to visitors & any potential upheaval. No one likes to have a weekend spoilt, but if your aware you generally appreciate it.

For day trippers, info on local websites

Q8 Where should meetings be held?

Millennium hall

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Health & Safety updates,

Other (please specify):

All of the above, any set backs, progress reports, key milestones.

#13

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 07, 2019 2:14:42 PM
Last Modified: Monday, October 07, 2019 2:55:26 PM
Time Spent: 00:40:43
IP Address: 23.46.211.84

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

I think four is too many, perhaps two or three. The other one or two members could be people who are regular users of the harbour or local knowledgeable people.

Q2 How do we ensure that there is a strong local voice on the HMC?

Respondent skipped this question

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Two years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

It was good to read that the needs of visitors on foot to the harbour are being taken into consideration and that the fencing on the Walberswick side is being addressed.

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Other (please specify):

It would be good to press DEFRA regarding their input - or lack of - in the upkeep/maintenance of the river further upstream.

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

Regular updates online and in local press, local publications - The Southwold Organ and Gazette monthly magazines. A physical noticeboard at the harbour even.

Q8 Where should meetings be held?

Village or community halls in Southwold or Reydon if possible.

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Health & Safety updates**

#14

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 07, 2019 6:44:13 PM
Last Modified: Monday, October 07, 2019 6:52:08 PM
Time Spent: 00:07:55
IP Address: 104.98.117.22

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Yes,
Your comments:
The HMC should be run by local (Southwold people) and those with expertise and experience as such there should be external members replacing East Suffolk Councillors. Elections should be democratic (ie the people of Southwold can elect them).

Q2 How do we ensure that there is a strong local voice on the HMC?

Have members to represent the home owners (blackshore), business owners, harbour users. Also include the Harbourmasters - they know more about the harbour than anyone.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

One year

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Plan was not attached.

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Q7 How can we ensure that the public are better aware of the committee's work?

All meetings held in public. All minutes published on a web site.

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

In the harbour (upstairs at Harbour Inn) failing that in Southwold Town Hall.

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Other (please specify):

All the above - the only thing that might be confidential is individuals salaries

#15

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 21, 2019 3:36:06 PM
Last Modified: Monday, October 21, 2019 4:01:33 PM
Time Spent: 00:25:27
IP Address: 23.52.0.39

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

There should be a representative of the Southwold Caravan Owners Association (SCOA) on the HMC, for obvious reasons. It would also be better if majority of HMC were Southwold based (I include SCOA in this.)

Q2 How do we ensure that there is a strong local voice on the HMC?

See answer to question 1.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Leisure user

Q4 How long should Committee Members be appointed for?

One year

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

The caravan investment report mentioned should include views of caravan owners via SCOA.

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Improvements to the caravan site

Q7 How can we ensure that the public are better aware of the committee's work?

Not sure, outside usual channels.

Q8 Where should meetings be held?

Southwold

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Income**

#16

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 21, 2019 5:15:02 PM
Last Modified: Monday, October 21, 2019 5:24:57 PM
Time Spent: 00:09:55
IP Address: 23.54.147.95

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
A representative of SCOA should be on the committee

Q2 How do we ensure that there is a strong local voice on the HMC?

By making a rule that there must be

Q3 What skills and experience do you consider to be most important when selecting committee members?

Financial management,
Other (please specify):
all of the above

Q4 How long should Committee Members be appointed for?

Two ,
years
Other (please specify):
possibly 3, there must be sufficient time for the committee to see things through

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

there must always be safeguards against selling the lands & the use of the revenue from the caravan/ camping sites

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection ,
works?
Other (please specify):
improvements to the caravan site

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

by frequent updates

Q8 Where should meetings be held?

Southwold

Q9 How often should financial information be reported

Annually,
Other (please
specify):
possible more frequently
initially

Q10 What other performance information be made public?

Investment

#17

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 22, 2019 2:24:13 PM
Last Modified: Tuesday, October 22, 2019 2:33:12 PM
Time Spent: 00:08:59
IP Address: 184.51.206.124

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
Town councillors were not elected to oversee harbour matters

Q2 How do we ensure that there is a strong local voice on the HMC?

Allow positions to be opened to anybody in the local area (Encompassing Kessingland, Wrentham, Wangford, Halesworth, Fareham) and either elected or appointed by some independent body

Q3 What skills and experience do you consider to be most important when selecting committee members?

Other (please specify):
A passion for local matters - advice can be sought on specifics but one must want the harbour to work for all to be a worthwhile member

Q4 How long should Committee Members be appointed for?

One year

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Other (please specify):
Improving 'access' to the harbour and it's facilities by local residents - make it less exclusive

Q7 How can we ensure that the public are better aware of the committee's work?

Do work that is worthwhile to know about - big public interest works are interesting, 'gentleman's club' affairs not so much

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

Community hall, possibly at St Felix if some arrangements could be made

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Health & Safety updates,
Other (please
specify):
all of the above

#18

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 22, 2019 3:42:26 PM
Last Modified: Tuesday, October 22, 2019 3:52:36 PM
Time Spent: 00:10:09
IP Address: 184.27.141.198

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
Most of the councilors are not local and therefore know nothing about the history or hydrodynamics of the harbour

Q2 How do we ensure that there is a strong local voice on the HMC?

By recruiting local people who work or have a stake in the harbour environment

Q3 What skills and experience do you consider to be most important when selecting committee members?

Other (please specify):
Local knowledge

Q4 How long should Committee Members be appointed for?

Other (please specify):
Dependent on their skills and input

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

The harbour needs to be affordable for local harbour users

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Q7 How can we ensure that the public are better aware of the committee's work?

By being seen to take on board local knowledge and advice and acting on it

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

Southwold

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Income**

#19

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 22, 2019 4:03:12 PM
Last Modified: Tuesday, October 22, 2019 4:08:53 PM
Time Spent: 00:05:40
IP Address: 23.52.0.79

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
Members should be from Southwold Town Council.

Q2 How do we ensure that there is a strong local voice on the HMC?

Members from Southwold Town Council.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Organisational management

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Improvements to the environment – including the access road.

Q7 How can we ensure that the public are better aware of the committee's work?

Use social media.

Q8 Where should meetings be held?

Southwold.

Southwold Harbour - Management Committee

Q9 How often should financial information be reported

Quarterly,

Other (please
specify):

It is better to focus on operational issues. Quarterly reports
to the committee on finances should be adequate.

Q10 What other performance information be made
public?

Investment

#20

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 22, 2019 7:11:35 PM
Last Modified: Tuesday, October 22, 2019 7:16:00 PM
Time Spent: 00:04:24
IP Address: 172.232.10.85

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
 Your comments:
 I don't think Suffolk council should have a majority

Q2 How do we ensure that there is a strong local voice on the HMC?

Have more locals on the HMC

Q3 What skills and experience do you consider to be most important when selecting committee members?

Organisational management

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Improvements to the environment – including the access road.

Q7 How can we ensure that the public are better aware of the committee's work?

Respondent skipped this question

Q8 Where should meetings be held?

Respondent skipped this question

Q9 How often should financial information be reported

Quarterly

Southwold Harbour - Management Committee

Q10 What other performance information be made public?

Investment,
Other (please
specify):
All of the above

#21

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 22, 2019 7:21:57 PM
Last Modified: Tuesday, October 22, 2019 7:26:11 PM
Time Spent: 00:04:13
IP Address: 92.123.251.95

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

Involve key stakeholders with advisory capacity on the HMC - not with voting rights.

Q3 What skills and experience do you consider to be most important when selecting committee members? **Leisure user**

Q4 How long should Committee Members be appointed for? **Two years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

No

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years? **Improvements to the caravan site**

Q7 How can we ensure that the public are better aware of the committee's work?

Regular newsletter communication to stakeholders and community

Q8 Where should meetings be held?

Stella Peskett Hall

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Income**

#22

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, October 23, 2019 6:18:42 AM
Last Modified: Wednesday, October 23, 2019 6:21:34 AM
Time Spent: 00:02:51
IP Address: 92.123.142.172

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **No**

Q2 How do we ensure that there is a strong local voice on the HMC?

We need to have harbour users and local people on the HMC

Q3 What skills and experience do you consider to be most important when selecting committee members? **Financial management**

Q4 How long should Committee Members be appointed for? **Three years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 ing for membersWhich of these areas do you feel should be a priority for the HMC in the first few years? **Harbour engineering and protection works?**

Q7 How can we ensure that the public are better aware of the committee's work? **Respondent skipped this question**

Q8 Where should meetings be held? **Respondent skipped this question**

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public?

Investment

#23

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, October 23, 2019 9:15:33 AM
Last Modified: Wednesday, October 23, 2019 9:25:35 AM
Time Spent: 00:10:01
IP Address: 184.51.206.78

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

We need to ensure that there are members on the HMC who are working people on the Harbour and understand fully its needs. Additionally, it is a concern that there is an established Majority of East Suffolk councillors who, in the past, have not necessarily made decisions in the best interests of Southwold and its residents.

Q2 How do we ensure that there is a strong local voice on the HMC?

Reduce the in-built Majority of East Suffolk Council and appoint people working on the Harbour

Q3 What skills and experience do you consider to be most important when selecting committee members?

Leisure user

Q4 How long should Committee Members be appointed for?

One year

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

No

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Q7 How can we ensure that the public are better aware of the committee's work?

Regular updates in Local Newspapers

Q8 Where should meetings be held?

Southwold

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Investment**

#24

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 24, 2019 7:15:21 AM
Last Modified: Thursday, October 24, 2019 7:18:55 AM
Time Spent: 00:03:34
IP Address: 92.122.153.103

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **No**

Q2 How do we ensure that there is a strong local voice on the HMC?

Keeping membership to ESC Councillors and Southwold citizens

Q3 What skills and experience do you consider to be most important when selecting committee members? **Local authority**

Q4 How long should Committee Members be appointed for? **One year**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years? **Improvements to the environment – including the access road.**

Q7 How can we ensure that the public are better aware of the committee's work?

Monthly newsletter and on line presence

Q8 Where should meetings be held?

Southwold Town Council office or other Council office that has capacity

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Income**

#25

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 24, 2019 8:54:29 AM
Last Modified: Thursday, October 24, 2019 9:00:38 AM
Time Spent: 00:06:09
IP Address: 23.1.237.23

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
The HMC should be made up of elected members thereby being accountable to local residents and users.

Q2 How do we ensure that there is a strong local voice on the HMC?

The electorate should be made up of local residents and registered owners of the stages and licensed fishermen.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

One year

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Priority must be given to maintaining the harbour's extensive employment.

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Improving facilities for marine users

Q7 How can we ensure that the public are better aware of the committee's work?

A dedicated website. A regular email bulletin. Open meetings.

Q8 Where should meetings be held?

In a venue open to the public.

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Income**

#26

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 24, 2019 5:38:38 PM
Last Modified: Thursday, October 24, 2019 5:48:11 PM
Time Spent: 00:09:33
IP Address: 23.52.0.47

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Yes,
Your comments:
I think the committee should contain members who have skills and knowledge that would be of benefit to the harbour.

Q2 How do we ensure that there is a strong local voice on the HMC?

By making sure that the 5 local members have an understanding of the Harbour and its workings

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Two years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

No

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Improving facilities for marine users

Q7 How can we ensure that the public are better aware of the committee's work?

A website

Q8 Where should meetings be held?

The sailing club

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Visitor numbers/trends**

#27

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, October 25, 2019 3:09:30 PM
Last Modified: Friday, October 25, 2019 3:12:50 PM
Time Spent: 00:03:19
IP Address: 92.122.206.80

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Yes,
Your comments:
this gives openness and the transparency required of any public body.

Q2 How do we ensure that there is a strong local voice on the HMC?

Respondent skipped this question

Q3 What skills and experience do you consider to be most important when selecting committee members?

Respondent skipped this question

Q4 How long should Committee Members be appointed for?

Respondent skipped this question

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years?

Respondent skipped this question

Q7 How can we ensure that the public are better aware of the committee's work?

Respondent skipped this question

Q8 Where should meetings be held?

Respondent skipped this question

Q9 How often should financial information be reported

Respondent skipped this question

Q10 What other performance information be made public?

Respondent skipped this question

#28

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, October 25, 2019 5:02:36 PM
Last Modified: Friday, October 25, 2019 5:06:37 PM
Time Spent: 00:04:01
IP Address: 92.122.206.80

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
Southwold should control its own harbour

Q2 How do we ensure that there is a strong local voice on the HMC?

Majority of zsTC councillors or full time local residents

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years?

Improving facilities for marine users

Q7 How can we ensure that the public are better aware of the committee's work?

Public meetings open
To all

Q8 Where should meetings be held?

In southwold

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Income**

#29

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, October 25, 2019 7:19:14 PM
Last Modified: Friday, October 25, 2019 7:37:34 PM
Time Spent: 00:18:20
IP Address: 173.222.211.189

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
There should always be a strong local input to this committee. Outside of the area can not in any reasoning reflect a true local opinion and interest.

Q2 How do we ensure that there is a strong local voice on the HMC?

Yes....local town council representation but also representation from local groups and local business. Ask for local representation.....particularly from the harbour businesses.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Other (please specify):
Why can't we opt for more than one option...it's ridiculous, obviously all are relevant but a strong desire for open and sympathetic negotiation is paramount

Q4 How long should Committee Members be appointed for?

Two
years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

The priority is ensuring Southwold residents and the local businesses in our harbour are TRULY represented and have a say in the future of OUR harbour. Proposals are one thing...in best interest is another. PLEASE ensure representation and voting rights of our community.

Southwold Harbour - Management Committee

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Improvements to the environment – including the access road.

Other (please specify):

Again....why specify one option...they're all needed.

Q7 How can we ensure that the public are better aware of the committee's work?

Communication locally is poor. An all round approach is required press, web, visual postering....our population here is not all high tech! Engage with local groups...come to the meetings and events.

Q8 Where should meetings be held?

Reydon village hall, Stella Peskett millennium hall, sailing club, rugby club, an event at the Crown.....

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Other (please specify):

All information should be open and transparent.....ideally quarterly but appreciate the administrative difficulties.

#30

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, October 25, 2019 9:30:30 PM
Last Modified: Friday, October 25, 2019 9:38:40 PM
Time Spent: 00:08:09
IP Address: 2.18.66.110

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
The HMC should be comprised of people with RELEVANT expertise whose sole interest is the management and development of the harbour and its facilities.

Q2 How do we ensure that there is a strong local voice on the HMC?

.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Not seen!

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Q7 How can we ensure that the public are better aware of the committee's work?

.

Q8 Where should meetings be held?

In public!

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? Other (please specify):
No restriction.

#31

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 6:36:05 AM
Last Modified: Saturday, October 26, 2019 6:48:38 AM
Time Spent: 00:12:33
IP Address: 23.52.0.95

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

I feel that there is no need for a committee to be formed of councillors. The majority of committee members should not be East Suffolk Councillors, but local residents with the relevant knowledge and experience or managing a harbour. There should be no requirement for any members to be a Town Councillor, but I feel there should be a requirement for at least 6 members to be resident of Southwold or have a connection to the harbour through their occupation. There is nothing to be gained by politicians with no understanding of the way a harbour functions overseeing its management, and they should certainly not be in the majority.

Q2 How do we ensure that there is a strong local voice on the HMC?

As I said in my previous answer, there should be a requirement for at least 6 committee members (ie, a majority) to be either resident to Southwold or its vicinity, or have a connection to Southwold Harbour through work.

If you make the majority of committee members East Suffolk Councillors, there won't be any local voice or power!

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

One year

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Southwold Harbour - Management Committee

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Other (please specify):

The priority should be ensuring the harbour continues to function however necessary for those whose livelihoods depend on it. This is a place of work, NOT A TOURIST ATTRACTION (there are enough of those in Southwold already).

Q7 How can we ensure that the public are better aware of the committee's work?

The priority is what the committee does, not promoting itself.

Q8 Where should meetings be held?

Every meeting should be held in Southwold, otherwise the committee won't be fit to work on behalf of local people.

Q9 How often should financial information be reported

Annually

Q10 What other performance information be made public?

Income

#32

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 9:31:45 AM
Last Modified: Saturday, October 26, 2019 10:10:21 AM
Time Spent: 00:38:35
IP Address: 173.222.211.189

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

Appoint a chairman who is independent of both Suffolk and Southwold councils

Q3 What skills and experience do you consider to be most important when selecting committee members? **Financial management**

Q4 How long should Committee Members be appointed for? **Three years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years? **Harbour engineering and protection works?**

Q7 How can we ensure that the public are better aware of the committee's work?

Local press reports and annual reports delivered to all households in the Southwold election area

Q8 Where should meetings be held?

Harbour Inn or Sailing club

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? **Investment**

#33

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 1:32:17 PM
Last Modified: Saturday, October 26, 2019 1:44:08 PM
Time Spent: 00:11:51
IP Address: 92.123.142.181

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
There should be an independent chair and five people with appropriate skill sets that understand the issues around the harbour

Q2 How do we ensure that there is a strong local voice on the HMC?

Choose people with intimate knowledge of the harbour and estuary, not STC councillors if they have no appropriate skill set.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Organisational management

Q4 How long should Committee Members be appointed for?

Three ,
years
Other (please specify):
With renewal possible

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

I started the survey without seeing the BP

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Q7 How can we ensure that the public are better aware of the committee's work?

Regular newsletters and social media

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

Southwold

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Other (please specify):
Everything relevant

#34

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 2:22:00 PM
Last Modified: Saturday, October 26, 2019 2:24:43 PM
Time Spent: 00:02:43
IP Address: 23.212.3.100

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

Make sure they are proper local residents

Q3 What skills and experience do you consider to be most important when selecting committee members? **Marine and maritime**

Q4 How long should Committee Members be appointed for? **Two years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years? **Improvements to the environment – including the access road.**

Q7 How can we ensure that the public are better aware of the committee's work? **Respondent skipped this question**

Q8 Where should meetings be held? **Respondent skipped this question**

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public?

Investment

#35

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 2:05:45 PM
Last Modified: Saturday, October 26, 2019 2:42:48 PM
Time Spent: 00:37:03
IP Address: 92.123.142.181

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Your comments:

Not sure what the proposal is. Is it A) That in Year 1 the HMC I made up of 6 East Suffolk cllrs, 4 Southwold TC members and 1 other which would be totally UNACCEPTABLE or . B) The 6 East Suffolk cllrs include the 4 Southwold TC members and there are then 5 other members who are not councillors. Still UNACCEPTABLE because the balance is weighted in favour of council interests who have a built in majority on any vote. The future of the harbour is not just an issue for councils but for the wider community

Q2 How do we ensure that there is a strong local voice on the HMC?

BY asking for nominations and holding a ballot among local residents and groups. Simple

Q3 What skills and experience do you consider to be most important when selecting committee members?

Financial management,

Other (please specify):

All of the above are important and some candidates may have a mix of several skills. One skill also necessary is communications- both internally for HMC members and externally to the public. This has been totally lacking up to now.

Q4 How long should Committee Members be appointed for?

Two years

Other (please specify):

Able to apply for re-election after serving term.

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

No

Southwold Harbour - Management Committee

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Q7 How can we ensure that the public are better aware of the committee's work?

By having lay members on the committee and having press conference or issuing a press release after every meeting

Q8 Where should meetings be held?

Neutral venue ie not council or harbour>Suggest sports centre on common which has parking

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Other (please specify):
Anything in which the public has a legitimate interest

#36

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 2:41:35 PM
Last Modified: Saturday, October 26, 2019 2:47:10 PM
Time Spent: 00:05:34
IP Address: 23.219.38.180

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

Ensure that STC councillors attend meetings and publish their attendance records

Q3 What skills and experience do you consider to be most important when selecting committee members? **Marine and maritime**

Q4 How long should Committee Members be appointed for? **Three years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 Training for members Which of these areas do you feel should be a priority for the HMC in the first few years? **Training for members**

Q7 How can we ensure that the public are better aware of the committee's work?

Publish committees minutes

Q8 Where should meetings be held?

Southwold Town Hall

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Income,**
Other (please specify):
Investment

#37

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 3:04:12 PM
Last Modified: Saturday, October 26, 2019 3:16:26 PM
Time Spent: 00:12:13
IP Address: 2.16.167.86

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
Just select 2 not 4 our town councillors find it hard enough to cope with council matters without being on to many committees, just select 2 that have good knowledge of the harbour, allowing other committee member to be selected from knowable interested people

Q2 How do we ensure that there is a strong local voice on the HMC?

See above in the first year it could be that major decisions are made effecting the harbour so independent voices should not heard and allowed to influence the decision making from the being. Not 12 months later

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime ,
Other (please specify):
Indépendant knowledge of how harbours work and couples with practical experience of harbour management

Q4 How long should Committee Members be appointed for?

Two years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

no

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

Be transparent open meeting to update at least yearly

Q8 Where should meetings be held?

Use local Venues, facilities in Southwold

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? **Income**

#38

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 3:13:52 PM
Last Modified: Saturday, October 26, 2019 3:25:14 PM
Time Spent: 00:11:22
IP Address: 23.15.241.61

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
Southwold Town Council should continue to have a strong presence on the committee

Q2 How do we ensure that there is a strong local voice on the HMC?

By ensuring strong representation from the user group and Southwold Town Council

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime ,
Other (please specify):
Local user community

Q4 How long should Committee Members be appointed for?

Two years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

The main priority should be to maintain the harbour sufficiently to ensure a thriving and continuing user community. The harbour is economically important to the local, coastal community.

Southwold Harbour - Management Committee

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Other (please specify):

Improving facilities for marine users and visitors are also equally important. Without engineering and protection works these will not be possible.

Q7 How can we ensure that the public are better aware of the committee's work?

By ensuring community membership and publishing information in accessible media - Next door, Facebook, Local noticeboards, including a new site for posting notices at both ends of the harbour.

Q8 Where should meetings be held?

At local venues: Southwold Town Hall, Stella Peskett Hall, Reydon Village Hall. they should be open for attendance by all members of the community for the sake of transparency.

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Income,

Other (please specify):

Investments should also be reported. The question should not be 'either, or'. More than a single response should be allowed here. They are not mutually exclusive.

#39

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 3:48:59 PM
Last Modified: Saturday, October 26, 2019 3:53:37 PM
Time Spent: 00:04:37
IP Address: 184.28.188.12

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Yes,
 Your comments:
 Town Councillors represent the local community

Q2 How do we ensure that there is a strong local voice on the HMC?

Maintain involvement of town councillors

Q3 What skills and experience do you consider to be most important when selecting committee members?

Organisational management

Q4 How long should Committee Members be appointed for?

Two years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Q7 How can we ensure that the public are better aware of the committee's work?

Respondent skipped this question

Q8 Where should meetings be held?

Respondent skipped this question

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Visitor numbers/trends

#40

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 4:07:39 PM
Last Modified: Saturday, October 26, 2019 4:12:24 PM
Time Spent: 00:04:44
IP Address: 92.123.142.172

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Yes,
Your comments:
I would prefer that there is always representation from Southwold Town Council to give a local view

Q2 How do we ensure that there is a strong local voice on the HMC?

Have a legally binding clause that a set number are always from Southwold Town Council

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Three years,
Other (please specify):
To give the opportunity to carry through plans rather than them keep changing

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

No

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Q7 How can we ensure that the public are better aware of the committee's work?

Consultation meetings and a regular update in the various local papers / newsletters

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

Southwold

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Health & Safety updates

#41

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 3:57:15 PM
Last Modified: Saturday, October 26, 2019 4:14:23 PM
Time Spent: 00:17:08
IP Address: 23.46.211.84

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
Less Suffolk CC. Business & people who livelihoods are affected should have voice.

Q2 How do we ensure that there is a strong local voice on the HMC?

Election

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

More need for commercial business, less on tourism & wildlife

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Improving facilities for marine users

Q7 How can we ensure that the public are better aware of the committee's work?

Reports in local press & magazines

Q8 Where should meetings be held?

Sailing club

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Investment**

#42

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 5:16:55 PM
Last Modified: Saturday, October 26, 2019 5:23:10 PM
Time Spent: 00:06:15
IP Address: 95.101.143.92

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

Make sure local people are represented and give feedback
And have public meetings

Q3 What skills and experience do you consider to be most important when selecting committee members? **Organisational management,**
Other (please specify):
Ability to listen and communicate and consult

Q4 How long should Committee Members be appointed for? **Two years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years? **Harbour engineering and protection works?**
Other (please specify):
Can't seem to choose more than 1

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

More communication thru papers
Meetings etc

Q8 Where should meetings be held?

In southwold

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Income**

#43

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 5:23:38 PM
Last Modified: Saturday, October 26, 2019 5:27:37 PM
Time Spent: 00:03:58
IP Address: 172.232.11.86

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

With local Councillors and harbour users

Q3 What skills and experience do you consider to be most important when selecting committee members? **Organisational management**

Q4 How long should Committee Members be appointed for? **Three years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

no

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years? **Harbour engineering and protection works?**

Q7 How can we ensure that the public are better aware of the committee's work?

create an on line network of interested parties and hold open meetings

Q8 Where should meetings be held?

Harbour Inn

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Income**

#44

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 5:26:12 PM
Last Modified: Saturday, October 26, 2019 5:40:18 PM
Time Spent: 00:14:06
IP Address: 2.20.70.4

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

There should be a provision whereby a resolution cannot pass if it is opposed unanimously by the local reps, both Town Council and lay members

Q3 What skills and experience do you consider to be most important when selecting committee members?

Financial management,

Other (please specify):

Ideally, both financial and marine management skills should be represented

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Cannot find attachment

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Improvements to the caravan site

Q7 How can we ensure that the public are better aware of the committee's work?

There should be regular reports eg in the Organ and Gazette

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

In Southwold - Yacht Club?

Q9 How often should financial information be reported

Annually

Q10 What other performance information be made public?

Income,

Other (please specify):

Again, all these issues should be made public

#45

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 9:23:07 PM
Last Modified: Saturday, October 26, 2019 9:29:04 PM
Time Spent: 00:05:57
IP Address: 172.232.11.21

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Yes,
Your comments:
It is vital that the views of people living in the immediate area are consulted

Q2 How do we ensure that there is a strong local voice on the HMC?

By consultation with people who know the long history of the harbour

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime ,
Other (please specify):
Past history and awareness of mistakes made

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Q7 How can we ensure that the public are better aware of the committee's work?

Information in local newspapers such as Gazette

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

In Southwold

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? **Income**

#46

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 26, 2019 10:05:53 PM
Last Modified: Saturday, October 26, 2019 10:25:18 PM
Time Spent: 00:19:24
IP Address: 23.36.15.28

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Yes,
Your comments:
They could be town council - but not necessarily. I think the external members should be local people (ie who live with in the area -with the interests of Southwold at heart regardless of whether they are town councillors.

Q2 How do we ensure that there is a strong local voice on the HMC?

Perhaps they should live within a certain radius.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Organisational management,
Other (please specify):
proven local interest in the good of the community.

Q4 How long should Committee Members be appointed for?

One year,
Other (please specify):
One at first
.

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

I cant see a business plan.

Southwold Harbour - Management Committee

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Other (please specify):
with improvements to the caravan site also a priority

Q7 How can we ensure that the public are better aware of the committee's work?

email to those interested (we could sign up for a monthly/ quarterly news letter)

Q8 Where should meetings be held?

I dont know.

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Health & Safety updates,

Other (please specify):
Actions/decisions taken by the committee

#47

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, October 27, 2019 6:58:12 AM
Last Modified: Sunday, October 27, 2019 7:10:59 AM
Time Spent: 00:12:47
IP Address: 23.212.3.100

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
There should be a far higher concentration of those who work in and know the area and are committed to the long-term safe guarding of the harbour outside of 'political'interference.

Q2 How do we ensure that there is a strong local voice on the HMC?

Tempted to say 'shout louder' but I won't. Intensify lobbying at every opportunity.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Two years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years?

Improving facilities for marine users ,
Other (please specify):
Most of the them are contingent upon each other.

Q7 How can we ensure that the public are better aware of the committee's work?

Target home-owners inc. holiday lets, with dedicated notice boards, internet etc which are frequently updated.

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

Rotate local sites and target those living nearest to those sites for each meeting.

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Investment**

#48

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, October 27, 2019 12:40:29 PM
Last Modified: Sunday, October 27, 2019 12:58:15 PM
Time Spent: 00:17:46
IP Address: 65.158.202.7

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Respondent skipped this question

Q2 How do we ensure that there is a strong local voice on the HMC?

Respondent skipped this question

Q3 What skills and experience do you consider to be most important when selecting committee members?

Respondent skipped this question

Q4 How long should Committee Members be appointed for?

Respondent skipped this question

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Priority to should be given to the preservation of a working harbour as the focus of the town's identity and to the maintenance of the estuary and surrounding farmland as an area of natural beauty.

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Other (please specify):

Also improving facilities for marine users. The attraction for visitors is precisely that it is not overdeveloped with facilities that are low-key and run by local people.

Q7 How can we ensure that the public are better aware of the committee's work?

Leaflets?

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

Respondent skipped this question

Q9 How often should financial information be reported

Respondent skipped this question

Q10 What other performance information be made public?

Income,
Other (please specify):
Any proposed retail/commercial outlets so these can be debated openly.

#49

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, October 27, 2019 3:43:54 PM
Last Modified: Sunday, October 27, 2019 4:11:07 PM
Time Spent: 00:27:12
IP Address: 23.52.0.47

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
This means affectively East Suffolk can carry through any proposal as they always have a majority, the group that has been advising for the running of the harbour have the Knowledge and should have an equal say.

Q2 How do we ensure that there is a strong local voice on the HMC?

Must include KNOWLEDGEABLE users of the harbour.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime ,
Other (please specify):
Existing long term users of the harbour

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

As it stands the HMC is only advisory and ESC can just ignore there proposals even if they require urgent attention

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works? ,
Other (please specify):
Including maintenace of the Estuary up to the A12, otherwise the whole structure of the harbour is at risk.

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

Have open meeting available to the public attendance. Closed secret meetings promote distrust. publish minutes on line.

Q8 Where should meetings be held?

Available hall in Southwold, Sailing Club, Millennium Hall etc

Q9 How often should financial information be reported

Quarterly,

Other (please specify):

Annual is insufficient, monthly too expensive.

Q10 What other performance information be made public?

Income,

Other (please specify):

Full accounts of Income and expenditure, with Balance sheet as a company would normally provide.

#50

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, October 27, 2019 4:41:30 PM
Last Modified: Sunday, October 27, 2019 4:47:03 PM
Time Spent: 00:05:33
IP Address: 23.52.0.39

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Yes,
Your comments:
Hopefully, some younger Southwold Town Councillors.

Q2 How do we ensure that there is a strong local voice on the HMC?

Requires influential Southwold residents.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Two years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Harbour Engineering and protection works

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Respondent skipped this question

Q7 How can we ensure that the public are better aware of the committee's work?

Advertising campaign in local schools, colleges, libraries and in local businesses.

Q8 Where should meetings be held?

In Southwold at the Rugby Club.

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? **Respondent skipped this question**

#51

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, October 27, 2019 5:12:03 PM
Last Modified: Sunday, October 27, 2019 5:22:42 PM
Time Spent: 00:10:38
IP Address: 23.219.38.180

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

It is imperative that the people of Southwold have control of the harbour. Southwold Councilors should "Man up" and accept the responsibility or stand down and let someone willing to do the job take over.

Q2 How do we ensure that there is a strong local voice on the HMC?

Ensure that Southwold members outnumber others members and thus retain a veto.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Organisational management,

Other (please specify):

And be responsible, and answerable, to the local (Southwold) electorate.

Q4 How long should Committee Members be appointed for?

Two years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

No. All the promises in the world mean nothing unless you have trust in the delivery of the plan and the possibility of sanctions against poor performance and lack of transparency in all decision making.

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

Transparency, Transparency, Transparency. Meetings should be open to the public. Accounts must be published, including accounting procedures and assumptions.

Q8 Where should meetings be held?

Somewhere local to Southwold and which can cope with public attendance.

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public?

Income,
Other (please
specify):
And Expenditure, including consultancy
costs.

#52

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, October 27, 2019 5:42:05 PM
Last Modified: Sunday, October 27, 2019 5:48:44 PM
Time Spent: 00:06:38
IP Address: 23.15.240.148

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Yes,
Your comments:
You need to make sure that you take full advantage of local knowledge, many locals have worked at and used the Harbour all their lives and are well aware of what is required

Q2 How do we ensure that there is a strong local voice on the HMC?

Demand it

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Q7 How can we ensure that the public are better aware of the committee's work?

Make sure reports appear in the Organ, Gazette etc

Q8 Where should meetings be held?

Southwold

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? Other (please specify):
Investment AND
Income

#53

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, October 27, 2019 11:53:03 PM
Last Modified: Monday, October 28, 2019 12:18:47 AM
Time Spent: 00:25:43
IP Address: 2.16.162.151

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
The HMC should consist of qualified experts in environmental, river, maritime port, fishing and associated business management. This group should be 4 in number augmented by 4 ES Councillors and 3 ST Councillors.

Q2 How do we ensure that there is a strong local voice on the HMC?

By making sure HMC us made up of 50% local people as a minimum.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime ,
Other (please specify):
Environmental

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Q7 How can we ensure that the public are better aware of the committee's work?

Dedicated website and use of social media platforms

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

Walberswick Village Hall and Reydon Village Hall alternatively

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? **Investment**

#54

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 28, 2019 5:18:33 AM
Last Modified: Monday, October 28, 2019 5:28:50 AM
Time Spent: 00:10:17
IP Address: 92.123.142.172

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
There should be a representative of Walberswick. Though I know the south bank is technically Southwold, it is effectively part of W. and they need to have some voice.

Q2 How do we ensure that there is a strong local voice on the HMC?

Southwold TC should be allowed to nominate others with appropriate skills to represent them. There should also be set up an advisory group or the like of harbour users and those with specialist knowledge of both the harbour and the river inland.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

No

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Other (please specify):

Caravan site is equally important

Q7 How can we ensure that the public are better aware of the committee's work?

Most meetings should be open and advertised. Publish summaries in local news outlets

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

In Southwold; there are several halls and meeting rooms (including the Town Hall) that could be used

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public?

Income,
Other (please
specify):
I should also include Health and Safety updates and
investment

#55

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 28, 2019 7:32:30 AM
Last Modified: Monday, October 28, 2019 7:37:31 AM
Time Spent: 00:05:00
IP Address: 23.62.3.197

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

Appoint strong local people to it

Q3 What skills and experience do you consider to be most important when selecting committee members? **Marine and maritime**

Q4 How long should Committee Members be appointed for? **Two years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years? **Harbour engineering and protection works?**

Q7 How can we ensure that the public are better aware of the committee's work?

Briefings to SRS. News sheets in local cafes.

Q8 Where should meetings be held? **Respondent skipped this question**

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? **Investment**

#56

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 28, 2019 11:42:26 AM
Last Modified: Monday, October 28, 2019 11:44:59 AM
Time Spent: 00:02:32
IP Address: 92.123.142.181

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC? **Respondent skipped this question**

Q3 What skills and experience do you consider to be most important when selecting committee members? **Marine and maritime**

Q4 How long should Committee Members be appointed for? **Two years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years? **Harbour engineering and protection works?**

Q7 How can we ensure that the public are better aware of the committee's work?

Newsletters

Q8 Where should meetings be held?

Locally

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? **Investment**

#57

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 28, 2019 2:32:00 PM
Last Modified: Monday, October 28, 2019 2:41:33 PM
Time Spent: 00:09:33
IP Address: 173.223.52.103

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

Offer committee places to existing harbour businesses.

Q3 What skills and experience do you consider to be most important when selecting committee members? **Marine and maritime**

Q4 How long should Committee Members be appointed for? **Three years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years? **Training for members**

Q7 How can we ensure that the public are better aware of the committee's work?

Publish meeting reports and comments, S&R Socy

Q8 Where should meetings be held?

At the Harbour - SwSailing club perhaps

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Income,**
Other (please specify):
Upkeep of Harbour walls and infrastructure

#58

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 28, 2019 2:04:23 PM
Last Modified: Monday, October 28, 2019 2:49:46 PM
Time Spent: 00:45:23
IP Address: 173.223.52.109

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

common sense is vital, as an understanding of the history that is attached to Southwold and the Harbour, The common and the Harbour are contributing factors to the charm of the area and resulting success which have enabled the whole area between Mights Bridge and the Harbour to thrive in a sustainable fashion, We not to be like Aldeburgh

Q3 What skills and experience do you consider to be most important when selecting committee members? **Organisational management**

Q4 How long should Committee Members be appointed for? **Other (please specify):**
3 years at least, and then should be able to stand for re election

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

To maintain the "fishing, working harbour " feel that has been the attraction of the place, The Harbour Master controls the incoming vessels and always appear's to maintain the ambience of the Harbour area,
Listening to chat in the Harbour Inn the foreign visitors very much enjoy their experience.

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years? **Harbour engineering and protection works?**

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

Contact with initially East Anglian Daily Times and Eastern Daily Press then to go to T.V and national press, I would think the residents on the Walberswick side could and should be a huge asset in the challenge that we face

Q8 Where should meetings be held?

Anywhere that is easily accessible to the residents of Southwold (Certainly not at a venue provided by Waveney or Suffolk Coastal)

Q9 How often should financial information be reported

Quarterly,

Other (please specify):

But updates of the arguments and discussions that have been held

Q10 What other performance information be made public?

Visitor numbers/trends,

Other (please specify):

Progress/ arguments put to our committee by the council

#59

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 28, 2019 2:52:26 PM
Last Modified: Monday, October 28, 2019 3:04:55 PM
Time Spent: 00:12:28
IP Address: 23.46.211.47

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Yes,
Your comments:
i think it is important to get the right people in the right positions to look after the future of the harbour

Q2 How do we ensure that there is a strong local voice on the HMC?

Involving the community, and reporting the issues locally

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works? ,
Other (please specify):
Walberswick should also be consulted.

Q7 How can we ensure that the public are better aware of the committee's work?

Regular press releases and meetings

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

In Southwold so that residents and people interested in preserving the harbour can attend

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Visitor numbers/trends**

#60

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 28, 2019 7:19:55 PM
Last Modified: Monday, October 28, 2019 7:23:15 PM
Time Spent: 00:03:19
IP Address: 92.123.142.181

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
It should be Southwold residents only as councillors

Q2 How do we ensure that there is a strong local voice on the HMC?

Use local people as councillors

Q3 What skills and experience do you consider to be most important when selecting committee members?

Organisational management

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works? ,
Other (please specify):
Retaining the uniqueness of the harbour as it is

Q7 How can we ensure that the public are better aware of the committee's work?

Notice boards, email newsletters, open meetings

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

Southwold pub where harbour

Q9 How often should financial information be reported

Annually

Q10 What other performance information be made public?

Health & Safety updates

#61

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 29, 2019 10:19:59 AM
Last Modified: Tuesday, October 29, 2019 10:51:45 AM
Time Spent: 00:31:45
IP Address: 173.205.76.220

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Yes,
Your comments:
This has been dragging on for years: I would, like to see a sense of urgency injected into proceedings! Whatever the composition of the committee it MUST include people with REAL knowledge of the estuary, for Southwold 'harbour' involves responsibility for, and knowledge of the whole estuary. The committee MUST include people who understand these matters, even if they are co-opted and not just elected Councillors.

Q2 How do we ensure that there is a strong local voice on the HMC?

Respondent skipped this question

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime ,
Other (please specify):
Common sense

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

See my comments above

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works? ,
Other (please specify):
The caravan/camping site should be brought up to EU standards.

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

Cancel the whole farce of Brexit and concentrate on things that matter!

Q8 Where should meetings be held?

Stella Peskett Hall but with strong advance publicity

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public?

Other (please specify):
An annual report on activities in the whole estuary

#62

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, October 29, 2019 9:34:34 PM
Last Modified: Tuesday, October 29, 2019 9:41:29 PM
Time Spent: 00:06:54
IP Address: 2.18.66.110

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

6 members must be from Southwold, Reydon, Blythburgh or Walberswick

Q3 What skills and experience do you consider to be most important when selecting committee members? **Organisational management**

Q4 How long should Committee Members be appointed for? **Three years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years? **Harbour engineering and protection works?**

Q7 How can we ensure that the public are better aware of the committee's work?

Use social media and hold public meetings

Q8 Where should meetings be held?

Southwold- st Edmunds or Stella Peskett

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Investment**

#63

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 31, 2019 11:43:38 AM
Last Modified: Thursday, October 31, 2019 4:17:41 PM
Time Spent: 04:34:03
IP Address: 92.123.142.172

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
The ratio of 6 ESDC Councillors : 4 STC Councillors : 1 Non-elected independent is iniquitous and the total numbers excessive. It is essential that there is near parity between ESDC, STC & Independents on the HMC. Local knowledge and experience of local harbour lands users and stakeholders is indispensable. I suggest 3 ESDC : 3 STC : 3 Independents. ESDC Cabinet will still have powers of veto.

Q2 How do we ensure that there is a strong local voice on the HMC?

By allocating a similar number of seats to each group as noted above.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Other (please specify):
Risk analysis, small harbour management & operation

Q4 How long should Committee Members be appointed for?

Three ,
years
Other (please specify):
initially 1 of each category for 1 year, 1 for 2 yrs, 1 for 3 yrs

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Scant, inadequate and meaningless. No reference made to the interdependence of the harbour and estuary

Southwold Harbour - Management Committee

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Other (please specify):

Repair and maintenance of flood protection of the estuary.

Q7 How can we ensure that the public are better aware of the committee's work?

All meetings open to the public. Regular print and on-line news letters. On-line provision for feedback. Transparency and good communications

Q8 Where should meetings be held?

At the Harbour! Where else, for heaven's sake?

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Investment,

Other (please specify):

All of the above

#64

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 31, 2019 6:59:02 PM
Last Modified: Thursday, October 31, 2019 7:08:18 PM
Time Spent: 00:09:15
IP Address: 65.153.101.63

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
I understand that ESC would want the majority but I feel ESC and STC should be at least equal - ideally with STC with the largest representation with experts co-opted eg harbour master. Local people understand local issues so should not be outnumbered by those who are not involved

Q2 How do we ensure that there is a strong local voice on the HMC?

AS above ensuring that local representation is at least 50%

Q3 What skills and experience do you consider to be most important when selecting committee members?

Financial management,
Other (please specify):
also need understanding of climate change and impact

Q4 How long should Committee Members be appointed for?

Three ,
years
Other (please specify):
With opportunity for re- election. Takes 3 years for a gourd to develop a real working relationship and to take effective action

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

The entire estuary should be included . The Harbour is not hermetically sealed

Southwold Harbour - Management Committee

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Other (please specify):

Improve protection for dwelling following 2020 withdrawal by Environment Agency

Q7 How can we ensure that the public are better aware of the committee's work?

All meeting notes on website.

Prior to meetings pose 3 core questions for members of public to answer

Q8 Where should meetings be held?

The Sailing Club

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Income

#65

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, November 05, 2019 10:24:56 AM
Last Modified: Tuesday, November 05, 2019 10:46:38 AM
Time Spent: 00:21:41
IP Address: 23.52.0.47

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Yes,
Your comments:
As always it depends on the appointees themselves. STC councillors have varying degrees of knowledge let alone interest in harbour matters and the same applies to East Suffolk councillors. Get the right people and that means people involved and interested in the harbour and all will be relatively well. Do these Councillors exist?

Q2 How do we ensure that there is a strong local voice on the HMC?

By having "harbour people" co-opted as non voting members. These people do not wish to be councillors

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime ,
Other (please specify):
Common sense and an ability to see what is possible and reasonable and what is not.

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

No

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works? ,
Other (please specify):
Co-ordination with the Blyth Estuary Group

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

You can't. Public is only interested when things go wrong. This is the important silent "get on with it".

Q8 Where should meetings be held?

Southwold Sailing Club. On the site and plenty of parking.

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? **Investment**

#66

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, November 05, 2019 5:47:24 PM
Last Modified: Tuesday, November 05, 2019 6:09:44 PM
Time Spent: 00:22:20
IP Address: 23.212.109.21

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC? **Respondent skipped this question**

Q3 What skills and experience do you consider to be most important when selecting committee members? **Organisational management, Other (please specify): River and coastal management knowledge and experience.**

Q4 How long should Committee Members be appointed for? **Two years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 ining for membersWhich of these areas do you feel should be a priority for the HMC in the first few years? **Harbour engineering and protection works?**

Q7 How can we ensure that the public are better aware of the committee's work?

Website reports and in local free press.

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

In Southwold rather than in ES Council offices.

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? **Investment**

#67

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, November 08, 2019 4:10:43 PM
Last Modified: Friday, November 08, 2019 4:20:34 PM
Time Spent: 00:09:51
IP Address: 92.122.206.48

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

There seems little point in having 11 politicians to run the harbour. ESC control the purse strings so why do they need a majority on the HMC? Why not have say 3 from ESC, 3 from STC then 4 locals (one to represent business owners, one harbour users, one homeowner - we always get forgotten and the harbourmaster). If the local advisors are non voting and the chairman is ESC then you still have a casting vote as well as controlling spending Its then 7 locals vs 3 from ESC.

Q2 How do we ensure that there is a strong local voice on the HMC?

Appoint locals to the HMC either as full members or advisors - as above business, home owners, boat users.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime ,
Other (please specify):
Local knowledge

Q4 How long should Committee Members be appointed for?

One year,
Other (please specify):
But allow re-election

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

The harbour should not be forced into debt at high interest rates from ESC. Improvements must come from income from the harbour lands or grants not borrowing.

Southwold Harbour - Management Committee

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Other (please specify):

Figure out how to protect the harbour against flooding (hint raising the river walls will make it worse).

Q7 How can we ensure that the public are better aware of the committee's work?

Hold all meetings in open session. Publish all minutes online.

Q8 Where should meetings be held?

In Southwold

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Other (please specify):

All the above - basically everything except salaries

#68

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, November 10, 2019 12:00:09 PM
Last Modified: Sunday, November 10, 2019 12:09:00 PM
Time Spent: 00:08:50
IP Address: 65.153.101.69

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Yes,
Your comments:
It keeps the local politics democratic

Q2 How do we ensure that there is a strong local voice on the HMC?

Ensuring all are able to access all information .

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Sustainability should be a priority

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Improvements to the environment – including the access road.

Q7 How can we ensure that the public are better aware of the committee's work?

A welcome leaflet & local business affiliation .

Q8 Where should meetings be held?

Public house

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Annually**

Q10 What other performance information be made public? **Health & Safety updates**

#69

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, November 10, 2019 9:22:52 PM
Last Modified: Sunday, November 10, 2019 9:49:46 PM
Time Spent: 00:26:53
IP Address: 23.46.211.47

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

The Southwold residents and harbour users will be outnumbered by the District Council's nominees, probably none of them will have any allegiance to Southwold, only to East Suffolk. Probably legally a sound proposal but morally and ethically corrupt. The harbour and adjacent lands were bequeathed for the benefit of Southwold's residents for all time.

Q2 How do we ensure that there is a strong local voice on the HMC?

By looking at other harbours with similar conditions. Salcombe Harbour Board consists of ten members - Four District Councillors and six co-opted Members. Each Member is appointed on a fit for purpose basis.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime ,

Other (please specify):

Let the experts manage it, rather than elected, but not local people

Q4 How long should Committee Members be appointed for?

Other (please specify):

Phased so that there is continuity, half to retire at anyone time.

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Sound Financial Management is essential, so incorporate people with related managerial experiences. Future councillors could all be Trade Unionists lacking managerial experience. Who can forecast the future council membership?

Southwold Harbour - Management Committee

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Other (please specify):

Flood prevention both in the harbour and upstream.

Q7 How can we ensure that the public are better aware of the committee's work?

By establishing a mailing list of all the harbour users, by sounding out the harbour users with questionnaires, by publishing reports in Southwold Town Council's offices and on a notice board prominently displayed in the harbour and outside The Alfred Corry Museum.

Q8 Where should meetings be held?

If possible in the harbour area. e.g. The Sailing Club or restaurant.

Q9 How often should financial information be reported

Quarterly,

Other (please specify):

And when anything new or unexpected occurs.

Q10 What other performance information be made public?

Health & Safety updates,

Other (please specify):

All of the above.

#70

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, November 12, 2019 9:56:17 AM
Last Modified: Tuesday, November 12, 2019 10:09:32 AM
Time Spent: 00:13:14
IP Address: 23.1.237.23

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

There will be far too many people on the committee and it will not work. The first proposal many years ago to have a HMC involved local people with special skills and these were interviewed and appointed, but the committee structure did not proceed, this should be reinstated. Southwold Harbour Lands as ran by Waveney is a profitable undertaking as has been proved in recent years by the publication of the accounts. While it is accepted that East Suffolk have a responsibility for finance I would suggest that only two members are required from East Suffol, two from Southwold TC and then at least four local people with the skills mentioneed above

Q2 How do we ensure that there is a strong local voice on the HMC?

By ensuring that local people are appointed on the HMC,
There is also an existing Harbour Users Committee which can be involved

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime ,

Other (please specify):

Understanding of the special nature of Southwold Harbour

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

No

Southwold Harbour - Management Committee

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Other (please specify):

All these areas are important but without a harbour then nothing will matter

Q7 How can we ensure that the public are better aware of the committee's work?

There has been very poor publicity on this consultation, the committee should ensure that information is provided to the press and that they invite the public to their meetings

Q8 Where should meetings be held?

In Southwold

Q9 How often should financial information be reported

Annually

Q10 What other performance information be made public?

Visitor numbers/trends,

Other (please specify):

All the above are relevant

#71

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, November 12, 2019 7:55:07 PM
Last Modified: Tuesday, November 12, 2019 8:01:34 PM
Time Spent: 00:06:26
IP Address: 92.122.206.48

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

I believe you should have a transparent committee, you really do have to have local people who know the harbour and its workings, alongside members of council who also understand the harbour workings

Q2 How do we ensure that there is a strong local voice on the HMC?

Choose your committee carefully

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Two years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

No

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Improvements to the environment – including the access road.

Q7 How can we ensure that the public are better aware of the committee's work?

Local media

Q8 Where should meetings be held?

Local community

Southwold Harbour - Management Committee

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public? **Investment**

#72

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, November 19, 2019 2:46:28 PM
Last Modified: Tuesday, November 19, 2019 2:54:49 PM
Time Spent: 00:08:21
IP Address: 23.15.241.61

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
There should not be a simple majority of ESC appointees, if only to safeguard the future "ownership" of the harbour lands

Q2 How do we ensure that there is a strong local voice on the HMC?

The majority of HMC members should be STC appointees &/or local interested parties

Q3 What skills and experience do you consider to be most important when selecting committee members?

Financial management,
Other (please specify):
It was only possible to select one skill: maritime and leisure (ie camping) knowledge is also required

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

There is little mention of the Caravan site even though it generates around half of the income for the SHL; objectives should be consistent with the ethos of Southwold and not contrary to AONB regulations, such as the ongoing issue with St Felix school grounds, for example

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?
Other (please specify):
Again, could select only one of these key objectives; improvements to the caravan site are long overdue

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

regular local meetings; emails to interested parties; disseminate updates through SCOA, SRS etc

Q8 Where should meetings be held?

In Southwold (or Reydon)

Q9 How often should financial information be reported

Monthly,

Other (please

specify):

As much detail as

possible

Q10 What other performance information be made public?

Visitor numbers/trends,

Other (please

specify):

Why is only a single option allowed? Investment and Income

are also relevant

#73

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, November 25, 2019 8:02:12 PM
Last Modified: Monday, November 25, 2019 8:28:33 PM
Time Spent: 00:26:20
IP Address: 23.1.237.23

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

For the make up of the HMC I recommend one Councillor from STC, one ward councillor, two Councillors from ESC (one elected as Chair), with four independents. There is no need to have 4 Southwold Town Councillors in the first year.

Q2 How do we ensure that there is a strong local voice on the HMC?

As above there should be 4 independent members. Independents to apply to STC/ESC after a relevant skills audit and CRB check. The four independents must be given dispensation for any conflict of interest.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Organisational management

Q4 How long should Committee Members be appointed for?

Three years

Southwold Harbour - Management Committee

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

To be written into the MOU.

A. The Harbour Lands, including the Caravan Site, Will never be sold. This point to be ratified by ESC.

B. Seek a variation to the 1933 Southwold Harbour Order to include the Harbour Lands and River Blyth up to the A12 in order to ensure that all monies generated from the Harbour Lands be ringfenced, as required by as required by Article 39 of the Harbour Order, for maintenance and repair of not only the Harbour Lands but the river as well. (No river, no harbour).

C. All proposals to be compatible with the PGGG, parts A and C.

D. Committee members to be given the power to appoint advisors.

E. Formulation of a business case. Members must be allowed some executive powers in order to spend money. The proposed Committee must not be advisory only.

A five year business plan to be promulgated initially, with an annual update.

Priority areas for the first five years to include engineering and protection works, with special priority being given to the maintenance of the river, ie. remedial works on the flood protection walls at low points within the first year. (No river, no Harbour).

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Q7 How can we ensure that the public are better aware of the committee's work?

The HMC should meet monthly with at least two meetings a year to be held in public to allow the public to comment, ask questions and make suggestions to the Committee for consideration.

Q8 Where should meetings be held?

At the Harbour

Q9 How often should financial information be reported

Monthly,

Other (please specify):

Accounts of the SHMC to be submitted annually to the DfT and made public.

Q10 What other performance information be made public?

Income

#74

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, November 27, 2019 6:56:15 PM
Last Modified: Wednesday, November 27, 2019 7:42:44 PM
Time Spent: 00:46:28
IP Address: 65.158.202.54

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

The Southwold Haven Port Stakeholders Group is recommending one councillor from STC, one ward councillor, two councillors from ESC (one elected as Chair), with four independents to apply to ESC/STC and be chosen by STC after a relevant skills audit and CRB check. The four independents must be given dispensation for any conflict of interest. The composition of the Committee to be written into the MOU.

Q2 How do we ensure that there is a strong local voice on the HMC?

The above selection process would ensure a strong local voice on the Committee and the relevant skills and experience required would be ensured by the selection of the appropriate independent members.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Financial management,

Other (please specify):

Marine and maritime

Q4 How long should Committee Members be appointed for?

Three ,

years

Other (please specify):

Initial 1/2/3 year appointment of members

Southwold Harbour - Management Committee

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

To be written into the MOU.

A: the Harbour Lands, including the Caravan site, will never be sold. This point to be ratified by ESC.

B: seek a variation to the 1933 Southwold Harbour Order to include the Harbour Lands and River Blyth up to the A12 in order to ensure that all monies generated from the Harbour Lands be ringfenced, as required by Article 39 of the Harbour Order, for maintenance and repair of not only the Harbour Lands but the river as well (no river, no Harbour).

C: all proposals to be compatible with the PGGG, parts A and C.

D: Committee members to none given the power to appoint advisors.

E: formulation of a business case. Members must be allowed some executive powers in order to spend money. The proposed Committee must not be advisory only.

F: a five year business plan to be promulgated initially, with an annual update.

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Other (please specify):

Remedial work to flood protection walls

Q7 How can we ensure that the public are better aware of the committee's work?

The HMC should meet monthly with at least two meetings a year to be held in public to allow the public to comment, ask questions and make suggestions to the Committee for consideration.

Q8 Where should meetings be held?

Meetings should be held at the Harbour.

Q9 How often should financial information be reported

Annually

Q10 What other performance information be made public?

Income

#75

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, December 03, 2019 4:32:09 PM
Last Modified: Tuesday, December 03, 2019 4:58:23 PM
Time Spent: 00:26:13
IP Address: 23.212.3.108

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

Membership of either ESC or STC does not necessarily provide the expertise or knowledge that HMC will need to fulfill its role. consideration should be given to finding willing parties who may have the specific skills or experience to manage this specialist project. While it may be that STC has members who have relevant experience, it is less likely that ESC members will have. The weighting of the membership as 6/5 makes it less likely that there will be sufficient local knowledge/appropriate expertise. Consideration should be given to finding another management formula.

Q2 How do we ensure that there is a strong local voice on the HMC?

HMC will only have a strong voice if people local to the town can be involved, and success will depend on the HMC being able to harness experience and specific skills to feed into management processes.

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime

Q4 How long should Committee Members be appointed for?

Three years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Priorities for first year appear sound.

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

via existing publications of ESC and STC.

Q8 Where should meetings be held?

at or near the harbour.

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public?

Other (please specify):
All of the above.

#76

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 04, 2019 9:11:49 AM
Last Modified: Wednesday, December 04, 2019 10:50:13 AM
Time Spent: 01:38:24
IP Address: 23.1.237.23

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,
Your comments:
I suggest instead of 4 town councillors 1 town councillor 1 local representative and 2 experts

Q2 How do we ensure that there is a strong local voice on the HMC?

local representatives on behalf of the harbour

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime ,
Other (please specify):
marine flood prevention river /estuary dynamics experts

Q4 How long should Committee Members be appointed for?

Two years

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

Respondent skipped this question

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works? ,
Other (please specify):
flood defence /river banks and and coordination of plans upstream top priority

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

direct mailing put through doors of businesses cottages fishermen huts and boats as well as emailing

Q8 Where should meetings be held?

Harbour Inn or sailing club

Q9 How often should financial information be reported **Quarterly**

Q10 What other performance information be made public?

Other (please specify):
information on what plans in place for flood defences/ river and estuary management

#77

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 04, 2019 10:57:07 AM
Last Modified: Wednesday, December 04, 2019 10:59:38 AM
Time Spent: 00:02:31
IP Address: 23.46.211.47

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **Yes**

Q2 How do we ensure that there is a strong local voice on the HMC?

Encourage people with expertise to apply

Q3 What skills and experience do you consider to be most important when selecting committee members? **Marine and maritime**,
Other (please specify):
Financial management

Q4 How long should Committee Members be appointed for? **Two years**

Q5 Do you have any comments on the priorities in the attached outline Business Plan? **Respondent skipped this question**

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years? **Harbour engineering and protection works?**

Q7 How can we ensure that the public are better aware of the committee's work?

Get email list of interested parties and issue regular briefings

Southwold Harbour - Management Committee

Q8 Where should meetings be held?

Sailing Club

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Income,
Other (please
specify):
Investment

#78

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 04, 2019 3:23:06 PM
Last Modified: Wednesday, December 04, 2019 4:03:55 PM
Time Spent: 00:40:49
IP Address: 23.46.211.47

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

I would like to see a HMC with equal representation of councillors and independent members, appointed for their expertise, in line with the PGGG. I believe a balanced HMC would constitute two members from ESC, including the Chair; one ESC Ward Councillor; one from STC; and four independent members.

Q2 How do we ensure that there is a strong local voice on the HMC?

By ensuring that there is equal representation of local authority and independent local people on the HMC, as in the suggested constitution above.

This is absolutely vital - the overwhelming response to the earlier consultation on the Harbour stressed the need for local involvement in any HMC.

If more local people needed to be involved, a separate stakeholder group could be set up to assist and advise the HMC

Q3 What skills and experience do you consider to be most important when selecting committee members?

Marine and maritime ,

Other (please specify):

Obviously, organisational skills are essential to the HMC, but I think it is also essential to have members with marine and maritime and financial skills in order to successfully manage the Harbour. I think there should also be a member with experience in running the caravan site, since it provides most of the revenue for the Harbour Lands.

Q4 How long should Committee Members be appointed for?

Three years

Southwold Harbour - Management Committee

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

I was disappointed to see that the Business Plan raised the issue of ownership of the Harbour Lands, as this is still by no means agreed. I do not agree that the HMC's budget should only be 'fairly modest' - the HMC is the body responsible for governing and managing the Harbour, with members with the necessary skills and expertise, and it needs to be able to access funds accordingly, to cope with events at short notice and to plan long term for the future. The revenues produced by the Harbour Lands, including the caravan site, must be used for the benefit of the Harbour Lands in accordance with Article 39.

The induction and training of HMC members must be a first priority, although with the balanced constitution suggested above one would hope that a large number of members would already have marine and business expertise.

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Other (please specify):

Harbour engineering and protection works together with necessary works to the Blyth Estuary will have to be a priority to ensure the future of the Harbour Lands. The other priorities listed are all important, but the issue of flood protection and harbour maintenance must inform every decision.

Q7 How can we ensure that the public are better aware of the committee's work?

The HMC should make full use of social media and maintain an informative and up-to-date website. Minutes of meetings, reports and accounts should all be freely available.

Meetings should be well publicised so the public can attend.

Q8 Where should meetings be held?

It would seem to make sense to have the meetings in Southwold or at the Harbour itself.

Q9 How often should financial information be reported

Quarterly

Q10 What other performance information be made public?

Income,
Other (please specify):

All of the above, through open and accessible meetings, on the website, through the publication of an annual report.

#79

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 04, 2019 4:07:21 PM
Last Modified: Wednesday, December 04, 2019 4:18:02 PM
Time Spent: 00:10:40
IP Address: 23.219.38.174

Page 1: Survey questions

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

No,

Your comments:

I do not support the proposal for the reasons set out below. Ashfords LLP (Ashfords) advice to East Suffolk Council (ESC) was that the Harbour Management Committee (HMC) should consist of eleven members, six from ESC Cabinet, and five Co-opted members, of whom at least one should be from Southwold Town Council (STC). This has subsequently been slightly revised to suggest that in the first year, four of the Co-opted members should be from STC. I do not agree with the suggested constitution of the HMC in either scenario. Fundamentally, I do not agree with ESC having a majority on the HMC. I know that ESC is anxious that it should have control, but I do not consider that this should be an issue here. ESC's predecessor gave a "categorical" assurance that the harbour lands would never be sold, and I know that income from the harbour lands must be ring-fenced and reinvested in the harbour lands. All members of the HMC must act in the best interests of the harbour. Once on the HMC, they have a duty to act for that body and not to represent their own particular group or interests. Other Local Authorities run HMCs on an equal membership basis, maintaining control through good governance and collaboration. Surely this is the right model with which to proceed. I am sure ESC would not propose to do anything regarding the harbour lands that would be contrary to the interests of harbour representatives and users? I believe that the argument for equal representation on the HMC is supported by the following:-

- the Municipal Ports Review, the predecessor to the Ports Good Governance Guidance (PGGG), expressly recommended parity of numbers between councillors and independent members
- the PGGG's recommendation is that the HMC should ideally comprise approximately 50% local authority elected members – these do not all have to be councillors, they can be co-opted representatives appointed by the local authority – plus external members who are stakeholder representatives or individuals with valuable skills and experience. In this way, you can achieve a HMC with the

Southwold Harbour - Management Committee

necessary expertise to successfully run and manage the harbour lands. • the HMC which Ashfords use as an example of best practice is Cornwall Council Harbours Board. It has an equal number of elected and non-elected members, all of whom have voting rights. Cornwall Council Harbours Board consists of six Councillors and six Independent Board Members, appointed following a skills audit. (In addition, there are four non-voting co-opted members who are stakeholder representatives). The current Independent Board Members are from local businesses, from the Marine Safety Group, and one fisherman/RNLI crew member. • the PGGG specifically states that no individual can dominate a HMC's decision making, and also that all members must be able to allocate sufficient time to discharge their responsibilities effectively. There must be concern as to whether six members of ESC Cabinet would be able to devote sufficient time to a HMC, given their other responsibilities. • it meets the overwhelming wishes of the local community, as expressed during the previous consultation exercise. The majority of consultee responses were that any HMC should be made up of a broad range of local people including Southwold Town Councillors and local stakeholders (including the users of the harbour and the caravan site and that WDC should not have a major role. In the words of one consultee "If this proposal puts management into local hands then we are for it". I could find only one response saying that control should not be with a HMC without a veto by WDC on major decisions. The vast majority stressed the importance of local and STC involvement if they were to agree to a HMC. • equal representation is in compliance with the recommendations of the PGGG I would suggest that the composition of the HMC should be as follows: 2 ESC, including the Chairman 1 ESC Ward Councillor 1 STC 4 independent members including financial, marine, land owner, business There should be dispensation for anyone with a pecuniary interest in the Harbour, as with Salcombe HMC

Q2 How do we ensure that there is a strong local voice on the HMC?

By ensuring, in accordance with the PGGG, that there is equal representation of local authority members and independent members on the HMC.

I believe that the constitution suggested above would ensure the strong local voice that is so important to the local community.

If it was felt that more local people should be involved, non-voting co-opted members could be appointed to represent further stakeholder groups (as in the Cornwall example). Alternatively, a separate stakeholder committee could be formed to provide stakeholder views to the HMC – such an advisory group of other stakeholders could assist in decision making.

Southwold Harbour - Management Committee

Q3 What skills and experience do you consider to be most important when selecting committee members?

Other (please specify):

Organisational skills are important, but there should be particular emphasis on marine and maritime skills and financial management, given that the purpose of the HMC is to successfully run, manage, maintain and develop a working harbour and river. It is critical that committee members have experience in running the caravan site, since it provides the majority of the revenue for the harbour lands. Business planning is also an important skill – the HMC must be savvy in communication and social media skills to ensure the public is kept informed. This will be extremely important if the HMC needs to be raising funds for improvements down the Blyth Estuary. The issue of a business plan for the harbour, caravan park and use of the camping fields is also key. The representatives from ESC and STC would provide local authority experience. The Harbour Master would have access to the HMC and be able to give advice. Harbour users, both business and recreational, plus individuals with experience of the Blyth Estuary should all be included, either on the HMC itself, or on a separate stakeholder committee as envisaged above. Representatives from statutory authorities, e.g. Environment Agency, would provide valuable skills

Q4 How long should Committee Members be appointed for?

Other (please specify):

Three years, but on a rolling programme to ensure continuity of membership to the HMC. I do not agree with the transition period for independent members, as suggested in the Terms of Reference, as I do not see how this would achieve continuity among these vital members of the HMC who are appointed for their skills and expertise.

Q5 Do you have any comments on the priorities in the attached outline Business Plan?

I would like to comment on the Business Case Outline as follows:

- it is not accepted that ESC is the 'Corporation' under the 1933 Order, as that would imply that the harbour and harbour undertaking is vested in ESC under the Order. That remains a contentious issue, which is why the question of ownership had been left in abeyance in previous negotiations regarding the harbour lands. If I look at the resolutions that formed the Joint Committee, both WDC and STC acknowledged "that there are various complex historical and current issues that prevent any simple transfer or devolution of Southwold Harbour and its associated lands to any existing or other body". That is as true now as it was in 2014.
- The Business Case refers to financial statements, but none are included in the document. I understand that ESC is in the process of developing a business plan for the caravan site. Further, the results of the model survey on the Harbour and Blyth Estuary, which has been authorised, is critical to establishing what is required.
- the Outline states "Revenue from Southwold Harbour is retained for use in its operation" in accordance with article 39. This is pleasing, as a number of documents have referred only to 'surplus' income being retained for use in the harbour lands, which is not what article 39 says.
- I fundamentally disagree with the statement that the HMC's budget "will be a fairly modest one for day to day matters". The HMC is the body responsible for management of the harbour, and it should have the budget to enable it to perform its functions. Harbour revenues are applied in accordance with article 39 of the 1933 Order, i.e. they are ring-fenced and can only be used for the benefit of the harbour, and they should be managed and applied by the HMC. In accordance with the PGGG, the harbour revenues should be protected in an assured account, and be kept separate, thereby allowing the HMC to both plan for the long term and also to cope with unexpected events where funds are required at short notice. The HMC is best placed to allocate its budget to discharge its functions – this should not be within the power of ESC. The HMC should not be required to seek ESC approval every time it needs to incur expenditure or take action – the whole point is that it is responsible for the operation of the harbour.
- the five year business plan should be updated every twelve months.
- there is no acknowledgement of the "categoric" assurance given by WDC that the harbour lands, including the caravan site, will never be sold and that this is something that would be written into any agreement. It is vital that this categoric assurance, in writing, is given.

Q6 Which of these areas do you feel should be a priority for the HMC in the first few years?

Harbour engineering and protection works?

Other (please specify):

works to maintain the Blyth Estuary There is no point improving facilities for visitors and marine users if the harbour and estuary are not maintained and protected. The maintenance of flood protection in the estuary is vital to the continued viability of the harbour itself. This mutual interdependence was acknowledged by WDC – Mark Bee explained at the public meeting on 6th February 2019 that WDC had commissioned a computer model to assess the scale of investment and what would be required to keep the harbour open to businesses and visitors. In answer to a question regarding the estuary, he stated "this gives an

Southwold Harbour - Management Committee

opportunity for investment in the Blyth – need to ensure there is maintenance and the proper programme for all of that estuary”. The survey was to “go all the way back and possibly onto the other side of the A12”. He wanted “to ensure that the harbour is a viable harbour for the next 30-40 years”. Many of the consultee responses emphasised the need for the Blyth Estuary to be maintained, in order to keep the harbour open. We were therefore concerned to read Ashford’s advice that it would not be a lawful use of harbour funds “to finance drainage or flood defence works or other improvements to the Blyth Estuary not within the harbour limits or related to the harbour undertaking”. I believe this interpretation fails to recognise the interdependence of the harbour and the Blyth Estuary, and the necessity to maintain the latter to ensure the viability of the former. The works to the Estuary are “related to the harbour undertaking” because without them, there is a real risk that the harbour undertaking will cease to exist. The sooner the HMC is set up, with a constitution and governance that ensures it is effective, the sooner it can begin to address the vital issue of interdependency. I do not see, as Ashfords argue, that article 13 of the 1933 Order makes it clear that drainage and flood defence are a separate responsibility to the Statutory Harbour Authority function. Article 13 provides that if the Corporation desires to execute any works within the limits of the Order which may affect the main channel of the River Blyth, they shall give 28 days notice in writing to the East Suffolk Rivers Catchment Board. If anything, does this not suggest that the harbour and the River Blyth are interdependent? Further, is there not a general duty on a Statutory Harbour Authority to conserve and facilitate the safe use of the port and to keep the harbour open? Article 12 of the 1933 Order gives the Corporation under the Order power to “maintain alter improve and extend the harbour undertaking and in connection therewith may construct alter and improve embankments walls...and other works and conveniences which may be found necessary”.

Southwold Harbour - Management Committee

Q7 How can we ensure that the public are better aware of the committee's work?

The PGGG stresses the importance of operating in an open, transparent and accountable way, with a range of information available to stakeholders and with meetings open to the public.

Keep the public informed of the actions and decisions of the HMC through an active website and the use of social media.

Ensure that minutes of HMC meetings, reports and accounts are all readily accessible so that the public can feel informed and be able to understand what is going on in meetings.

Provide a forum for the public to make comments and ask questions.

Publicise meetings properly on the website, in the local press and on social media.

Allow members of the public to speak in meetings. I would definitely want to be able to attend these meetings and feel this should be an opportunity for all interested parties

Q8 Where should meetings be held?

In a venue large enough to allow the public to attend, in Southwold as we are talking about Southwold Harbour. I would want to attend - see above

Q9 How often should financial information be reported

Other (please specify):

Why not every meeting in public, in the interests of openness and transparency, as Town Council meetings with the opportunity to speak? Why not twelve meetings per year with one AGM held in public also?

Q10 What other performance information be made public?

Other (please specify):

Under the Harbours Act, a local authority statutory harbour authority is required to submit accounts and reports to the DfT in the format required for businesses submitting accounts to Companies House, and these should be available for public inspection. So, commercial style accounts should be produced, in accordance with the PGGG. Following the practice at Cornwall, an Annual Report should also be made available, which inter alia details the monitoring of the annual budget. Total expenditure, income and contribution to reserves should be clearly laid out. I would wish to submit Further Comments Draft Terms of Reference I am concerned that the draft Terms of Reference (ToR) in their current form are too prescriptive and could restrict the ability of the HMC to carry out its functions in connection with the Southwold Harbour Lands (SHL). Some particular points of concern are as follows: 1.1 – for the reasons set out in our consultation response, I do not agree with the inclusion of the statement that ESC is the Owner of the SHL. 2.2, 2.3, 2.7 – for the reasons set out in our consultation response, I do not agree with the proposed restrictions on the HMC's powers to manage the financial matters of the SHL. I believe that the HMC is best placed to

Southwold Harbour - Management Committee

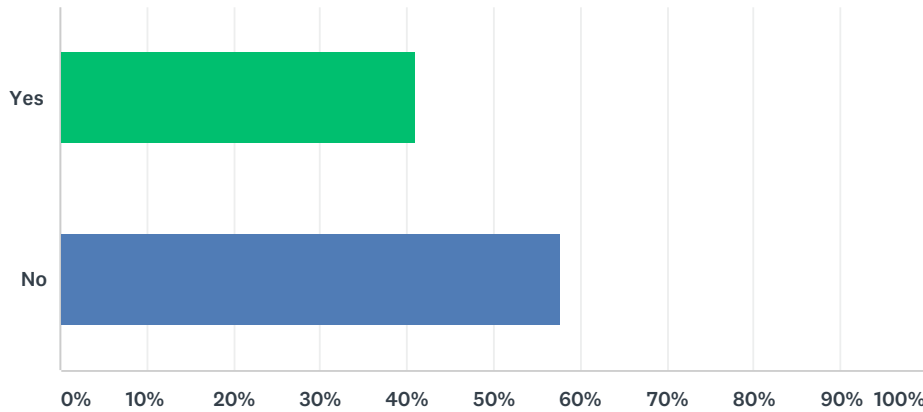
matters of the SHL. I believe that the HMC is best placed to set charges, approve annual budgets, monitor and vary expenditure as appropriate, monitor the harbour reserve funds and so on. 2.4, 2.5, 2.6 – limiting the ability of the HMC to make decisions regarding assets could adversely restrict its ability to act effectively as the strategic body for the management of the SHL. Any provision regarding asset disposal has to be read in conjunction with the express assurance given by both Waveney District Council and Southwold Town Council that no part of the SHL, which includes the caravan site, is to be sold. 2.10 – the HMC should be free to approve and publish plans, including the business plan, and address any issues relating to performance. 3.1 ff. – for the reasons set out in our consultation response, I do not agree with the proposed composition of the HMC. As the Chair is to be from ESC, I certainly do not believe that the Vice Chair should also be from the same local authority. Draft Memorandum of Understanding I feel I cannot comment fully on the draft Memorandum of Understanding (MoU) at present, as a number of important Annex sections are blank. I do, however, have concerns that the MoU in its current form is unnecessarily prescriptive, going beyond the PGGG suggestion of recommended ground rules for a framework between ESC and the HMC. I wonder if, perhaps, this is due to the draft following so closely the MoU of the Cornwall Harbours Board, which is of course responsible for ten different harbours and so is a much larger undertaking. SHL is a different proposition, and deserves a MoU that reflects its particular circumstances - for example the existence of the caravan site within the SHL that generates a substantial income for the SHL, the interdependence of the Harbour and the Blyth Estuary and so on. My major concern at this stage regarding the MoU is that it could limit the ability of the HMC to operate effectively as a result of the restrictions it places on, inter alia, the HMC's powers to determine its budget, its decision making processes and its activities in connection with the SHL. I feel that a major advantage of a HMC is that it has members with the skills, expertise and experience required to effectively manage the harbour and deliver against the business plan. It needs to be allowed to get on with it. We worry that if too many decisions (such as the setting of harbour charges, the drawing up of policies and plans including the business plan, obtaining specialist services etc.) are all subject to review and determination by Cabinet, it will cause delays and render the HMC less effective. It is, after all, the HMC that is established under the PGGG to govern the SHL. On a couple of specific points, I take issue with the statement regarding ownership, for the reasons set out in our consultation response, and I reserve the right to comment on the Asset Register, which we hope would be finalised before the HMC is in place since it is a

Southwold Harbour - Management Committee

would be financed before the MoU is in place since it is a critical element of the MoU. I would like to see, in connection with the establishment of assured accounts, a specific acknowledgement that all harbour revenues (including revenue from the caravan site) and capital monies are assured, to allow for the maintenance, upkeep and improvement of the SHL, including, if possible, the Blyth Estuary.

Q1 The legal advice that we have received is that the HMC is to be made of 11 external members. Six of these will be East Suffolk Councillors and five others will be members from outside the District Council. Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors. Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal?

Answered: 78 Skipped: 1



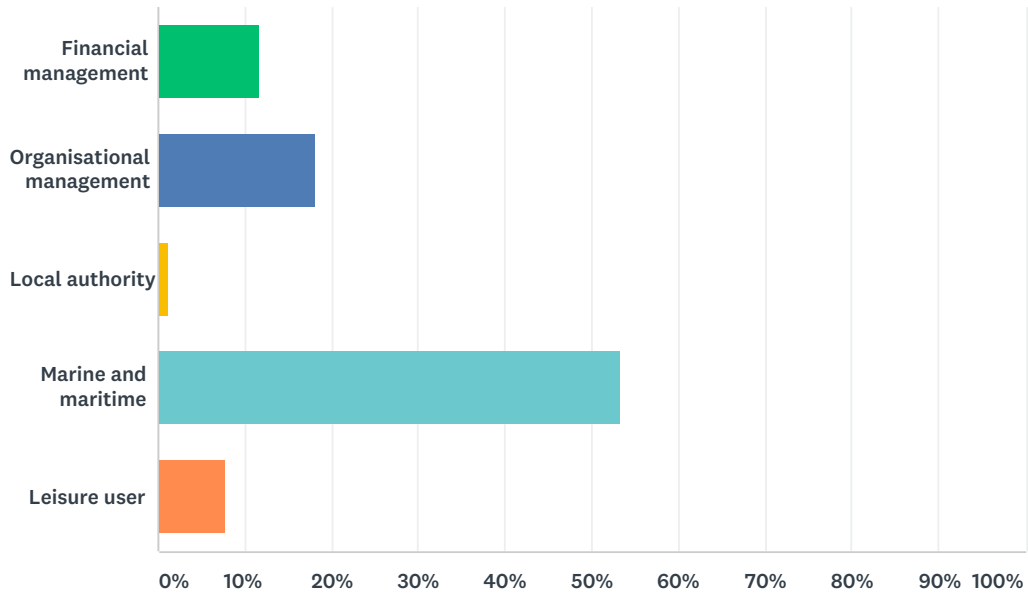
ANSWER CHOICES	RESPONSES
Yes	41.03% 32
No	57.69% 45
TOTAL	78

Q2 How do we ensure that there is a strong local voice on the HMC?

Answered: 72 Skipped: 7

Q3 What skills and experience do you consider to be most important when selecting committee members?

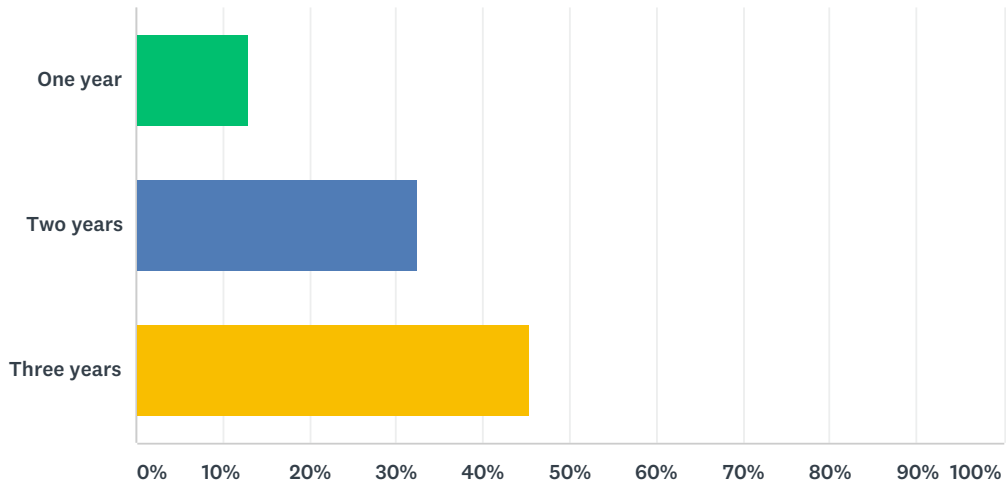
Answered: 77 Skipped: 2



ANSWER CHOICES	RESPONSES	
Financial management	11.69%	9
Organisational management	18.18%	14
Local authority	1.30%	1
Marine and maritime	53.25%	41
Leisure user	7.79%	6
TOTAL		77

Q4 How long should Committee Members be appointed for?

Answered: 77 Skipped: 2



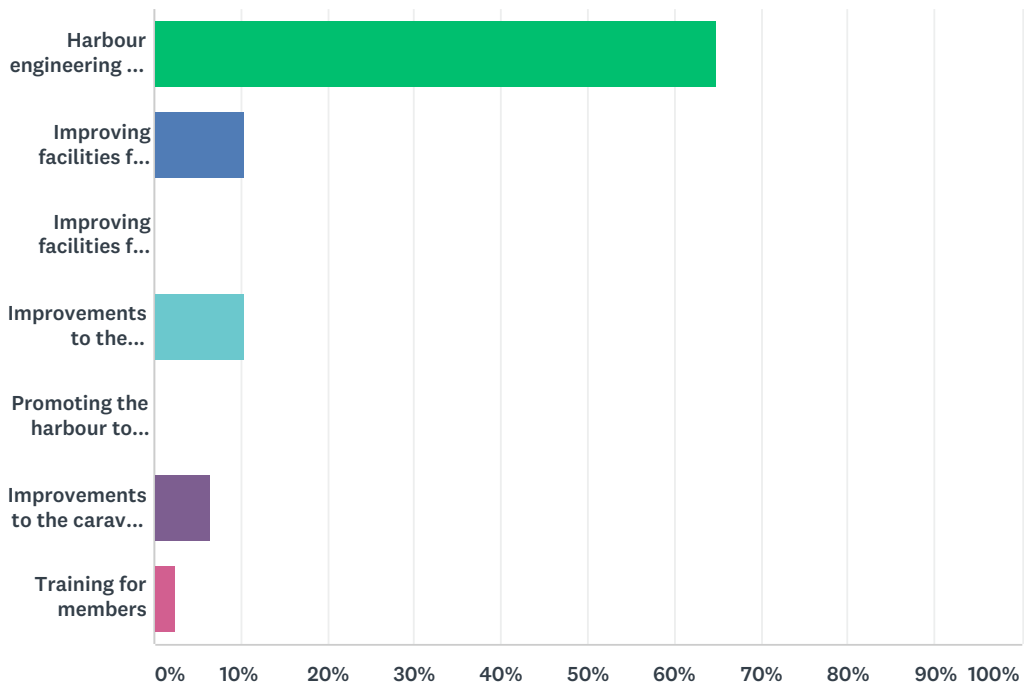
ANSWER CHOICES	RESPONSES	
One year	12.99%	10
Two years	32.47%	25
Three years	45.45%	35
TOTAL		77

**Q5 Do you have any comments on the priorities in the attached outline
Business Plan?**

Answered: 46 Skipped: 33

Q6 ining for members Which of these areas do you feel should be a priority for the HMC in the first few years?

Answered: 77 Skipped: 2



ANSWER CHOICES	RESPONSES	
Harbour engineering and protection works?	64.94%	50
Improving facilities for marine users	10.39%	8
Improving facilities for visitors	0.00%	0
Improvements to the environment – including the access road.	10.39%	8
Promoting the harbour to visitors	0.00%	0
Improvements to the caravan site	6.49%	5
Training for members	2.60%	2
TOTAL		77

Q7 How can we ensure that the public are better aware of the committee's work?

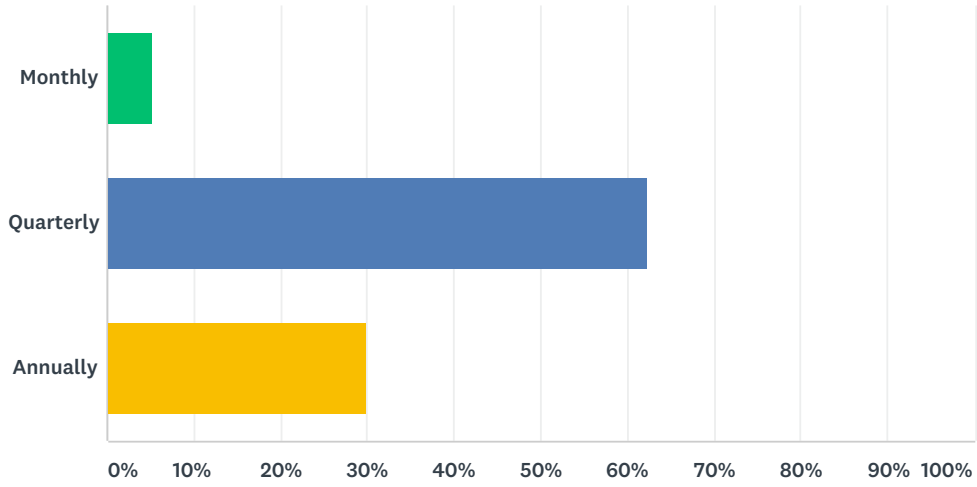
Answered: 73 Skipped: 6

Q8 Where should meetings be held?

Answered: 70 Skipped: 9

Q9 How often should financial information be reported

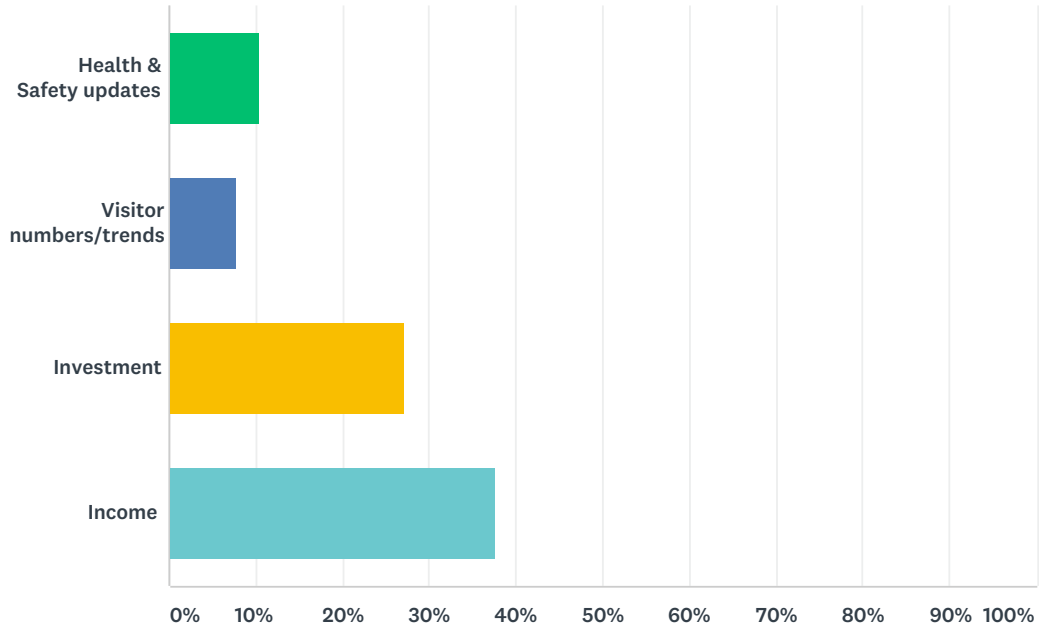
Answered: 77 Skipped: 2



ANSWER CHOICES	RESPONSES	
Monthly	5.19%	4
Quarterly	62.34%	48
Annually	29.87%	23
TOTAL		77

Q10 What other performance information be made public?

Answered: 77 Skipped: 2



ANSWER CHOICES	RESPONSES
Health & Safety updates	10.39% 8
Visitor numbers/trends	7.79% 6
Investment	27.27% 21
Income	37.66% 29
TOTAL	77

Response to East Suffolk District Council's Consultation Southwold Harbour

**Prepared and Submitted by
David Palmer, October 2019**

1 Introduction

This response has been based on documents published on-line by East Suffolk District Council on its web page "Southwold Harbour>>East Suffolk District Council" in October 2019, namely:

- Consultation circular
- Memorandum of Understanding
- Minutes of meeting for comments
- Outline Business Case
- Public Consultation Explanatory Document
- Terms of Reference

I have extensive knowledge of the study, planning, construction, operation, maintenance and management of ports and harbours over a period of 50 years as a professional Chartered Civil Engineer:

As a Southwold Town Councillor and Member of the Joint Harbour Lands Committee during the period May 2015 to May 2019 and Technical Advisor to the Blyth Estuary Partnership, I have been involved in the development of both managerial and technical options for ensuring the well being of Southwold Harbour for the past four years.

2 Harbour Management Committee (HMC)

Section 3 of Appendix 1 to the Public Consultation Explanatory Documents proposes that the HMC be comprised of 11 members, 6 of which shall be elected ESDC Cabinet Members nominated by the ESDC Cabinet and 5 non-elected Members co-opted for the skills and expertise that they can bring to the HMC. Section B of Annex 4 to the Draft MoU proposes that "at least one co-opted Member of HMC should be a Member of Southwold Town Council".

This proposed form and composition substantially ignores and undermines the spirit, understanding and accord reached at the public JHLC and WDC/STC meetings in February and March 2019. These and prior meetings recognised the need for near parity between elected Members of ESDC, STC and independent non-elected persons appointed to the HMC. The proposed ratio of 6:1:4 is far from near parity. It is appreciated that ESDC, as the putative "owner" of the SHL, needs to protect its own interests, particularly financial interests, but it can do that anyway at Cabinet level by enshrining in the MoU, the aims and objectives to which the HMC must adhere. These aims and objectives were discussed and agreed by WDC and STC during the consultation period earlier this year, but have not been incorporated in the MoU.

Section 3 of Appendix 1 to the Public Consultation Explanatory Documents also states that the Chair and Vice Chair of the HMC shall be elected Members of the ESDC Cabinet. Why? This just adds a double lock to the control that ESDC has over the HMC and is completely unnecessary. Surely is it not for the HMC to elect its own Chair and Vice Chair based on who it considers to be the most suitable?

In my opinion, the form and composition of the proposed HMC are wholly inappropriate. During formal and informal discussions earlier this year, a variety of preferences were put forward for both the number and ratio of HMC Members, ranging from 2 ESDC:2 STC:2:1 non-elected co-ops (a total of 5) to non-elected Co-opted to 4ESDC:4STC:4 non-elected co-ops (a total of 12). I believe that 5 is too few and 12 is too many and would like to see a maximum of 9 HMC members comprising 3 ESDC: 3 STC: 3 Stakeholders. This would recognise the different (primary) interests of the ESDC (financial resources and potential liabilities), STC (Southwold's community and well-being) and Stakeholders (Harbour operations and maintenance). I recognise that the above use of the word "Stakeholders" in lieu of "non-elected co-opted members" may be contentious. However, in my view the value of local knowledge and experience of regular users of the facilities that the Harbour Lands offer outweighs the risks provided they are carefully selected. Whatever the combination, the HMC should be free to engage specialist non-voting advisers to assist on matters outside the HMC's competence.

I also think that the proposed selection process is an ambiguous muddle and needs re-considering. (See Section 3 of Appendix 1 to the Public Consultation Explanatory Document and Sections B & C of Annex 4 to the MoU). Under these proposal, the elected members of the HMC shall be nominated and appointed by the ESDC Cabinet. This implies that any STC member(s) shall also be nominated and appointed by ESDC Cabinet, notwithstanding that STC members are classed as non-elected co-opted members in Section B1 of Annex 4. This is unacceptable. STC must be allowed to select its own nominations. It is proposed that each non-elected co-opted member will be appointed through an (unspecified) selection assessment process and recommended to the ESDC Cabinet for appointment. Recommended by whom? And should not all prospective candidates, elected or non-elected, ESDC, STC or co-opted, be subject to prior assessment of their "skills, knowledge, experience and commitment on matters including but not limited to the following..." as listed in Section C para 1 of Annex 4 to the MoU. And should not the list specifically include risk, both financial and technical?

3 Works outside the limits of the Harbour Lands

Ashfords' comments regarding "*Works outside the harbour limits/Drainage & Flood Defence works*" in their Public Consultation Explanatory Document effectively drive a horse and cart through the reassurances ESDC gave the JHC, STC and BEP about the need to incorporate provision for such works in the MoU and the aims and objectives. Ashfords' have taken the view that under current legislation "*the statutory harbour authority [ESDC] function and harbour funds are not responsible or indeed authorised to carry out or fund works that are essentially required for flood defence purposes*" and that "*A Harbour Revision Order application would therefore need to be made to authorise such expenditure and activities if considered appropriate in future. However, there is no guarantee any such application would be successful*"

Southwold Harbour Consultation Response

As ESDC, JHC, STC and BEP are all well aware, the Environment Agency has already or is about to cease any repair and maintenance of flood defences upstream of the bailey bridge and will cease to do so downstream of the bailey bridge by 2030. As ESDC, JHC, STC and BEP are also well aware, the hydrodynamic regimes of the harbour and estuary are totally interdependent; if the flood defences fail, so will the harbour. Repair and maintenance of the flood defences upstream of the bailey bridge are needed as a matter of the highest priority in order to safeguard the future well-being of the harbour. Unless either the EA or other such agency can be persuaded to undertake the necessary work within the very near future or an appropriate Harbour Revision Order can be obtained equally quickly which allows such repair and maintenance to be undertaken by SHA (ESDC) then there seems little point in ESDC investing public money in the repairs, improvements and maintenance harbour assets under its jurisdiction.

I do not have solution to this, but it seems to me that the ESDC and HMC ToR and MoU should include a requirement to address this issue as a matter of priority.

David Palmer
31 October 2019

cc: Kerry Blair, ESDC Head of Operations kerry.blair@eastsoffolk.gov.uk
Lesley Beavor, Southwold Town Clerk, townclerk@southwoldtowncouncil.com
Will Windell, Joint Chair JHLC, willshindig@gmail.com

Approved at WPC meeting on 11 November 2019

WPC RESPONSE TO SOUTHWOLD HARBOUR CONSULTATION

East Suffolk District Council is carrying out a consultation on the structure of the Southwold Harbour Management Committee (HMC) that was agreed in May 2019. A document prepared by a legal consultant to East Suffolk has suggested an HMC that consists of 11 members – 6 of which are East Suffolk District Councillors and 5 from outside. Further, they proposed that in the first year, 4 of the 5 external members would be from Southwold Town Council.

Walberswick Parish Council, in agreement with other local Councils and groups, oppose this management structure. It is contrary to the commitment made through the earlier consultation to make the HMC focused on the future of the Harbour and serving the interests of the local community, rather than being driven by the District Council which has, in the past, used its ownership of the Harbour as an income generating asset for Waveney rather than using the monies earned at the Harbour to invest in the needed infrastructure to keep the Harbour functional and in service to the local community.

Given that East Suffolk District Council retains the authority to make all spending decisions on the Harbour above £25,000, WPC feels strongly that the HMC should operate as an independent advisory committee to help advise the District Council in taking decisions that ensure the Harbour's future sustainability. Therefore, as had been expected after the previous consultation, we would recommend that the majority of HMC membership NOT be District Councillors, but rather be representative of the local communities that are directly associated with the Harbour. We would propose the following for the 11 member HMC:

- TWO cabinet members from the District Council, one of whom would have the Chairmanship of the Committee. Vice Chair should be selected from amongst the other Committee members.
- THE DISTRICT WARD MEMBER for Southwold
- FOUR Local Council members consisting of ONE EACH from the four local Councils whose boundaries are directly associated with the harbour: That is Southwold, Walberswick, Reydon and Blythburgh
- ONE member from the Blyth Estuary Partnership
- THREE members co-opted from amongst harbour users chosen for particular knowledge and/or with specific technical qualifications related to the Harbour.

In choosing Councillor membership from among the local Councils, attention should be paid to the need for skills in financial management, organisational management, marine or maritime expertise.

In response to the remainder of the consultation questions:

1. How long should members be appointed for? Initially 3 years, with right for reappointment. Over time, reappointment should be staggered so that the HMC retains continuity from year to year.
2. Are their comments on the Business Plan? Consideration of the business plan should be the first priority of the HMC.
3. How can the public be involved? By having a broader based membership of the HMC, as proposed above, there will be good public and user voice. On the other hand, an HMC dominated by the East Suffolk District Council precludes a meaningful public voice.
4. Proposal to have at least one public meeting per year. Yes. Could be done at a time when accounts are made public.
5. How should financial and performance information be made available? Per above. A decision on the content should be an early priority of the HMC.

Lacey Crowe

From: Coral Spence <admin@southwoldtowncouncil.com>
Sent: 19 November 2019 15:10
To: Kerry Blair
Subject: Southwold Harbour Consultation
Attachments: Southwold Harbour Consultation Response.pdf

Hello Kerry

See response attached.

Kind Regards
Coral

Southwold Town Council
Town Hall
Southwold
IP18 6EF

Tel: 01502 722576

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Questions for consultation

In May 2019, Ashfords LLP (Ashfords) were instructed to advise on the appropriate constitution for the proposed Southwold Harbour Management Committee (HMC) to enable governance improvements in line with the key principles in the consultation document from June 2014 and the Ports Good Governance Guidance (PGGG) issued by the Department for Transport.

In June 2019, Ashfords produced an explanatory note and their draft constitution for the HMC, comprising draft Terms of Reference and a draft Memorandum of Understanding, all as published with this circular and available as part of the consultation.

On the basis of these proposals, the Joint Committee is carrying out this consultation. The JC keeps an open mind, but has questions and reservations about the draft constitutional documents produced by Ashfords and will need to consider them carefully, together with the results of this public consultation exercise, when it meets again (probably in November 2019) to decide on the way forward, and may decide to recommend changes.

The results of this consultation will be considered by the Joint Committee before making final recommendations.

Membership

- 1. The legal advice that we have received is that the HMC is made of 11 external members. ~~Six~~⁴ of these will be East Suffolk Councillors and 5 others will be members from outside the District Council.. *Following the meeting in June, it has been suggested that in the first year ~~four~~² of those external members are Southwold Town Councillors.* Subsequent elections would allow members from outside the

Town council to join the HMC. Do you support this proposal? ~~Yes~~/ No. Free as you format.

comments

- There should be more people connected to Southwold Harbour complex, than councillors
- 4 MAX East Suffolk Cllrs? The committee of 6 East Suffolk Cllrs is too many, it has to be balanced and know the problems of the River
- 3. Harbour Area
- 2. Carewair Park
- 2. Southwold Cllrs
- 1. GLOVED R.N.A.I.

2. How do we ensure that there is a strong local voice on the HMC? Free comments

Have a balanced Committee not all Cllrs

3. What skills and experience do you consider to be important when selecting committee members?

a. Financial management *Exer Suffolk Cllr*

b. Organisational management

2 c. Local authority

3 d. Marine and maritime

e. Leisure user

2. f. Other (Free Comment) CARAVAN PARK The Committee must know the area and problems

4. How long should members be appointed for?

a. One year

Change over should be staggered. not all change together.

b. Two years

c. Three years

d. *Other 4 yrs.*

Priorities

5. Do you have any comments on the priorities in the attached outline Business Plan?

Free Comment

6. Which of these areas do you feel should be a priority for the HMC in the first few years?

1 a. Harbour engineering and protection works?

2 b. Improving facilities for marine users

4 c. Improving facilities for visitors

- 5 d. Improvements to the environment – including the access road.
- 6 e. Promoting the harbour to visitors
- 3 f. Improvements to the caravan site
- g. Other

Meetings and Information

Publicity not computer

- 7. How can we ensure that the public are involved in meetings? **(Free Comment)**
- 8. Where should meetings be held? **(Free Comment)** *St Edmunds Hall*
- 9. The proposal is to hold at least one meeting per year in public. Is this sufficient?

(Free Comment)

- 10. What financial information should be made available to the public? **(Free comment)** *All.*
- 11. How would you like to see financial information reported? **(Free Comment)** *@ open meeting with minutes*
- 12. Should other performance information be made public? **(Free Comment)** *Yes.*



SOUTHWOLD AND REYDON SOCIETY
Protecting the character and amenities of Southwold & Reydon

SOUTHWOLD HARBOUR LANDS
EAST SUFFOLK COUNCIL PROPOSALS FOR A HARBOUR MANAGEMENT COMMITTEE

RESPONSE TO QUESTIONS FOR CONSULTATION OCTOBER 2019 FROM THE SOUTHWOLD AND REYDON SOCIETY REPRESENTING 400 RESIDENTS IN OUR COMMUNITY

Question 1 – membership
Do you support the proposal?

We do not support the proposal for the reasons set out below.

Ashfords LLP (Ashfords) advice to East Suffolk Council (ESC) was that the Harbour Management Committee (HMC) should consist of eleven members, six from ESC Cabinet, and five Co-opted members, of whom at least one should be from Southwold Town Council (STC). This has subsequently been slightly revised to suggest that in the first year, four of the Co-opted members should be from STC.

We do not agree with the suggested constitution of the HMC in either scenario.

Fundamentally, we do not agree with ESC having a majority on the HMC. We know that ESC is anxious that it should have control, but we do not consider that this should be an issue here. ESC's predecessor gave a "categorical" assurance that the harbour lands would never be sold, and we know that income from the harbour lands must be ring-fenced and reinvested in the harbour lands. All members of the HMC must act in the best interests of the harbour. Once on the HMC, they have a duty to act for that body and not to represent their own particular group or interests. Other Local Authorities run HMCs on an equal membership basis, maintaining control through good governance and collaboration. Surely this is the right model with which to proceed. We are sure ESC would not propose to do anything regarding the harbour lands that would be contrary to the interests of harbour representatives and users?

We believe that the argument for equal representation on the HMC is supported by the following:-

- the Municipal Ports Review, the predecessor to the Ports Good Governance Guidance (PGGG), expressly recommended parity of numbers between councillors and independent members
- the PGGG's recommendation is that the HMC should ideally comprise approximately 50% local authority elected members – these do not all have to be councillors, they can be co-opted representatives appointed by the local authority – plus external members who are



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stakeholder representatives or individuals with valuable skills and experience. In this way, you can achieve a HMC with the necessary expertise to successfully run and manage the harbour lands.

- the HMC which Ashfords use as an example of best practice is Cornwall Council Harbours Board. It has an equal number of elected and non-elected members, all of whom have voting rights. Cornwall Council Harbours Board consists of six Councillors and six Independent Board Members, appointed following a skills audit. (In addition, there are four non-voting co-opted members who are stakeholder representatives). The current Independent Board Members are from local businesses, from the Marine Safety Group, and one fisherman/RNLI crew member.
- the PGGG specifically states that no individual can dominate a HMC's decision making, and also that all members must be able to allocate sufficient time to discharge their responsibilities effectively. There must be concern as to whether six members of ESC Cabinet would be able to devote sufficient time to a HMC, given their other responsibilities.
- it meets the overwhelming wishes of the local community, as expressed during the previous consultation exercise. The majority of consultee responses were that any HMC should be made up of a broad range of local people including Southwold Town Councillors and local stakeholders (including the users of the harbour and the caravan site and that WDC should not have a major role. In the words of one consultee "If this proposal puts management into local hands then we are for it". We could find only one response saying that control should not be with a HMC without a veto by WDC on major decisions. The vast majority stressed the importance of local and STC involvement if they were to agree to a HMC.
- equal representation is in compliance with the recommendations of the PGGG

We would suggest that the composition of the HMC should be as follows:

2 ESC, including the Chairman

1 ESC Ward Councillor

1 STC

4 independent members including financial, marine, land owner, business

There should be dispensation for anyone with a pecuniary interest in the Harbour, as with Salcombe HMC.

Question 2 – how do we ensure there is a strong local voice on the HMC?

By ensuring, in accordance with the PGGG, that there is equal representation of local authority members and independent members on the HMC.

We believe that the constitution suggested above would ensure the strong local voice that is so important to the local community.



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If it was felt that more local people should be involved, non-voting co-opted members could be appointed to represent further stakeholder groups (as in the Cornwall example). Alternatively, a separate stakeholder committee could be formed to provide stakeholder views to the HMC – such an advisory group of other stakeholders could assist in decision making.

Question 3 – what skills and experience are important when selecting committee members?

Organisational skills are important, but there should be particular emphasis on marine and maritime skills and financial management, given that the purpose of the HMC is to successfully run, manage, maintain and develop a working harbour and river. It is critical that committee members have experience in running the caravan site, since it provides the majority of the revenue for the harbour lands.

Business planning is also an important skill – the HMC must be savvy in communication and social media skills to ensure the public is kept informed. This will be extremely important if the HMC needs to be raising funds for improvements down the Blyth Estuary. The issue of a business plan for the harbour, caravan park and use of the camping fields is also key.

The representatives from ESC and STC would provide local authority experience.

The Harbour Master would have access to the HMC and be able to give advice.

Harbour users, both business and recreational, plus individuals with experience of the Blyth Estuary should all be included, either on the HMC itself, or on a separate stakeholder committee as envisaged above.

Representatives from statutory authorities, e.g. Environment Agency, would provide valuable skills.

Question 4 – how long should members be appointed for?

d. Other

Three years, but on a rolling programme to ensure continuity of membership to the HMC.

We do not agree with the transition period for independent members, as suggested in the Terms of Reference, as we do not see how this would achieve continuity among these vital members of the HMC who are appointed for their skills and expertise.

Question 5 – do you have any comments on the priorities in the outline Business Plan?



SOUTHWOLD AND REYDON SOCIETY

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We would comment on the Business Case Outline as follows:

- it is not accepted that ESC is the 'Corporation' under the 1933 Order, as that would imply that the harbour and harbour undertaking is vested in ESC under the Order. That remains a contentious issue, which is why the question of ownership had been left in abeyance in previous negotiations regarding the harbour lands. If we look at the resolutions that formed the Joint Committee, both WDC and STC acknowledged "that there are various complex historical and current issues that prevent any simple transfer or devolution of Southwold Harbour and its associated lands to any existing or other body". That is as true now as it was in 2014.
- The Business Case refers to financial statements, but none are included in the document. We understand that ESC is in the process of developing a business plan for the caravan site. Further, the results of the model survey on the Harbour and Blyth Estuary, which has been authorised, is critical to establishing what is required.
- the Outline states "Revenue from Southwold Harbour is retained for use in its operation" in accordance with article 39. This is pleasing, as a number of documents have referred only to 'surplus' income being retained for use in the harbour lands, which is not what article 39 says.
- we fundamentally disagree with the statement that the HMC's budget "will be a fairly modest one for day to day matters". The HMC is the body responsible for management of the harbour, and it should have the budget to enable it to perform its functions. Harbour revenues are applied in accordance with article 39 of the 1933 Order, i.e. they are ring-fenced and can only be used for the benefit of the harbour, and they should be managed and applied by the HMC. In accordance with the PGGG, the harbour revenues should be protected in an assured account, and be kept separate, thereby allowing the HMC to both plan for the long term and also to cope with unexpected events where funds are required at short notice. The HMC is best placed to allocate its budget to discharge its functions – this should not be within the power of ESC. The HMC should not be required to seek ESC approval every time it needs to incur expenditure or take action – the whole point is that it is responsible for the operation of the harbour.
- the five year business plan should be updated every twelve months.
- there is no acknowledgement of the "categoric" assurance given by WDC that the harbour lands, including the caravan site, will never be sold and that this is something that would be written into any agreement. It is vital that this categoric assurance, in writing, is given.

Question 6 – which areas should be a priority for the HMC in the first few years?

- a. harbour engineering and protection works, and
- g. other – namely, works to maintain the Blyth Estuary



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There is no point improving facilities for visitors and marine users if the harbour and estuary are not maintained and protected. The maintenance of flood protection in the estuary is vital to the continued viability of the harbour itself. This mutual interdependence was acknowledged by WDC – Mark Bee explained at the public meeting on 6th February 2019 that WDC had commissioned a computer model to assess the scale of investment and what would be required to keep the harbour open to businesses and visitors. In answer to a question regarding the estuary, he stated “this gives an opportunity for investment in the Blyth – need to ensure there is maintenance and the proper programme for all of that estuary”. The survey was to “go all the way back and possibly onto the other side of the A12”. He wanted “to ensure that the harbour is a viable harbour for the next 30-40 years”.

Many of the consultee responses emphasised the need for the Blyth Estuary to be maintained, in order to keep the harbour open.

We were therefore concerned to read Ashford’s advice that it would not be a lawful use of harbour funds “to finance drainage or flood defence works or other improvements to the Blyth Estuary not within the harbour limits or related to the harbour undertaking”.

We believe this interpretation fails to recognise the interdependence of the harbour and the Blyth Estuary, and the necessity to maintain the latter to ensure the viability of the former. The works to the Estuary are “related to the harbour undertaking” because without them, there is a real risk that the harbour undertaking will cease to exist. The sooner the HMC is set up, with a constitution and governance that ensures it is effective, the sooner it can begin to address the vital issue of interdependency.

We do not see, as Ashfords argue, that article 13 of the 1933 Order makes it clear that drainage and flood defence are a separate responsibility to the Statutory Harbour Authority function. Article 13 provides that if the Corporation desires to execute any works within the limits of the Order which may affect the main channel of the River Blyth, they shall give 28 days notice in writing to the East Suffolk Rivers Catchment Board. If anything, does this not suggest that the harbour and the River Blyth are interdependent?

Further, is there not a general duty on a Statutory Harbour Authority to conserve and facilitate the safe use of the port and to keep the harbour open?

Article 12 of the 1933 Order gives the Corporation under the Order power to “maintain alter improve and extend the harbour undertaking and in connection therewith may construct alter and improve embankments walls...and other works and conveniences which may be found necessary”.

Question 7 – how to ensure the public are involved in meetings?



SOUTHWOLD AND REYDON SOCIETY

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The PGGG stresses the importance of operating in an open, transparent and accountable way, with a range of information available to stakeholders and with meetings open to the public.

Keep the public informed of the actions and decisions of the HMC through an active website and the use of social media.

Ensure that minutes of HMC meetings, reports and accounts are all readily accessible so that the public can feel informed and be able to understand what is going on in meetings.

Provide a forum for the public to make comments and ask questions.

Publicise meetings properly on the website, in the local press and on social media.

Allow members of the public to speak in meetings.

Question 8 – where should meetings be held?

In a venue large enough to allow the public to attend, in Southwold as we are talking about Southwold Harbour.

Question 9 – is one meeting per year in public sufficient?

Why not every meeting in public, in the interests of openness and transparency, as Town Council meetings with the opportunity to speak? Why not twelve meetings per year with one AGM held in public also?

Question 10 – what financial information should be made available?

Under the Harbours Act, a local authority statutory harbour authority is required to submit accounts and reports to the DfT in the format required for businesses submitting accounts to Companies House, and these should be available for public inspection. So, commercial style accounts should be produced, in accordance with the PGGG.

Following the practice at Cornwall, an Annual Report should also be made available, which inter alia details the monitoring of the annual budget. Total expenditure, income and contribution to reserves should be clearly laid out.

Question 11 – financial information could be published in the annual report, and on the HMC website.



Further Comments

Draft Terms of Reference

We are concerned that the draft Terms of Reference (ToR) in their current form are too prescriptive and could restrict the ability of the HMC to carry out its functions in connection with the Southwold Harbour Lands (SHL).

Some particular points of concern are as follows:

1.1 – for the reasons set out in our consultation response, we do not agree with the inclusion of the statement that ESC is the Owner of the SHL.

2.2, 2.3, 2.7 – for the reasons set out in our consultation response, we do not agree with the proposed restrictions on the HMC's powers to manage the financial matters of the SHL. We believe that the HMC is best placed to set charges, approve annual budgets, monitor and vary expenditure as appropriate, monitor the harbour reserve funds and so on.

2.4, 2.5, 2.6 – limiting the ability of the HMC to make decisions regarding assets could adversely restrict the its ability to act effectively as the strategic body for the management of the SHL.

Any provision regarding asset disposal has to be read in conjunction with the express assurance given by both Waveney District Council and Southwold Town Council that no part of the SHL, which includes the caravan site, is to be sold.

2.10 – the HMC should be free to approve and publish plans, including the business plan, and address any issues relating to performance.

3.1 ff. – for the reasons set out in our consultation response, we do not agree with the proposed composition of the HMC.

As the Chair is to be from ESC, we do not believe that the Vice Chair should also be from the same local authority.

Draft Memorandum of Understanding

We cannot comment fully on the draft Memorandum of Understanding (MoU) at present, as a number of important Annex sections are blank.

We do, however, have concerns that the MoU in its current form is unnecessarily prescriptive, going beyond the PGGG suggestion of recommended ground rules for a framework between ESC and the HMC.



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We wonder if, perhaps, this is due to the draft following so closely the MoU of the Cornwall Harbours Board, which is of course responsible for ten different harbours and so is a much larger undertaking.

SHL is a different proposition, and deserves a MoU that reflects its particular circumstances - for example the existence of the caravan site within the SHL that generates a substantial income for the SHL, the interdependence of the Harbour and the Blyth Estuary and so on.

Our major concern at this stage regarding the MoU is that it could limit the ability of the HMC to operate effectively as a result of the restrictions it places on, inter alia, the HMC's powers to determine its budget, its decision making processes and its activities in connection with the SHL.

We feel that a major advantage of a HMC is that it has members with the skills, expertise and experience required to effectively manage the harbour and deliver against the business plan. It needs to be allowed to get on with it. We worry that if too many decisions (such as the setting of harbour charges, the drawing up of policies and plans including the business plan, obtaining specialist services etc.) are all subject to review and determination by Cabinet, it will cause delays and render the HMC less effective. It is, after all, the HMC that is established under the PGGG to govern the SHL.

On a couple of specific points, we take issue with the statement regarding ownership, for the reasons set out in our consultation response, and we reserve the right to comment on the Asset Register, which we hope would be finalised before the HMC is in place since it is a critical element of the MoU.

We would like to see, in connection with the establishment of assured accounts, a specific acknowledgement that all harbour revenues (including revenue from the caravan site) and capital monies are assured, to allow for the maintenance, upkeep and improvement of the SHL, including, if possible, the Blyth Estuary.

Lacey Crowe

From: David Beavan
Sent: 28 November 2019 17:43
To: Kerry Blair; Philip O'Hear
Cc: Windell Will; Ian Bradbury - Southwold Town Council; Town Clerk - Southwold Town Council
Subject: RE: Southwold Harbour

Hello Kerry,
Can you take this as my submission as well as I totally agree with this?
Thanks
David

From: Kerry Blair <Kerry.Blair@eastsoffolk.gov.uk>
Sent: 28 November 2019 15:52
To: Philip O'Hear <ohearp@gmail.com>
Cc: Windell Will <willshindig@gmail.com>; Ian Bradbury - Southwold Town Council <cllrbradbury@southwoldtc.com>; Town Clerk - Southwold Town Council <townclerk@southwoldtowncouncil.com>; David Beavan <David.Beavan@eastsoffolk.gov.uk>
Subject: RE: Southwold Harbour

Thank you, Philip

We will include this submission – as well as the online response – as part of the feedback and recommendations

Regards

Kerry



Kerry Blair | Head of Operations

East Suffolk Council
01502 523007 | 07725 498017
www.eastsuffolk.gov.uk

East Suffolk Council is a new district authority which, from April 2019, delivers services for the residents, businesses and communities previously served by Suffolk Coastal and Waveney District Councils

From: Philip O'Hear <ohearp@gmail.com>
Sent: 28 November 2019 14:59
To: Kerry Blair <Kerry.Blair@eastsoffolk.gov.uk>
Cc: Windell Will <willshindig@gmail.com>; Ian Bradbury - Southwold Town Council <cllrbradbury@southwoldtc.com>; Town Clerk - Southwold Town Council

<townclerk@southwoldtowncouncil.com>; David Beavan <David.Beavan@eastsoffolk.gov.uk>

Subject: Southwold Harbour

Dear Mr Blair,

Please find attached the response to the current consultation on the Management of Southwold Harbour Lands from the Southwold and Reydon Society which represents some 400 residents in our community. We have followed the questions in your questionnaire but also added further comments. We would be pleased to discuss our concerns and ideas should you wish.

With best wishes

Philip O'Hear
Secretary, Southwold and Reydon Society,
Rowan Croft, Rissemere Lane East, Reydon, Southwold, Suffolk, IP18 6SW
07958 571554

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Lacey Crowe

From: bill@boxtrees.com
Sent: 28 November 2019 20:02
To: Kerry Blair
Subject: Southwold harbour consultation
Attachments: SRS Response to Harbour Consultation Nov 2019 copy.docx; SRS Key Issues in HMC Consultation Nov 2019 copy.docx

Hello Kerry,

We would like to say that we agree with the response from the Southwold and Reydon Society, as detailed in the attached documents.

Best Regards,

Aileen and Bill Irving,
Reydon Grange,
Mardle Road,
Wangford,
Beccles
NR34 8AU

Click [here](#) to report this email as spam.

From: John Huggins <john_huggins@btinternet.com>
Sent: 28 November 2019 20:43
To: Kerry Blair
Subject: Management of Southwold Harbour

Good morning Kerry

Response to Questions for consultation

In May 2019, Ashfords LLP (Ashfords) were instructed to advise on the appropriate constitution for the proposed Southwold Harbour Management Committee (HMC) to enable governance improvements in line with the key principles in the consultation document from June 2014 and the Ports Good Governance Guidance (PGGG) issued by the Department for Transport.

In June 2019, Ashfords produced an explanatory note and their draft constitution for the HMC, comprising draft Terms of Reference and a draft Memorandum of Understanding, all as published with this circular and available as part of the consultation.

On the basis of these proposals, the Joint Committee is carrying out this consultation. The JC keeps an open mind, but has questions and reservations about the draft constitutional documents produced by Ashfords and will need to consider them carefully, together with the results of this public consultation exercise, when it meets again (probably in November 2019) to decide on the way forward, and may decide to recommend changes.

The results of this consultation will be considered by the Joint Committee before making final recommendations.

Membership

1. The legal advice that we have received is that the HMC is made of 11 external members. Six of these will be East Suffolk Councillors and 5 others will be members from outside the District Council. **Following the meeting in June, it has been suggested that in the first year four of those external members are Southwold Town Councillors.** Subsequent elections would allow members from outside the Town council to join the HMC. Do you support this proposal? **No. Free comments**

Response 1 The proposal to create a HMC comprising eleven members is frankly absurd.. Southwold Harbour is a comparatively small operation which has been effectively managed for the last five years by a committee of five people; Kerry Blair (WDC) , Councillor Sue/Allen Ian Bradbury(STC) , Councillor Simon Flunder (Vice Chair SHRBUA), Councillor David Beavan (District Councillor), and Graham Hay Davison (Chairman SHRBUA) with the co-operation and active involvement of Peter Simmons/Jerry Hilder (Harbourmaster) and secretarial input from WDC in the form of Lucy Bellingham. This committee has only ever been advisory; bringing to the attention of WDC issues that required addressing for the proper day to day management of the Harbour . Replacing this committee with an HMC of eleven members with six members appointed from the ESC Cabinet , all drawing attendance fees and expenses (to include, on a permanent basis, the committee Chairmen and Vice-Chairman) with five more nominated by ESC appears to exclude any right of STC to have an equal or, for that matter, any representation on the committee.

- 2 How do we ensure that there is a strong local voice on the HMC? **Free comments**

Response 2 A strong local voice can only be provided by STC having the RIGHT to appoint one or more STC Councillor, (or equal and approved), to the committee. As the proposal stands STC have no rights in the matter at all. Once it becomes clear to the eleven appointees that the HMC is purely advisory and has no executive powers whatsoever and members must defer in all matters to the Chairman and Vice-Chairman (both appointed on a permanent basis by ESC) and the whole exercise is completely pointless and geared solely to the objective of ESC in gaining sole control of harbour revenues, interest will wane and attendance at meetings will fall away.

- 3 What skills and experience do you consider to be important when selecting committee members?
 - a. Financial management

- b. Organisational management
- c. Local authority
- d. Marine and maritime
- e. Leisure user
- f. Other (Free Comment)

Response 3f Southwold can provide the following experience in individuals who have expressed a willingness to stand and give the benefit of their experience and wisdom to the Committee in the following fields. :-

Accounting and Financial Management

Riparian Ownership and Business Management

Valuation Surveying and Property Management

Master Mariner, yacht master and ESC Councillor.

Technical Statistician and Surveying of the Estuary

Local Practising Solicitor.

What skills are being offered by the nominated ESC cabinet appointees to the HMC other than the ability to secure public office?

4 How long should members be appointed for?

g One year

h Two years

j Three years

k Other

Response 4 Three years

Priorities

5 Do you have any comments on the priorities in the attached outline Business Plan? Free Comment

Response 5 *The outline business plan is largely a self-vaedictory plagiarism of other people's efforts. The lack of a proper business plan that has been requested from the very beginning of this exercise hinders any proper appreciation of the financial consequences of the ESC proposals leaving them with limitless flexibility and us in the dark. The priorities for the future management of the harbour are well known and have largely been ignored for years. The work of the HMC is only advisory and ESC will simply continue to ignore/defer urgent maintenance as they have with the North Pier fendering which was considered urgent three/four years ago for whatever reason but has been deferred every year including this one. As the HMC is only advisory I can see no improvement in the current proposals.*

6 Which of these areas do you feel should be a priority for the HMC in the first few years?

g. Harbour engineering and protection works?

h. Improving facilities for marine users

i. Improving facilities for visitors

j. Improvements to the environment - including the access road.

k. Promoting the harbour to visitors

l. Improvements to the caravan site

m. Other

Response 6 *Selecting the order in which the foregoing concepts are ordered is just a wish list exercise in the absence of a business plan. Items g and h are obvious priorities, the rest seem to be drafted by one who has lost sight of the fact that this is a harbour and not a theme park*

Meetings and Information

2. How can we ensure that the public are involved in meetings?

(Free Comment)

By making all meetings accessible and audible to the public. Meetings behind closed doors disseminate distrust and resentment.

3. Where should meetings be held?

(Free Comment)

At the Harbour, preferable in the Sailing Club. Holding Harbour meetings off-site is a non-starter if you seek public participation.

4. The proposal is to hold at least one meeting per year in public. Is this sufficient? **(Free Comment)**

Absolutely not.! Meetings must be held on a monthly basis until the backlog of repairs/maintenance is tackled. All meetings must be open to public attendance

5. What financial information should be made available to the public?

(Free comment)

This is public money and the public are entitled to receive financial summaries and ask questions thereupon.

6. How would you like to see financial information reported?

(Free Comment)

Accurately.

7. Should other performance information be made public?

(Free Comment)

Without performance indicators this would be largely meaningless.

Kind regards
John Huggins
56 Hotson Road
Southwold
IP18 6BP

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From: info@gilldavies.co.uk
Sent: 02 December 2019 13:10
To: Kerry Blair
Subject: Harbour consultation

Question 1 – membership

Do you support the proposal?

I do **not** support the proposal for the reasons set out below.

Ashfords LLP (Ashfords) advice to East Suffolk Council (ESC) was that the Harbour Management Committee (HMC) should consist of eleven members, six from ESC Cabinet, and five Co-opted members, of whom at least one should be from Southwold Town Council (STC).

This has subsequently been slightly revised to suggest that in the first year, four of the Co-opted members should be from STC.

I do not agree with the suggested constitution of the HMC in either scenario.

Fundamentally, I do not agree with ESC having a majority on the HMC. We know that ESC is anxious that it should have control, but we do not consider that this should be an issue here. ESC's predecessor gave a "categoric" assurance that the harbour lands would never be sold, and I know that income from the harbour lands must be ring-fenced and reinvested in the harbour lands. All members of the HMC must act in the best interests of the harbour. Once on the HMC, they have a duty to act for that body and not to represent their own particular group or interests. Other Local Authorities run HMCs on an equal membership basis, maintaining control through good governance and collaboration. Surely this is the right model with which to proceed. We are sure ESC would not propose to do anything regarding the harbour lands that would be contrary to the interests of harbour representatives and users?

I believe that the argument for equal representation on the HMC is supported by the following:-

- the Municipal Ports Review, the predecessor to the Ports Good Governance Guidance (PGGG), expressly recommended parity of numbers between councillors and independent members
- the PGGG's recommendation is that the HMC should ideally comprise approximately 50% local authority elected members – these do not all have to be councillors, they can be co-opted representatives appointed by the local authority – plus external members who are stakeholder representatives or individuals with valuable skills and experience. In this way, you can achieve a HMC with the necessary expertise to successfully run and manage the harbour lands.
- the HMC which Ashfords use as an example of best practice is Cornwall Council Harbours Board. It has an equal number of elected and non-elected members, all of whom have voting rights. Cornwall Council Harbours Board consists of six Councillors and six Independent Board Members, appointed following a skills audit. (In addition, there are four non-voting co-opted members who are stakeholder representatives). The current Independent Board Members are from local businesses, from the Marine Safety Group, and one fisherman/RNLI crew member.
- the PGGG specifically states that no individual can dominate a HMC's decision making, and also that all members must be able to allocate sufficient time to discharge their responsibilities effectively. There must be concern as to whether six members of ESC Cabinet would be able to devote sufficient time to a HMC, given their other responsibilities.
- it meets the overwhelming wishes of the local community, as expressed during the previous consultation exercise. The majority of consultee responses were that any HMC should be made up of a broad range of local people including Southwold Town Councillors and local stakeholders (including the users of the harbour and the caravan site and that WDC should not have a major role. In the words of one consultee "If this proposal puts management into local hands then we are for it". We could find only one response saying that control should not be with a HMC

without a veto by WDC on major decisions. The vast majority stressed the importance of local and STC involvement if they were to agree to a HMC.

- equal representation is in compliance with the recommendations of the PGGG

I would suggest that the composition of the HMC should be as follows:

2 ESC, including the Chairman

1 ESC Ward Councillor

1 STC

4 independent members including financial, marine, land owner, business

There should be dispensation for anyone with a pecuniary interest in the Harbour, as with Salcombe HMC.

Question 2 – how do we ensure there is a strong local voice on the HMC?

By ensuring, in accordance with the PGGG, that there is equal representation of local authority members and independent members on the HMC.

I believe that the constitution suggested above would ensure the strong local voice that is so important to the local community.

If it was felt that more local people should be involved, non-voting co-opted members could be appointed to represent further stakeholder groups (as in the Cornwall example). Alternatively, a separate stakeholder committee could be formed to provide stakeholder views to the HMC – such an advisory group of other stakeholders could assist in decision making.

Question 3 – what skills and experience are important when selecting committee members?

Organisational skills are important, but there should be particular emphasis on marine and maritime skills and financial management, given that the purpose of the HMC is to successfully run, manage, maintain and develop a working harbour and river. It is critical that committee members have experience in running the caravan site, since it provides the majority of the revenue for the harbour lands.

Business planning is also an important skill – the HMC must be savvy in communication and social media skills to ensure the public is kept informed. This will be extremely important if the HMC needs to be raising funds for improvements down the Blyth Estuary. The issue of a business plan for the harbour, caravan park and use of the camping fields is also key.

The representatives from ESC and STC would provide local authority experience.

The Harbour Master would have access to the HMC and be able to give advice

Harbour users, both business and recreational, plus individuals with experience of the Blyth Estuary should all be included, either on the HMC itself, or on a separate stakeholder committee as envisaged above.

Representatives from statutory authorities, e.g. Environment Agency, would provide valuable skills.

Question 4 – how long should members be appointed for?

1. Other

Three years, but on a rolling programme to ensure continuity of membership to the HMC.

I do not agree with the transition period for independent members, as suggested in the Terms of Reference, as I do not see how this would achieve continuity among these vital members of the HMC who are appointed for their skills and expertise.

Question 5 – do you have any comments on the priorities in the outline Business Plan?

I would comment on the Business Case Outline as follows:

- it is not accepted that ESC is the 'Corporation' under the 1933 Order, as that would imply that the harbour and harbour undertaking is vested in ESC under the Order. That remains a contentious issue, which is why the question of ownership had been left in abeyance in previous negotiations regarding the harbour lands. If we look at the resolutions that formed the Joint Committee, both WDC and STC acknowledged "that there are various complex historical and current issues that prevent any simple transfer or devolution of Southwold Harbour and its associated lands to any existing or other body". That is as true now as it was in 2014.
- The Business Case refers to financial statements, but none are included in the document. We understand that ESC is in the process of developing a business plan for the caravan site. Further, the results of the model survey on the Harbour and Blyth Estuary, which has been authorised, is critical to establishing what is required.
- the Outline states "Revenue from Southwold Harbour is retained for use in its operation" in accordance with article 39. This is pleasing, as a number of documents have referred only to 'surplus' income being retained for use in the harbour lands, which is not what article 39 says.
- we fundamentally disagree with the statement that the HMC's budget "will be a fairly modest one for day to day matters". The HMC is the body responsible for management of the harbour, and it should have the budget to enable it to perform its functions. Harbour revenues are applied in accordance with article 39 of the 1933 Order, i.e. they are ring-fenced and can only be used for the benefit of the harbour, and they should be managed and applied by the HMC. In accordance with the PGGG, the harbour revenues should be protected in an assured account, and be kept separate, thereby allowing the HMC to both plan for the long term and also to cope with unexpected events where funds are required at short notice. The HMC is best placed to allocate its budget to discharge its functions – this should not be within the power of ESC. The HMC should not be required to seek ESC approval every time it needs to incur expenditure or take action – the whole point is that it is responsible for the operation of the harbour.
- the five year business plan should be updated every twelve months.
- there is no acknowledgement of the "categoric" assurance given by WDC that the harbour lands, including the caravan site, will never be sold and that this is something that would be written into any agreement. It is vital that this categoric assurance, in writing, is given.

Question 6 – which areas should be a priority for the HMC in the first few years?

1. harbour engineering and protection works, and
2. other – namely, works to maintain the Blyth Estuary

There is no point improving facilities for visitors and marine users if the harbour and estuary are not maintained and protected. The maintenance of flood protection in the estuary is vital to the continued viability of the harbour itself. This mutual interdependence was acknowledged by WDC – Mark Bee explained at the public meeting on 6th February 2019 that WDC had commissioned a computer model to assess the scale of investment and what would be required to keep the harbour open to businesses and visitors. In answer to a question regarding the estuary, he stated “this gives an opportunity for investment in the Blyth – need to ensure there is maintenance and the proper programme for all of that estuary”. The survey was to “go all the way back and possibly onto the other side of the A12”. He wanted “to ensure that the harbour is a viable harbour for the next 30-40 years”.

Many of the consultee responses emphasised the need for the Blyth Estuary to be maintained, in order to keep the harbour open.

I am therefore concerned to read Ashford’s advice that it would not be a lawful use of harbour funds “to finance drainage or flood defence works or other improvements to the Blyth Estuary not within the harbour limits or related to the harbour undertaking”.

I believe this interpretation fails to recognise the interdependence of the harbour and the Blyth Estuary, and the necessity to maintain the latter to ensure the viability of the former. The works to the Estuary are “related to the harbour undertaking” because without them, there is a real risk that the harbour undertaking will cease to exist. The sooner the HMC is set up, with a constitution and governance that ensures it is effective, the sooner it can begin to address the vital issue of interdependency.

I do not see, as Ashford’s argue, that article 13 of the 1933 Order makes it clear that drainage and flood defence are a separate responsibility to the Statutory Harbour Authority function. Article 13 provides that if the Corporation desires to execute any works within the limits of the Order which may affect the main channel of the River Blyth, they shall give 28 days notice in writing to the East Suffolk Rivers Catchment Board. If anything, does this not suggest that the harbour and the River Blyth are interdependent?

Further, is there not a general duty on a Statutory Harbour Authority to conserve and facilitate the safe use of the port and to keep the harbour open?

Article 12 of the 1933 Order gives the Corporation under the Order power to “maintain alter improve and extend the harbour undertaking and in connection therewith may construct alter and improve embankments walls...and other works and conveniences which may be found necessary”.

Question 7 – how to ensure the public are involved in meetings?

The PGGG stresses the importance of operating in an open, transparent and accountable way, with a range of information available to stakeholders and with meetings open to the public.

Keep the public informed of the actions and decisions of the HMC through an active website and the use of social media.

Ensure that minutes of HMC meetings, reports and accounts are all readily accessible so that the public can feel informed and be able to understand what is going on in meetings.

Provide a forum for the public to make comments and ask questions.

Publicise meetings properly on the website, in the local press and on social media.

Allow members of the public to speak in meetings.

Question 8 – where should meetings be held?

In a venue large enough to allow the public to attend, in Southwold as we are talking about Southwold Harbour.

Question 9 – is one meeting per year in public sufficient?

Why not every meeting in public, in the interests of openness and transparency, as Town Council meetings with the opportunity to speak? Why not twelve meetings per year with one AGM held in public also?

Question 10 – what financial information should be made available?

Under the Harbours Act, a local authority statutory harbour authority is required to submit accounts and reports to the DfT in the format required for businesses submitting accounts to Companies House, and these should be available for public inspection. So, commercial style accounts should be produced, in accordance with the PGGG.

Following the practice at Cornwall, an Annual Report should also be made available, which inter alia details the monitoring of the annual budget. Total expenditure, income and contribution to reserves should be clearly laid out.

Question 11 – financial information could be published in the annual report, and on the HMC website.

Further Comments

Draft Terms of Reference

I am concerned that the draft Terms of Reference (ToR) in their current form are too prescriptive and could restrict the ability of the HMC to carry out its functions in connection with the Southwold Harbour Lands (SHL).

Some particular points of concern are as follows:

1.1 – for the reasons set out in our consultation response, I do not agree with the inclusion of the statement that ESC is the Owner of the SHL.

2.2, 2.3, 2.7 – for the reasons set out in our consultation response, we do not agree with the proposed restrictions on the HMC's powers to manage the financial matters of the SHL.

I believe that the HMC is best placed to set charges, approve annual budgets, monitor and vary expenditure as appropriate, monitor the harbour reserve funds and so on.

2.4, 2.5, 2.6 – limiting the ability of the HMC to make decisions regarding assets could adversely restrict its ability to act effectively as the strategic body for the management of the SHL.

Any provision regarding asset disposal has to be read in conjunction with the express assurance given by both Waveney District Council and Southwold Town Council that no part of the SHL, which includes the caravan site, is to be sold.

2.10 – the HMC should be free to approve and publish plans, including the business plan, and address any issues relating to performance.

3.1 ff. – for the reasons set out in our consultation response, I do not agree with the proposed composition of the HMC.

As the Chair is to be from ESC, I do not believe that the Vice Chair should also be from the same local authority.

Draft Memorandum of Understanding

I cannot comment fully on the draft Memorandum of Understanding (MoU) at present, as a number of important Annex sections are blank.

I do, however, have concerns that the MoU in its current form is unnecessarily prescriptive, going beyond the PGGG suggestion of recommended ground rules for a framework between ESC and the HMC.

I wonder if, perhaps, this is due to the draft following so closely the MoU of the Cornwall Harbours Board, which is of course responsible for ten different harbours and so is a much larger undertaking.

SHL is a different proposition, and deserves a MoU that reflects its particular circumstances - for example the existence of the caravan site within the SHL that generates a substantial income for the SHL, the interdependence of the Harbour and the Blyth Estuary and so on.

Our major concern at this stage regarding the MoU is that it could limit the ability of the HMC to operate effectively as a result of the restrictions it places on, inter alia, the HMC's powers to determine its budget, its decision making processes and its activities in connection with the SHL.

I feel that a major advantage of a HMC is that it has members with the skills, expertise and experience required to effectively manage the harbour and deliver against the business plan. It needs to be allowed to get on with it. We worry that if too many decisions (such as the setting of harbour charges, the drawing up of policies and plans including the business plan, obtaining specialist services etc.) are all subject to review and determination by Cabinet, it will cause delays and render the HMC less effective. It is, after all, the HMC that is established under the PGGG to govern the SHL.

On a couple of specific points, we take issue with the statement regarding ownership, for the reasons set out in our consultation response, and we reserve the right to comment on the Asset Register, which we hope would be finalised before the HMC is in place since it is a critical element of the MoU.

I would like to see, in connection with the establishment of assured accounts, a specific acknowledgement that all harbour revenues (including revenue from the caravan site) and capital monies are assured, to allow for the maintenance, upkeep and improvement of the SHL, including, if possible, the Blyth Estuary.

Kind regards, Gill Davies

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Lacey Crowe

From: Lesley Beevor <townclerk@southwoldtowncouncil.com>
Sent: 04 December 2019 12:16
To: Kerry Blair
Subject: harbour consultation response - SHPSG response to the SHMC questionnaire

Slight correction to the original I sent you last Wednesday under membership paragraph four extra sentence added at the end.

Please find below, the Southwold Haven Port Stakeholders Group submission to the online consultation regarding the proposed formation of the Southwold Harbour Management Committee for consideration by the Southwold Harbour Lands Joint Committee. I have submitted the Group's response online but it is perforce anonymous and was not fully comprehensive in terms of our submission.

Would you be so kind as to circulate this email to the four STC Members of the SHLJC, Cllrs Bradbury, Jeans, Windell and Ladd? Thanking you in anticipation.

Best regards

Bill Steele, Chair SHPSG

SHPSG RESPONSE TO THE STC/ESC QUESTIONNAIRE ON THE FORMATION OF THE SHMC.

1) Membership.

- >
- > Make up of the HMC: The Southwold Haven Port Stakeholders Group is recommending one Councillor from STC, one ward councillor, two Councillors from ESC (one elected as Chair), with four independents. Independents to apply to STC/ESC and be chosen by STC after a relevant skills audit and CRB check. The four independents must be given dispensation for any conflict of interest.
- >
- > The composition of the Committee to be written into the MOU.
- >
- > The above selection process would ensure a strong local voice on the Committee and the relevant skills and experience required would be ensured by the selection of the appropriate independent members.
- >
- > Members appointment period should be three years, with an initial formula allowing some members to be appointed for one year, some for two years and some for three years. Subsequent elected members to be appointed for three years. Retiring Members to be eligible for re election.

> 2) Priorities.

- >
- > To be written into the MOU.
- >
- > A. The Harbour Lands, including the Caravan Site, Will never be sold. This point to be ratified by ESC.
- >
- > B. Seek a variation to the 1933 Southwold Harbour Order to include the Harbour Lands and River Blyth up to the A12 in order to ensure that all monies generated from the Harbour Lands be ringfenced, as required by Article 39 of the Harbour Order, for maintenance and repair of not only the Harbour Lands but the river as well. (No river, no harbour).
- >
- > C. All proposals to be compatible with the PGGG, parts A and C.
- >

- > D. Committee members to be given the power to appoint advisors.
- >
- > E. Formulation of a business case. Members must be allowed some executive powers in order to spend money. The proposed Committee must not be advisory only.
- >
- > A five year business plan to be promulgated initially, with an annual update.
- >
- > Priority areas for the first five years to include engineering and protection works, with special priority being given to the maintenance of the river, ie. remedial works on the flood protection walls at low points within the first year. (No river, no Harbour).
- >
- > 3 Meetings and information.
- >
- > The HMC should meet monthly with at least two meetings a year to be held in public to allow the public to comment, ask questions and make suggestions to the Committee for consideration.
- >
- > Meetings should be held at the Harbour.
- >
- > Accounts of the SHMC to be submitted annually to the DfT and made public.
- >
- > Signed:

- > Bill Steele, Chair Southwold Haven Port Stakeholders Group (SHPSG)
- >
- > Alan Tong, Vice Chair SHPSG
- >
- > John Wallace, Secretary SHPSG
- >
- > Simon Flunder, Treasurer SHPSG
- >
- > Archer Ginn, Committee member SHPSG
- >
- > Richard Steward, Committee member SHPSG, member Southwold Harbour and River Blyth Users Association, technical advisor Blyth Estuary Partnership.
- >
- > Graham Hay Davison, Membership Secretary SHPSG, Honorary Chair River Blyth Navigation Association
- >
- > Judy Hay Davison, Committee member SHPSG.
- >
- > David Beavan, Committee member SHPSG.

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Lacey Crowe

From: Janet Pearce <janetpearce77@gmail.com>
Sent: 04 December 2019 16:04
To: Kerry Blair
Subject: Comments on East Suffolk Council's (ESC) proposals for the Management of Southwold Harbour

Dear Mr Blair

Having read all I could about these proposals and having considered deeply the implications of the proposals, please find below my thoughts on the questions.

Question 1 – membership

Do you support the proposal?

I do not support the proposal for the reasons set out below.

Ashfords LLP (Ashfords) advice to East Suffolk Council (ESC) was that the Harbour Management Committee (HMC) should consist of eleven members, six from ESC Cabinet, and five Co-opted members, of whom at least one should be from Southwold Town Council (STC).

This has subsequently been slightly revised to suggest that in the first year, four of the Co-opted members should be from STC.

I do not agree with the suggested constitution of the HMC in either scenario.

Fundamentally, I do not agree with ESC having a majority on the HMC. I know that ESC is anxious that it should have control, but I do not consider that this should be an issue here. ESC's predecessor gave a "categoric" assurance that the harbour lands **would never be sold** and I know that income from the harbour lands must be ring-fenced and reinvested in the harbour lands. All members of the HMC must act in the best interests of the harbour. Once on the HMC, they have a **duty to act for that body** and not to represent their own particular group or interests. Other Local Authorities run HMCs on an equal membership basis, maintaining control through good governance and collaboration. Surely this is the right model with which to proceed. I am sure ESC would not propose to do anything regarding the harbour lands that would be contrary to the interests of harbour representatives and users?

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- the PGGG's recommendation is that the HMC should ideally comprise approximately 50% local authority elected members – these do not all have to be councillors, they can be co-opted representatives appointed by the local authority – plus external members who are stakeholder representatives or individuals with valuable skills and experience. In this way, you can achieve a HMC with the necessary expertise to successfully run and manage the harbour lands.
- the HMC which Ashfords use as an example of best practice is Cornwall Council Harbours Board. It has an equal number of elected and non-elected members, all of whom have voting rights. Cornwall Council Harbours Board consists of six Councillors and six Independent Board Members, appointed following a skills audit. (In addition, there are four non-voting co-opted members who are stakeholder representatives). The current Independent Board Members are from local businesses, from the Marine Safety Group, and one fisherman/RNLI crew member.
- the PGGG specifically states that no individual can dominate a HMC's decision making, and also that all members must be able to allocate sufficient time to discharge their responsibilities effectively. There must be concern as to whether six members of ESC Cabinet

would be able to devote sufficient time to a HMC, given their other responsibilities.

- it meets the overwhelming wishes of the local community, as expressed during the previous consultation exercise. The majority of consultee responses were that any HMC should be made up of a broad range of local people including Southwold Town Councillors and local stakeholders (including the users of the harbour and the caravan site and that WDC should not have a major role. In the words of one consultee "If this proposal puts management into local hands then we are for it". I could find only one response saying that control should not be with a HMC without a veto by WDC on major decisions. The **vast majority** stressed the importance of local and STC involvement if they were to agree to a HMC.

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I believe that the constitution suggested above would ensure the strong local voice that is so important to the local community.

If it was felt that more local people should be involved, non-voting co-opted members could be appointed to represent further stakeholder groups (as in the Cornwall example). Alternatively, a separate stakeholder committee could be formed to provide stakeholder views to the HMC – such an advisory group of other stakeholders could assist in decision making.

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The Harbour Master would have access to the HMC and be able to give advice.

Harbour users, both business and recreational, plus individuals with experience of the Blyth Estuary should all be included, either on the HMC itself, or on a separate stakeholder committee as envisaged above.

Representatives from statutory authorities, e.g. Environment Agency, would provide valuable skills.

Question 4 – how long should members be appointed for?

d. Other

Three years, but on a rolling programme to ensure continuity of membership to the HMC.

I do not agree with the transition period for independent members, as suggested in the Terms of Reference, as I do not see how this would achieve continuity among these vital members of the HMC who are appointed for their skills and expertise.

Question 5 – do you have any comments on the priorities in the outline Business Plan?

I would like to comment on the Business Case Outline as follows:

- it is not accepted that ESC is the 'Corporation' under the 1933 Order, as that would imply that the harbour and harbour undertaking is vested in ESC under the Order. That remains a contentious issue, which is why the question of ownership had been left in abeyance in previous negotiations regarding the harbour lands. If I look at the resolutions that formed the Joint Committee, both WDC and STC acknowledged "that there are various complex historical and current issues that prevent any simple transfer or devolution of Southwold Harbour and its associated lands to any existing or other body". **That is as true now as it was in 2014.**
- The Business Case refers to financial statements, but none are included in the document. I understand that ESC is in the process of developing a business plan for the caravan site. Further, the results of the model survey on the Harbour and Blyth Estuary, which has been authorised, is critical to establishing what is required.
- the Outline states "Revenue from Southwold Harbour is retained for use in its operation" in accordance with article 39. This is pleasing, as a number of documents have referred only to 'surplus' income being retained for use in the harbour lands, which is not what article 39 says.
- I fundamentally disagree with the statement that the HMC's budget "will be a fairly modest one for day to day matters". The HMC is the body responsible for management of the harbour, and it should have the budget to enable it to perform its functions. Harbour revenues are applied in accordance with article 39 of the 1933 Order, i.e. they are ring-fenced and can only be used for the benefit of the harbour, and they should be managed and applied by the HMC. In accordance with the PGGG, the harbour revenues should be protected in an assured account, and be kept separate, thereby allowing the HMC to both plan for the long term and also to cope with unexpected events where funds are required at short notice. The HMC is best placed to allocate its budget to discharge its functions – this should not be within the power of ESC. The HMC should not be required to seek ESC approval every time it needs to incur expenditure or take action – the whole point is that it is responsible for the operation of the harbour.
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Question 6 – which areas should be a priority for the HMC in the first few years?

- harbour engineering and protection works, and
- other – namely, works to maintain the Blyth Estuary

There is no point improving facilities for visitors and marine users if the harbour and estuary are not maintained and protected. The maintenance of flood protection in the estuary is vital to the continued viability of the harbour itself. This mutual interdependence was acknowledged by WDC – Mark Bee explained at the public meeting on 6th February 2019 that WDC had commissioned a computer model to assess the scale of investment and what would be required to keep the harbour open to businesses and visitors. In answer to a question regarding the estuary, he stated "this gives an opportunity for investment in the Blyth – need to ensure there is maintenance and the proper programme for all of that estuary". The survey was to "go all the way back and possibly onto the other side of the A12". He wanted "to ensure that the harbour is a viable harbour for the next 30-40 years".

Many of the consultee responses emphasised the need for the Blyth Estuary to be maintained, in order to keep the harbour open.

We were therefore concerned to read Ashford's advice that it would not be a lawful use of harbour funds "to finance drainage or flood defence works or other improvements to the Blyth Estuary not within the harbour limits or related to the harbour undertaking".

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Following the practice at Cornwall, an Annual Report should also be made available, which inter alia details the monitoring of the annual budget. Total expenditure, income and contribution to reserves should be clearly laid out.

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Some particular points of concern are as follows:

1.1 – for the reasons set out in our consultation response, **do not agree with the inclusion of the statement that ESC is the Owner of the SHL.**

2.2, 2.3, 2.7 – for the reasons set out in our consultation response, I do not agree with the proposed restrictions on the HMC's powers to manage the financial matters of the SHL.

I believe that the HMC is best placed to set charges, approve annual budgets, monitor and vary expenditure as appropriate, monitor the harbour reserve funds and so on.

2.4, 2.5, 2.6 – limiting the ability of the HMC to make decisions regarding assets could adversely restrict its ability to act effectively as the strategic body for the management of the SHL.

Any provision regarding asset disposal has to be read in conjunction with the express assurance given by both Waveney District Council and Southwold Town Council that ***no part of the SHL, which includes the caravan site, is to be sold.***

2.10 – the HMC should be free to approve and publish plans, including the business plan, and address any issues relating to performance.

3.1 ff. – for the reasons set out in our consultation response, I do not agree with the proposed composition of the HMC.

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SHL is a different proposition, and deserves a MoU that reflects its particular circumstances - for example the existence of the caravan site within the SHL that generates a substantial income for the SHL, the interdependence of the Harbour and the Blyth Estuary and so on.

My major concern at this stage regarding the MoU is that it could limit the ability of the HMC to operate effectively as a result of the restrictions it places on, inter alia, the HMC's powers to determine its budget, its decision making processes and its activities in connection with the SHL.

I feel that a major advantage of a HMC is that it has members with the skills, expertise and experience required to effectively manage the harbour and deliver against the business plan. It needs to be allowed to get on with it. We worry that if too many decisions (such as the setting of harbour charges, the drawing up of policies and plans including the business plan, obtaining specialist services etc.) are all subject to review and determination by Cabinet, it will cause delays and render the HMC less effective. It is, after all, the HMC that is established under the PGGG to govern the SHL.

On a couple of specific points, I take issue with the statement regarding ownership, for the reasons set out in our consultation response, and I reserve the right to comment on the Asset Register, which we hope would be finalised before the HMC is in place since it is a critical element of the MoU.

I would like to see, in connection with the establishment of assured accounts, a specific acknowledgement that all harbour revenues (including revenue from the caravan site) and capital monies are assured, to allow for the maintenance, upkeep and improvement of the SHL, including, if possible, the Blyth Estuary.

I look forward to your response

Yours sincerely
Janet Pearce

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From: Gill Davies <info@gilldavies.co.uk>
Sent: 04 December 2019 16:24
To: Kerry Blair
Subject: Proposal

Dear Kerry Blair

Having read all I could about these proposals and having considered deeply the implications of the proposals, please find below my thoughts on the questions.

Question 1 – membership

Do you support the proposal?

I do not support the proposal for the reasons set out below.

Ashfords LLP (Ashfords) advice to East Suffolk Council (ESC) was that the Harbour Management Committee (HMC) should consist of eleven members, six from ESC Cabinet, and five Co-opted members, of whom at least one should be from Southwold Town Council (STC).

This has subsequently been slightly revised to suggest that in the first year, four of the Co-opted members should be from STC.

I do not agree with the suggested constitution of the HMC in either scenario.

Fundamentally, I do not agree with ESC having a majority on the HMC. I know that ESC is anxious that it should have control, but I do not consider that this should be an issue here.

ESC's predecessor gave a "categoric" assurance that the harbour lands **would never be sold** and I know that income from the harbour lands must be ring-fenced and reinvested in the harbour lands. All members of the HMC must act in the best interests of the harbour. Once on the HMC, they have a **duty to act for that body** and not to represent their own particular group or interests. Other Local Authorities run HMCs on an equal membership basis, maintaining control through good governance and collaboration. Surely this is the right model with which to proceed. I am sure ESC would not propose to do anything regarding the harbour lands that would be contrary to the interests of harbour representatives and users?

I believe that the argument for equal representation on the HMC is supported by the following:-

- the Municipal Ports Review, the predecessor to the Ports Good Governance Guidance (PGGG), expressly recommended parity of numbers between councillors and independent members
- the PGGG's recommendation is that the HMC should ideally comprise approximately 50% local authority elected members – these do not all have to be councillors, they can be co-opted representatives appointed by the local authority – plus external members who are stakeholder representatives or individuals with valuable skills and experience. In this way, you can achieve a HMC with the necessary expertise to successfully run and manage the harbour lands.
- the HMC which Ashfords use as an example of best practice is Cornwall Council Harbours Board. It has an equal number of elected and non-elected members, all of whom have voting rights. Cornwall Council Harbours Board consists of six Councillors and six Independent Board Members, appointed following a skills audit. (In addition, there are four non-voting co-opted members who are stakeholder representatives). The current Independent Board Members are from local businesses, from the Marine Safety Group, and one fisherman/RNLI crew member.
- the PGGG specifically states that no individual can dominate a HMC's decision making, and also that all members must be able to allocate sufficient time to discharge their responsibilities effectively. There must be concern as to whether six members of ESC Cabinet would be able to devote sufficient time to a HMC, given their other responsibilities.

- it meets the overwhelming wishes of the local community, as expressed during the previous consultation exercise. The majority of consultee responses were that any HMC should be made up of a broad range of local people including Southwold Town Councillors and local stakeholders (including the users of the harbour and the caravan site and that WDC should not have a major role. In the words of one consultee “If this proposal puts management into local hands then we are for it”. I could find only one response saying that control should not be with a HMC without a veto by WDC on major decisions. The **vast majority** stressed the importance of local and STC involvement if they were to agree to a HMC.

- equal representation is in compliance with the recommendations of the PGGG

I would suggest that the composition of the HMC should be as follows:

2 ESC, including the Chairman

1 ESC Ward Councillor

1 STC

4 independent members including financial, marine, land owner, business

There should be dispensation for anyone with a pecuniary interest in the Harbour, as with Salcombe HMC.

Question 2 – how do we ensure there is a strong local voice on the HMC?

By ensuring, in accordance with the PGGG, that there is equal representation of local authority members and independent members on the HMC.

I believe that the constitution suggested above would ensure the strong local voice that is so important to the local community.

If it was felt that more local people should be involved, non-voting co-opted members could be appointed to represent further stakeholder groups (as in the Cornwall example). Alternatively, a separate stakeholder committee could be formed to provide stakeholder views to the HMC – such an advisory group of other stakeholders could assist in decision making.

Question 3 – what skills and experience are important when selecting committee members?

Organisational skills are important, but there should be particular emphasis on marine and maritime skills and financial management, given that the purpose of the HMC is to successfully run, manage, maintain and develop a working harbour and river. It is critical that committee members have experience in running the caravan site, since it provides the majority of the revenue for the harbour lands.

Business planning is also an important skill – the HMC must be savvy in communication and social media skills to ensure the public is kept informed. This will be extremely important if the HMC needs to be raising funds for improvements down the Blyth Estuary. The issue of a business plan for the harbour, caravan park and use of the camping fields is also key.

The representatives from ESC and STC would provide local authority experience.

The Harbour Master would have access to the HMC and be able to give advice.

Harbour users, both business and recreational, plus individuals with experience of the Blyth Estuary should all be included, either on the HMC itself, or on a separate stakeholder committee as envisaged above.

Representatives from statutory authorities, e.g. Environment Agency, would provide valuable skills.

Question 4 – how long should members be appointed for?

d. Other

Three years, but on a rolling programme to ensure continuity of membership to the HMC.

I do not agree with the transition period for independent members, as suggested in the Terms of Reference, as I do not see how this would achieve continuity among these vital members of the HMC who are appointed for their skills and expertise.

Question 5 – do you have any comments on the priorities in the outline Business Plan?

I would like to comment on the Business Case Outline as follows:

- it is not accepted that ESC is the ‘Corporation’ under the 1933 Order, as that would

imply that the harbour and harbour undertaking is vested in ESC under the Order. That remains a contentious issue, which is why the question of ownership had been left in abeyance in previous negotiations regarding the harbour lands. If I look at the resolutions that formed the Joint Committee, both WDC and STC acknowledged “that there are various complex historical and current issues that prevent any simple transfer or devolution of Southwold Harbour and its associated lands to any existing or other body”. **That is as true now as it was in 2014.**

- The Business Case refers to financial statements, but none are included in the document. I understand that ESC is in the process of developing a business plan for the caravan site. Further, the results of the model survey on the Harbour and Blyth Estuary, which has been authorised, is critical to establishing what is required.
- the Outline states “Revenue from Southwold Harbour is retained for use in its operation” in accordance with article 39. This is pleasing, as a number of documents have referred only to ‘surplus’ income being retained for use in the harbour lands, which is not what article 39 says.
- I fundamentally disagree with the statement that the HMC’s budget “will be a fairly modest one for day to day matters”. The HMC is the body responsible for management of the harbour, and it should have the budget to enable it to perform its functions. Harbour revenues are applied in accordance with article 39 of the 1933 Order, i.e. they are ring-fenced and can only be used for the benefit of the harbour, and they should be managed and applied by the HMC. In accordance with the PGGG, the harbour revenues should be protected in an assured account, and be kept separate, thereby allowing the HMC to both plan for the long term and also to cope with unexpected events where funds are required at short notice. The HMC is best placed to allocate its budget to discharge its functions – this should not be within the power of ESC. The HMC should not be required to seek ESC approval every time it needs to incur expenditure or take action – the whole point is that it is responsible for the operation of the harbour.
- the five year business plan should be updated every twelve months.
- there is no acknowledgement of the “**categoric**” assurance given by WDC that the harbour lands, including the caravan site, will never be sold and that this is something that would be written into any agreement. It is vital that this categoric assurance, in writing, is given.

Question 6 – which areas should be a priority for the HMC in the first few years?

- a. harbour engineering and protection works, and
- g. other – namely, works to maintain the Blyth Estuary

There is no point improving facilities for visitors and marine users if the harbour and estuary are not maintained and protected. The maintenance of flood protection in the estuary is vital to the continued viability of the harbour itself. This mutual interdependence was acknowledged by WDC – Mark Bee explained at the public meeting on 6th February 2019 that WDC had commissioned a computer model to assess the scale of investment and what would be required to keep the harbour open to businesses and visitors. In answer to a question regarding the estuary, he stated “this gives an opportunity for investment in the Blyth – need to ensure there is maintenance and the proper programme for all of that estuary”. The survey was to “go all the way back and possibly onto the other side of the A12”. He wanted “to ensure that the harbour is a viable harbour for the next 30-40 years”.

Many of the consultee responses emphasised the need for the Blyth Estuary to be maintained, in order to keep the harbour open.

We were therefore concerned to read Ashford’s advice that it would not be a lawful use of harbour funds “to finance drainage or flood defence works or other improvements to the Blyth Estuary not within the harbour limits or related to the harbour undertaking”.

I believe this interpretation fails to recognise the interdependence of the harbour and the Blyth Estuary, and the necessity to maintain the latter to ensure the viability of the former. The works to the Estuary are “related to the harbour undertaking” because without them, there is a real risk that the harbour undertaking will cease to exist. The sooner the HMC is set up, with a constitution and governance that ensures it is effective, the sooner it can begin to address the vital issue of interdependency.

I do not see, as Ashford’s argue, that article 13 of the 1933 Order makes it clear that drainage

and flood defence are a separate responsibility to the Statutory Harbour Authority function. Article 13 provides that if the Corporation desires to execute any works within the limits of the Order which may affect the main channel of the River Blyth, they shall give 28 days notice in writing to the East Suffolk Rivers Catchment Board. If anything, does this not suggest that the harbour and the River Blyth are interdependent?

Further, is there not a general duty on a Statutory Harbour Authority to conserve and facilitate the safe use of the port and to keep the harbour open?

Article 12 of the 1933 Order gives the Corporation under the Order power to “maintain alter improve and extend the harbour undertaking and in connection therewith may construct alter and improve embankments walls...and other works and conveniences which may be found necessary”.

Question 7 – how to ensure the public are involved in meetings?

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I look forward to your response

Yours sincerely

Gill Davies

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Public Consultation Explanatory Document

Establishment of the Southwold Harbour Management Committee

Ashfords LLP has nationally recognised expertise in Ports and Harbours. Lara Moore, who is the lead lawyer advising on this matter from Ashfords LLP, sits on the UK Harbour Master's Association National Council (elected by Industry). The firm acts for a large number of statutory harbour authorities made up of Municipal, Trust and Private Ports.

Clients include Cornwall Council (10 ports and harbours, including seven statutory harbours), Torbay Council (Brixham, Paignton and Torquay harbours), Littlehampton Harbour Board (Trust Port), Port of Shoreham (Trust Port), and Dorset Council (harbours of Weymouth, Bridport and Lyme Regis). The firm is also acting for a group of stakeholders at Whitby Harbour, challenging Scarborough Borough Council's management (as statutory harbour authority) of Whitby Harbour and use of harbour funds. The firm therefore has an excellent understanding of a range of statutory harbour authorities and best practice in the sector.

Introduction

Ashfords LLP has been instructed to advise East Suffolk Council in respect of the setting up of a new harbour Management Committee (HMC) for Southwold Harbour.

In order to provide the advice, Ashfords LLP has carried out a review of the local statutory harbour legislation that applies in relation to Southwold Harbour. In addition, we have reviewed the Council's new constitution, the previous consultation carried out in June 2014, and the Council's reports of December 2018 and March 2019. We have also considered the Department for Transport's 'Ports Good Governance Guidance' (March 2018) and key relevant principles of the 'Port Marine Safety Code'.

The Council now wishes to carry out a consultation on the draft documentation Ashfords has prepared to establish the HMC. This includes 'Terms of Reference' which would be inserted into the Council's constitution and a draft 'Memorandum of Understanding' ('MoU') that would be put in place between the Council and the HMC to establish the responsibilities of the HMC.

In preparing the above documentation, Ashfords has drawn not only on the recommendations of the Ports Good Governance Guidance ('PGGG'), but also upon the experience and practices of some other municipal ports and harbours where HMCs have been operating successfully for a number of years. As such the draft MoU (and accordingly the Terms of Reference (which are based on the contents of the MoU) reflects best practice guidance and the arrangements in place in some other municipal ports and harbours that have established and well respected HMCs.

Once the consultation has concluded, all responses will be considered. A decision will then be taken as to whether any amendments should be made to the draft documentation prior to the establishment of the HMC.

One of the purposes of establishing the HMC in advance of any application for a harbour revision order (HRO) to improve and modernise the local statutory harbour legislation that applies to Southwold Harbour is to enable the Council and all interested stakeholders to gain experience of the HMC being established and operated in practice. This experience can then be used to guide the drafting of the provisions that are very likely to be included in any proposed HRO to formally establish the HMC as a statutory requirement.

Ashfords considers that, as the draft documentation reflects the requirements of the PGGG and successful working practices at some other municipal ports, the most important next step is to get the HMC established and operating, with the support of both the Council and stakeholders. Until an HRO is obtained which sets out the HMC requirements through statutory provisions, the arrangements governing the HMC can be further refined, if necessary, after a period of operation of the HMC.

March 2019 Report

The future governance of the harbour is currently being considered by the Southwold Harbour Lands Joint Committee (JC) which is comprised of four elected members of East Suffolk Council (formerly Waveney District Council)'s Cabinet and four elected members of Southwold Town Council (STC).

For the reasons set out in the Council's Report of March 2019, Ashfords LLP has been instructed to advise on the appropriate constitution for an HMC to improve governance arrangements in respect of the harbour and to replace the JC.

Divergence from the March 2019 Report

Ashfords does not agree that either Littlehampton Harbour Board or Langstone Harbour Board are a good example of the type of constitution that the Council should be considering when forming a new HMC (either in the short term or in the medium to longer term for an HRO). This is for the following reasons:

- a. Both Littlehampton Harbour Board and Langstone Harbour Board are Trust Ports¹ not municipal ports. Given the wider constitutional and other constraints on local authorities, it makes more sense to look at HMC arrangements amongst municipal ports, than to take, as a starting point, a Trust Port. The Department for Transport has confirmed to Ashfords that it agrees with this approach.
- b. Littlehampton Harbour Board and Langstone Harbour Board are two of only three statutory harbour authorities in England, that are Trust Ports, but also have the ability to call on local council funds each year to make up any shortfall in their revenue. The Department for Transport has confirmed to Ashfords LLP that owing to recent difficulties at one of the three harbour authorities, it is very unlikely that the Department for Transport would support the creation of a new statutory harbour authority based on this model.
- c. Neither Littlehampton Harbour Board nor Langstone Harbour Board's governance arrangements are in line with the recommendations for HMCs set out on page 37 of the PGGG.

Recommendations for the structure of the HMC

The HMC should be strategic and aware of the commercial and legal framework within which the harbour operates.

Ashfords has considered the governance arrangements of a number of other municipal harbours and ports that already operate a successful HMC as part of their governance arrangements. Cornwall Council (which owns 7 statutory harbours and ports) in particular, has been operating a very well-respected HMC for a number of years. The core structure of the HMCs Ashfords has considered are broadly in line with current PGGG and can be summarised as follows:

- a) They consist of between 10 and 12 voting members
- b) The harbour master / port chief executive attends HMC meetings in an advisory capacity but is not a committee member and does not have voting rights.
- c) Approximately 50% of the voting members are local authority elected members of the constituent authority (these do not all have to be local authority councillors; they could be co-opted representatives who are appointed by the local authority or provide specific skills in support of port management. However, they normally are all local authority elected members).
- d) approximately 50% of voting members are external appointees, selected for their skills and experience (which can include local stakeholder knowledge). Members of Southwold Town Council could also be appointed under this category.
- e) The Chair of the HMC is elected by the HMC, but only those persons who sit on the HMC that are also members of the Council are eligible for election.
- f) In most cases the HMC is not the 'Duty Holder' for the purposes of the PMSC (see further below) but has a direct line of communication to the Duty Holder.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/525076/tru-st-port-study-key-findings-and-recommendations.pdf

- g) The HMC is required to operate within a budget approved by the Council, with restraints on the level of expenditure that can be approved by the HMC. The disposal of assets (particularly land) also generally requires approval by the Council. The Council must act within the constraints of its statutory harbour powers and duties when approving the budget and expenditure. In the interests of good governance, the financial regulations and the contract standing orders of the Council are applied in so far as they relate.
- h) The HMC manages the harbour in line with a business plan created for the harbour (normally 5 year but with a section on longer term matters) which is updated and reviewed as required. The HMC reports on its progress against the business plan annually. In accordance with PGGG guidance the business plan should seek to establish and implement a strategy to put harbour operations on a commercial basis wherever this is possible (without continuing subsidy from Council general funds).
- i) Separate accounts for the harbour are prepared annually.
- j) The HMC prepares and conducts meetings in accordance with the meeting rules of the Council.

Ashfords considers that that the above arrangements are suitable for any HMC set up in respect of Southwold Harbour.

Basic Structure of the MoU

The draft Terms of Reference for incorporation into the Council's Constitution (Part 2, section C) are contained in Appendix 1 to this document. They reflect the provisions of the MoU (particularly Annex 4) but are necessarily much shorter as they have been adapted to make them appropriate for incorporation into the Constitution. The Terms of Reference set out the matters that would be delegated to the HMC.

The MoU itself is split into 6 sections (the main body of the document and five appendices).

The main body of the document sets out the purpose of the MoU and a brief explanation of the PGGG before going on to lay down the commitments and agreements of the Council and the HMC in respect of the running and management of the Harbour. It also includes provisions related to the length of the MoU and Confidentiality.

The Appendices contain:

1. **An Extract from the Ports Good Governance Guidance about Harbour Management Committees**
2. **A basic 'establishment plan' for the Southwold Harbour Management Committee.** This sets out some of the tasks that will need to be completed to establish the HMC.
3. **An Asset Register.** This will need to be populated, having regard to the provisions of the 1933 Order which set out the harbour limits. It will then need to be reviewed by the new HMC and a recommendation made to Council. Council will then need to review and approve the Asset Register. It is very important to the proper functioning of both the HMC and the harbour, that the assets which are being managed by the HMC (within the parameters set out under the MoU) are clearly identified. These assets include land and property as well as assets such as vessels, moorings etc.
4. **The Southwold Harbour Management Committee Guidance Notes.** The Guidance Notes are effectively a more detailed version of the Terms of Reference. They set out how members are appointed to the HMC, the responsibilities of the HMC, conduct of HMC meetings etc.
5. **Organisational Structure.** The final appendix will contain, once populated, a clear organisational structure that shows the reporting lines between the HMC and Council (including the Duty Holder). Again, this is important to ensure the proper functioning of the HMC and the harbour and to add compliance with the PMSC.

Setting up of HMC

Before the HMC is set up, the Council, as recommended by the PGGG, will carry out a skills audit to assess the balance of skills required to effectively govern the harbour and deliver against the business plan.

As there is not yet a formal business plan in place, the audit will instead need to be carried out with a view to the first tasks of the new HMC (which will include putting in place a new business plan, potentially pursuing a harbour revision order application to modernise the statutory powers and duties applying to the harbour etc.) and the approach taken by other local authorities. The types of skills, experience and knowledge often considered useful to an HMC include:

- (a) maritime industry and activities;
- (b) commerce;
- (c) health and safety;
- (d) management;
- (e) public relations and community issues;
- (f) industrial relations;
- (g) shipping, fishing or cargo handling;
- (h) accountancy or financial management;
- (i) boating and other water related leisure activities;
- (j) environmental matters affecting harbours; and
- (k) any other skills and abilities considered from time to time by the Council to be relevant to the discharge by the HMC of its functions.

The exact list can be refined in relation to the particular circumstances of the harbour in question. For example, in relation to Southwold Harbour, it clearly is appropriate for Southwold Town Council to have a position on the HMC (possibly more than one, depending on the outcome of the skills audit and the applicants for HMC positions following public advertisement). It is important that when carrying out the skills audit, the Council try to secure, so far as reasonably practicable, that the persons appointed by them to the HMC (including members of the Council), have special knowledge, experience and ability in a broad and complementary range of matters relevant to the efficient, effective and economic discharge by the HMC of the HMC's functions.

In making appointments to the HMC, the Council should also act in accordance with any guidance issued by the Secretary of State from time to time with regards to the exercise of such functions. Currently this guidance is contained in the PGGG which advises that external members should be appointed by public advertisement using the guidance applicable to public appointments.

Duties of members of the HMC to the HMC

When sitting as the HMC, the duties of all members of the HMC are primarily to the harbour, within the terms of reference and parameters of the MoU governing its operation. As set out in the PGGG, municipal harbours should (within the constraints of their statutory harbour powers and duties) be "*governed and operated in the interests of stakeholders including the local community*".

For example, if a stakeholder has been appointed to the HMC, they are required when making decisions to act in the best interests of the harbour as a whole. Similarly, in respect of members of the Council appointed to the HMC, they are required to act in the same way. Ashfords, therefore, prefers not to refer to any HMC members as 'representatives' of any particular stakeholder group etc. as it leads to confusion about the nature of the role. Knowledge of local stakeholders (or a particular group of them) is a valid criterion against which to appoint a person as a member of the HMC, but once appointed to the HMC that person is not there as that group's representative.

If stakeholders wish to 'represent' the interests of their particular stakeholder group only, then this should be done through stakeholder user groups, or the potential Advisory Group described below.

The draft MoU proposes that the HMC will consider setting up a formal stakeholder 'Advisory Group' within the first two years of its operation. The HMC would then liaise formally with this advisory group on all matters substantially affecting the harbour, including business plans etc. and take account of its views when making decisions or recommendations.

Identity of the Duty Holder

The Port Marine Safety Code (“PMSC”) requires that all statutory harbour authorities have a “duty holder” who is accountable for compliance with the PMSC and ensuring safe marine operations. The duty holder is publicly accountable for marine safety under the PMSC, both individually and collectively (where the duty holder is more than one person).

It is standard for an HMC to operate under an approved budget and to have limits on the level of financial transaction it can authorise without further approval from its Council. For this reason, it is not generally considered appropriate for the HMC to be appointed as the Duty Holder.

Therefore, in respect of Southwold Harbour, having considered the new constitution of the Council it is recommended that the Duty Holder is the Cabinet. Duty holders cannot assign or delegate accountability for compliance with the PMSC to others, such as a Harbour Master.

Works outside the harbour limits / Drainage & Flood Defence works

Ashfords has been advised that one of the longer-term matters under consideration is the protection of surplus harbour revenue, for the protection and benefit of the Harbour, while specifically allowing expenditure on works outside the Harbour such as work on the Blyth Estuary.

The harbour as defined under the Southwold Harbour Order 1933 (‘the 1933 Order’), includes the Southwold Harbour Lands within its limits. As such references below to the ‘harbour’ include the Southwold Harbour Lands and in relation to ‘harbour revenue’ include monies payable to the Council as the Statutory Harbour Authority in respect of the Southwold Harbour Lands.

Article 39 of the 1933 Order sets out how harbour revenue has to be allocated and effectively ring fences the harbour revenue. This does not mean that harbour revenue cannot ever pass into the Council’s General Fund. In certain limited circumstances it can. For example, article 39(7) expressly authorises the repayment of monies provided to the Harbour by General Fund (under article 40) as long as there are surplus funds available to utilise for this purpose. There are also provisions related to the repayment of borrowed monies.

However, having carried out a review of the current statutory harbour legislation, Ashfords can confirm that whilst harbour funds are already ringfenced (as described above) under the current statutory harbour legislation, it does not consider that it would, in most circumstances, currently be a lawful use of harbour funds to fund drainage or flood defence works or other improvements to the Blyth Estuary not within the harbour limits or related to the harbour undertaking. Nor would it be lawful for the Council to lend money to the harbour to carry out such works and then to recover these monies from the harbour funds over time.

Drainage and flood defence are a separate responsibility to the statutory harbour authority function. This is made particularly clear by article 13 of the 1933 Order which contains protections for the East Suffolk Rivers Catchment Board in relation to the main channel of the River Blyth. Whilst some infrastructure may serve a dual purpose (whether it does or not is a matter for expert advice), the statutory harbour authority function and harbour funds are not responsible or indeed (in most circumstances) authorised to carry out or fund works that are essentially required for drainage or flood defence purposes. A Harbour Revision Order application would therefore need to be made to authorise such expenditure and activities if considered appropriate in the future. However, there is no guarantee any such application would be successful.

21 June 2019

Ashfords LLP

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[APPENDIX 4F – REVISED DRAFT]**HARBOUR MANAGEMENT COMMITTEE – Terms of Reference****1. Introduction**

- 1.1. The Council is the Owner and Statutory Harbour Authority for Southwold Harbour (the 'Harbour').
- 1.2. Under the Constitution, any function of the Council as Harbour Authority is a Cabinet responsibility.
- 1.3. The Cabinet has resolved to dissolve the existing Southwold Harbour Lands Joint Committee and replace it with the Harbour Management Committee (the 'Committee') to manage the Harbour.
- 1.4. The Committee will manage the Harbour in accordance with the provisions of the Harbours Act 1964, the Southwold Harbour Order 1933 and the Harbour Docks and Piers Clauses Act 1847 (as incorporated), as amended from time to time (the 'Harbour Legislation').
- 1.5. The Southwold Harbour Order 1933 includes protective provisions in relation to any sale of the harbour undertaking and the revenue from the harbour undertaking. Further, the Council has endorsed the recommendations made by the Southwold Harbour Lands Joint Committee on 6 March 2019 [and 3 February 2020], including the recommendations that:
 - 1.5.1. the Committee should be established to replace the Southwold Harbour Lands Joint Committee, enable short-term governance improvements and design proposals for long-term improvements, including an application for a Harbour Revision Order to update the Southwold Harbour Order 1933;
 - 1.5.2. when designing these long-term improvements, by applying for a Harbour Revision Order or otherwise:
 - 1.5.2.1. specific safeguards should, subject to legal advice and the requirements of stakeholders, be included to protect income from the Harbour and preserve the Harbour in the ownership of the Council; [and
 - 1.5.2.2. the Committee should consider whether any appropriate additional powers should be sought, including powers of general direction and/or to carry out or fund works to the Blyth estuary, outside the Harbour, for the protection of the Harbour.]

2. Purpose of the Committee

- 2.1. To, in respect of the Harbour, perform functions:
 - 2.1.1. within the definition of a Harbour Authority in Section 57(1) of the Harbours Act 1964 and the Southwold Harbour Order 1933 and the Harbour Docks and Piers Clauses Act 1847 (as incorporated), as amended from time to time; and
 - 2.1.2. arising out of any Byelaws made by the Council under the above legislation.
- 2.2. The discharge of these functions within any policy and budget approved by Council to be delegated as set out in the Memorandum of Understanding between the Committee and the Council.
- 2.3. The Committee shall not incur any expenditure, enter into any obligations or take any other action except:

- 2.3.1. within the budget determined by the Council in accordance with the following provisions; and
 - 2.3.2. as set out in the harbour business plan approved by the Cabinet in accordance with the following provisions (the 'Harbour Business Plan').
- 2.4. The Committee shall only make decisions regarding the management, acquisition and disposal of assets in accordance with the Council's acquisitions and disposals policy, financial procedure rules and contracts procedures rules.
- 2.5. The Committee shall not make decisions on the disposal or acquisition of property assets unless:
- 2.5.1. the decision(s) accord with the provisions of the Harbour Legislation and Council's plans, policies and strategies and in particular the Harbour Business Plan; and
 - 2.5.2. 21 days' prior notice has been given to the Council's Asset Management Service; and
 - 2.5.3. the Cabinet of the Council has not requested that the decision(s) be referred to the Council for consideration and decision; and
 - 2.5.4. it involves a transaction value of £25,000 or less.
- 2.6. The Committee shall not make disposals or acquisitions of assets with a value in excess of £25,000 but shall make recommendations to the Cabinet in respect of such transactions.
- 2.7. The Committee will review and then recommend an annual budget, (including rental charges and central re-charges to the Council) and an annual schedule of charges and dues for the Harbour and these will be determined by the Cabinet.
- 2.8. The Committee will monitor performance against approved budgets and take appropriate action where this is required.
- 2.9. The Committee will make a six monthly and annual report to the Cabinet reporting on performance against budget.
- 2.10. The Committee will publish a Harbour Business Plan and any other plan required from time to time following approval from the Cabinet.
- 2.11. The Harbour Business Plan and other plans should promote the Harbour to be financially self-sustainable in the long term, reducing the risk of the need to call upon the Council's General Fund.

3. Form and Composition

- 3.1. The Committee will be comprised of ~~nine~~eleven members (9+1), ~~five~~six (5+6) elected members of the Cabinet will be appointed by the Cabinet and ~~four~~five (4+5) non-elected members will be co-opted onto the Committee following an appointment process to assess the skills and expertise that they can bring to the Committee.
- 3.2. The Chair and Vice Chair of the Committee shall be elected members of the Cabinet.
- 3.3. The elected members of the Committee shall be nominated by the Cabinet.
- 3.4. The non-elected members will be recommended to the Cabinet for appointment and their appointment is subject to ratification by the Cabinet. Non-elected members will serve the Committee in accordance with the following arrangements:-
 - 3.4.1. Co-opted Membership for the first term of the Committee shall be ~~divided~~ as follows:

- 1 Co-opted Member will sit for only 1 year
- 2 Co-opted Members, 1 of whom will be nominated by Southwold Town Council, will sit for only 2 years
- 12 Co-opted Members will be nominated by Southwold Town Council and will sit for a full term of 3 years

3.5. Co-opted Members who sit for only one or two years in the first term may be appointed for one or two subsequent three-year terms without further competition being required.

3.6. Following this transition period, terms for Co-opted Members will remain at three years from appointment.

3.7. A Co-opted Member may be appointed to a second three-year term without recourse to open competition, subject to the agreement of both the Chairman and the Co-opted Member, and the Committee's assessment that the Member has performed satisfactorily during the first term (all Membership of the Committee is subject to ratification by the Cabinet).

3.8. Re-appointment of a Co-opted Member for a third term shall involve competition with other candidates.

4. Meetings

4.1. The Committee shall meet at least 6 times a year and be governed by the Cabinet Procedure Rules as set out in the Council's Constitution.

4.2. All members of the Committee shall abide by the Council's Code of Conduct;

4.3. The quorum for meetings of the Committee shall be 5 save that at no time shall there be less than 3 Cabinet elected members present at the meeting.

4.4. The Committee shall consider the following business:

- 4.4.1. Approval of the Minutes of the previous meeting;
- 4.4.2. Declarations of Interest, if any;
- 4.4.3. Report and feedback from any Stakeholder Forum(s);
- 4.4.4. The business otherwise set out on the Agenda for the meeting;

4.5. An Annual Meeting of the Committee will take place during the year. This will be an informal meeting and include invitation to all members of Stakeholder Forums.

[APPENDIX G2 – Revised Draft MoU]

Dated

2020[-]

(1) East Suffolk Council

(2) The Southwold Harbour Management Committee

**MEMORANDUM OF UNDERSTANDING
IN RESPECT OF SOUTHWOLD HARBOUR**

DRAFT

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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made on the _____ day of
202019

Between

East Suffolk Council whose principal place of business is at East Suffolk House, Station Road, Melton, Woodbridge, IP12 1RT (hereinafter referred to as 'the Council')

and

The Southwold Harbour Management Committee (a Committee of the Cabinet of the Council) whose principal place of business is at East Suffolk House, Station Road, Melton, Woodbridge, IP12 1RT (hereinafter referred to as "the HMC")

Who are jointly referred to in this Memorandum of Understanding as 'the Parties'

WHEREAS:

- The Council is the Owner and Statutory Harbour Authority for Southwold Harbour ('the Harbour');
- The Southwold Harbour Lands Joint Committee ("JC") was a Joint Committee of the Cabinet of the Council and Southwold Town Council established on [*please insert date*]. The JC was established to assist with improvement of the governance of the Harbour.
- Following further advice and consultation with stakeholders including the Department for Transport, the JC was dissolved on [*date to be inserted if JC dissolved*] and instead, in accordance with advice from the Department for Transport, the Council at its Cabinet meeting on [*date to be inserted*] resolved to establish the Southwold Harbour Management Committee ('HMC') as a Committee of the Cabinet of the Council pursuant to the provisions of the Local Government and Housing Act 1989 and having regard to the recommendations for governance changes made in the Ports Good Governance Guidance ('PGGG') published by the Department for Transport in March 2018;
- The MOU is made pursuant to the recommendations made in the PGGG. The Parties wish to set out their commitment to implementing the recommendations contained in the PGGG relevant to the establishment of the HMC.

1) Definitions and Abbreviations

For the purposes of this MOU the following definitions and abbreviations shall apply;

- a) The "Assets" shall mean the property, equipment and all other matters set out in the Asset Register at **Annex 3** annexed hereto.
- b) The "Constitution" shall mean the constitution of the Council as amended from time to time.
- c) The "Cabinet" shall mean the Cabinet of the Council.
- d) The "Council" shall mean East Suffolk Council or, as appropriate, the Cabinet.

- e) The “DfT” shall mean the Department for Transport.
- f) The “Harbour” shall mean Southwold Harbour, the limits of which are established under the 1933 Order.
- g) The “Harbour Business Plan” shall mean the Harbour Business Plan for the relevant period as approved by the Cabinet of the Council.
- h) The “Harbour Revenue” shall mean and include the charges dues rates tolls and other moneys and receipts which may be taken and received by way of income from or in respect of the harbour undertaking under the authority of the 1933 Order or the Harbours Act 1964.
- i) “HMC” shall mean the Southwold Harbour Management Committee.
- j) “HMC Guidance Notes” shall mean the guidance notes contained in Annex 4 of this MoU.
- k) “MoU” shall mean Memorandum of Understanding.
- l) The “Parties” shall mean the Council and the HMC.
- m) “PGGG” shall mean the report published by the Department for Transport in March 2018 called *Ports Good Governance Guidance*.
- n) “Terms of Reference” shall mean the matters incorporated into the Constitution under the heading “Harbour Management Committee”.
- o) “1933 Order” means the Southwold Harbour Order 1933, as amended from time to time.

2) Purpose of MoU

- a) Subject to the requirements of the Constitution the purpose of this MoU is to
 - (i) Provide a clear framework for the decision making, accountability, and financial management of the Harbour to enable the HMC to address the needs of the Harbour as a business and an environmental and community asset, which takes full account of the commercial realities of municipal port operations; and
 - (ii) Assist in clarifying the role of the HMC to carry out its functions under its Terms of Reference
- b) The statutory role and functions of the Parties are not affected by the requirements of the MoU.
- c) This MoU is a statement of the understanding between the Council and the HMC. The MoU is not, and is not intended to be, legally binding to either Party. The detailed working arrangements may change over time by the agreement of the Council.
- d) The MoU provides that the Harbour will be governed according to best practices as set out in the PGGG.

3) Ports Good Governance Guidance 2018.

- a) The PGGG was published by the DfT in March 2018, following extensive consultation with Industry. It sets out a number of recommendations for the accountability, governance, and finance of statutory harbour authorities and Part C applies specifically to Ports and Harbours within the Municipal Sector.
- b) The PGGG is based on a number of other documents, particularly the UK Corporate Governance Code (UKCGC). It replaces that in previous documents such as Modernising Trust Ports (MTP), published by the then DETR in 2000, its second edition Modernising Trust Ports (MTP2), published by DfT in 2009, and Opportunities for Ports in Local Authority Ownership, published by DfT in 2006. The guidance also reflects the recommendations of the Department's Trust Port Study, published in May 2016.
- c) The PGGG does not have force of law and is not legally binding. It does not replace any legal duties or obligations that SHAs might have in their own legislation or general acts of Parliament, such as the Harbours Act 1964 or the Companies Act 2006. Where such legal duties conflict with the PGGG, the legal duties take precedence.
- d) Whilst the guidance is advisory, the DfT expects all SHAs to carefully consider it and to implement its principles if these are not already in place, where practical and appropriate to the circumstances of the SHA.
- e) It has been agreed by the Council that this MoU is drawn up to address the recommendations contained in the PGGG. An extract from the PGGG related to the establishment of Harbour Management Committees is set out at **Annex 1**.
- f) Following the decision made by the Council at its Cabinet meeting on the **[date to be inserted]** the requirements arising from the PGGG have been considered and an Establishment Plan has been prepared to ensure that all the required topics are properly addressed – see **Annex 2**.
- g) This MoU is prepared on the basis of the findings of the PGGG. However, it is recognised by the Parties that the PGGG deals with short, medium and long term issues. It is fully appreciated that circumstances may change and for this reason a review and monitoring mechanism is essential to underpin this process.
- h) On this basis it is intended that a report will be put to the HMC annually to allow the HMC to review and monitor this MoU and recommend to Cabinet any changes to it as are required by amendments to the PGGG or developments in respect of the PGGG.

4) General Commitments of the Council and the HMC

- a) This MoU records that the Council and HMC have considered the guidance of the PGGG and records the commitment of the Council and the HMC to implement the recommendations contained therein; and
- b) This MoU further records that Council and HMC shall take all reasonable steps to work together constructively to mutually facilitate the implementation of the recommendations contained in the PGGG.

5) Agreements of the Council and HMC

The Council and HMC agree that:

- a) The reporting lines relevant to all Committees of the Cabinet of the Council and pursuant to the provisions of the Local Government and Housing Act 1989 and having regard to the recommendations of the PGGG will be maintained to assist the HMC to carry out its functions under its Terms of Reference.
- b) The HMC will, subject always to the requirements of the Cabinet of the Council, be required to exercise the Council's functions in respect of the Harbour under and in accordance with the Harbours Act 1964, the 1933 Order and the Harbour Docks Piers and Clauses Act 1847 (as incorporated) as amended from time to time.
- c) **Annex 5** sets out the organisational structure that is to be put into place defining the reporting lines between the Parties ~~;-and-~~
- d) Establishment of **assured accounts**: In accordance with article 41 of the 1933 Order, it is the intention of the Parties that all Harbour Revenue and capital monies are placed into a separate assured account with capital distinguished from revenue. The funds shall be used to allow for the maintenance and upkeep of the Harbour, for implementation of the future business plan of the Harbour and for the Harbour Revenue to be applied in accordance with article 39 of the 1933 Order.
- e) The assured accounts are to include any monies in any reserve fund established under article 38 of the 1933 Order.
- f) Companies Act accounts are to be established and maintained for ease of understanding for the HMC, and to fulfil statutory obligations under the Harbours Act 1964.

6) Agreement of the Council

The Council agrees that:

- a) The Assets (including land, buildings, infrastructure, plant and machinery) of the Council that are utilised for the running of the Harbour as listed in **Annex 3** shall be managed by the HMC in accordance with its Terms of Reference, the Harbour Business Plan, the Council's plans and policies and the provisions of this MoU; and
- b) An annual budget including all harbour rental charges and central re-charges will be recommended by the HMC and will then be reviewed and determined by the Cabinet of the Council annually; and
- c) The annual charges and dues for the Harbour will be recommended by the HMC at the same time as the annual budget and will be reviewed and determined by the Cabinet of the Council annually; and
- d) Any shortfall in the Harbour Revenue in any year, shall be managed in accordance with article 40 of the 1933 Order; and
- e) The HMC shall be permitted to obtain specialist services from sources other than the Council by agreement with the Cabinet of the Council where specific expertise is not available from within the Council; and
- f) The Cabinet of the Council will ensure that its aims and objectives for governing and managing the Harbour on its behalf are agreed and clearly set out between the Parties in policies and plans; and

- g) The Council's policies and plans for the Harbour are stated by the Council in the form of the Environmental Policy and the Harbour Business Plan; and
- h) It is the intention of the Parties that these policies and plans will support the Harbour as a financially self-sustainable body, without the need to call upon the Council's General Fund; and
- i) The Cabinet of the Council will consider for approval updated policies and plans proposed by the HMC from time to time, and utilise the skills and experience of the HMC to its best advantage; and
- j) Borrowing facilities may at the Council's discretion be made available to the HMC to fund revenue generating projects in the Harbour where the HMC can demonstrate that such borrowing facilities are consistent with the Council's policies and plans and the 1933 Order; and
- k) The Council will make payments to all HMC members in accordance with the Council's Members' Scheme of Allowances at Part 5 of the Constitution.

7) Agreement of the HMC

The HMC agrees that:

- a) The HMC will manage the Harbour under its delegation from the Cabinet of the Council on its behalf to address the needs of the Harbour as a business and an environmental and community asset, which takes full account of the commercial realities of harbour operations; and
- b) Any matters beyond the delegated authority of the HMC that comes before the HMC for decision will be recommended to the Cabinet of the Council for determination; and
- c) The HMC shall, subject to Clause 7(d) and (e) only make decisions regarding the management, acquisition and disposal of assets in accordance with the Council's acquisitions and disposals policy, financial procedure rules and contracts procedures rules; and
- d) The HMC shall not make decisions on the disposal or acquisition of property assets unless:
 - (i) it accords with the provisions of the 1933 Order and Council's plans, policies and strategies and in particular the Harbour Business Plan; and
 - (ii) 21 days' prior notice has been given to the Council's Asset Management Service; and
 - (iii) The Cabinet of the Council has not requested that the decision(s) be referred to the Council for consideration and decision; and
 - (iv) It involves a transaction value of £25,000 or less; and
- e) The HMC shall not make disposals or acquisitions of assets with a value in excess of £25,000 but shall make recommendations to the Cabinet of the Council in respect of such transactions; and
- f) The HMC will review and then recommend an annual budget, (including rental charges and central re-charges to the Council) and an annual schedule of charges and dues for the Harbour and these will be determined by the Council; and

- g) The HMC will monitor performance against approved budgets and take appropriate action where this is required; and
- h) The HMC make a six monthly and annual report to the Cabinet of the Council reporting on performance against budget; and
- i) The HMC will produce and publish a Harbour Business Plan and any other plan required from time to time following approval from the Cabinet of the Council; and
- j) The Harbour Business Plan and other plans should promote the Harbour to be a financially self-sustainable body in the long term, reducing the risk of the need to call upon the Council's General Fund; and
- k) The HMC will discharge its role in accordance with its Terms of Reference, the HMC Guidance Notes contained in Annex 4 of this MoU, this MoU and with consideration of other relevant policies and plans such as the Port Marine Safety Code, PGGG, Health and Safety at Work legislation, Harbour Byelaws and any other appropriate policies, plans and legislation; and
- l) The HMC will provide an annual report to the Cabinet of the Council on how it is governing the Harbour in a manner that is consistent with relevant policies plans and legislation; and
- m) Borrowing facilities may be requested by the HMC and considered by the Council to fund revenue generating projects in the harbour where the HMC can demonstrate that such borrowing facilities are consistent with the terms of the 1933 Order and Council's policies and plans including the sustainability of the Council's budget; and
- n) The HMC shall consider and make recommendations to the Cabinet of the Council regarding an application for a Harbour Revision Order to modernise the statutory provisions applying in respect of the Harbour, in accordance with the recommendations of the PGGG and the PMSC, and to establish the HMC through statutory provisions; and
- o) The HMC will take all reasonable steps to engage appropriately with the stakeholder community. It will maintain formal links with stakeholder forum(s) as appropriate; and
- p) ~~Within the first two years of its operation, the~~ The HMC will ~~consider setting~~ up a formal ~~s~~Stakeholder Advisory Group that it will consult on all matters ~~s~~substantially affecting the operation of the Harbour.

8) Harbour Revision Order

It is acknowledged that the 1933 Order includes protective provisions in relation to any sale of the harbour undertaking and the Harbour Revenue. Further, the Council has [endorsed] the recommendations made by the Southwold Harbour Lands Joint Committee on 6 March 2019 [and 3 February 2020], including the recommendations that:

- a) the HMC should be established to replace the Southwold Harbour Lands Joint Committee, enable short-term governance improvements and design proposals for long-term improvements, including an application for a Harbour Revision Order to update the 1933 Order;
- b) when designing these long-term improvements, by applying for a Harbour Revision Order or otherwise;

(i) specific safeguards should, subject to legal advice and the requirements of stakeholders, be included to protect income from the Harbour and preserve the Harbour in the ownership of the Council; [and

(ii) the Committee should consider whether any appropriate additional powers should be sought, including powers of general direction and/or to carry out or fund works to the Blyth estuary, outside the Harbour, for the protection of the Harbour.]”

8)9)General

- a) This MoU neither expands nor is in derogation of those powers and authorities vested in the participating Parties by applicable law.
- b) For the avoidance of doubt, the HMC is neither the Designated Person nor the Duty Holder under the Port Marine Safety Code. The Duty Holder is the Cabinet of the Council.

9)10) Term

- a) This MoU in this form or such amended form as agreed between the Parties shall remain effective for as long as the present governance arrangements are in place.
- b) The Parties shall review this MoU at periods of 12 months, or such earlier period as appropriate should the need arise. The Council may agree to amend this MoU if circumstances dictate.
- c) The MoU may be terminated by resolution of the Council.

10)11) Data protection and information

- a) The Parties agree to comply with the Data Protection Act 2018, the General Data Protection Regulation, the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and other statutory information regimes.

Signed for and on behalf of

East Suffolk Council

Signed for and on behalf of

Southwold Harbour Management Committee

.....

Chief Executive

.....

Chairperson of Southwold Harbour
Management Committee

Annex 1

Extract from Part C PGGG – Harbour Management Committees

Harbour Management Committees

4.6 Some LAs have established Harbour Management Committees (HMCs) as a means of governing their harbours. These have some of the features of a trust port board or board of a private SHA and are a good example of how corporate governance best practice principles can be applied in the context of local authority harbours.

4.7 The establishment of an HMC (which would be constituted as a committee within the current LA system) can bring openness and additional accountability to port decisions, along with more expertise and experience (as a skills audit will be carried out prior to HMC members being decided upon).

4.8 LAs may wish to consider formally establishing HMCs by legislative routes. The BPA has produced guidance for LAs that have or are planning to put in place HMCs.

Key points are set out in the box below.

Harbour Management Committees

The formation and membership of the committee is critical. It should be strategic and aware of the commercial and legal framework within which ports operate. Based on particular experiences the Committee should ideally comprise:

- approximately 50% LA elected members of a constituent authority. These do not all have to be LA councillors, but can be co-opted representatives who are appointed by the LA or provide specific skills in support of port management;
- the port chief executive/harbour master should have access to the HMC in an advisory role, but as an officer of the Council they cannot serve on the committee or have voting rights;
- external appointees who are stakeholder representatives or individuals with valuable skills and experiences;
- a Chair appointed on merit, skills and suitability;
- external members should be appointed by public advertisement using the guidance applicable to public appointments, in line with the advice given above.

The HMC Chair should ideally be an elected representative of the LA as this will automatically maintain reporting lines and accountability to the Council. Should the LA favour the appointment of an independent Chair, it is important that reporting lines and voting arrangements are clear and in line with LA corporate governance practice.

Before recruiting, local authorities should undertake a skills audit to assess the balance of skills required to effectively govern the port and deliver against the business plan. These skills should be considered for all committee members.

In order for the HMC to operate effectively a formal memorandum of understanding could be established between the harbour committee and the local authority. The memorandum of understanding could set out the recommended ground rules for a framework between the port and its authority.

ANNEX 2

The Harbour Management Committee: Establishment Plan

Ref No.	Activity	Person Responsible	Agreed/Intended Action	Implementation Date	Follow up action
1	Review and Finalise Schedule of Assets	[]	Once complete to be included in Annex 3 of the MoU and MoU to be signed off by [Chief Executive] and Chairperson of the HMC	[]	Review Schedule of Assets on an annual basis
2	Draw up [initial/5 year] Business Plan for Southwold Harbour	[]	Business Plan for Southwold Harbour to be reviewed and recommended by the HMC and then submitted to Cabinet for review and approval.	[]	Business plan to be implemented. Review Business Plan on an annual basis and update 5 yearly.
3	Draw up proposed Budget for 20[]/[] for Southwold Harbour	[]	To submit the proposed Budget for 20[]/[] to HMC for review and recommendation; then Cabinet for review and approval	[]	HMC to report to Cabinet on performance against approved budget every 6 months Prepare new budget for approval annually
4	Prepare Annual Report for Southwold Harbour	[]	Annual Report to be reviewed and approved by HMC and then submitted to Cabinet for review.	[]	Update on an annual basis

Annex 3 – Asset Register

To be completed by the Council and then reviewed and finalised once HMC in place.

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Annex 4 – HMC Guidance Notes

Harbours Management Committee Guidance Notes

A Establishment of the HMC

1. The functions of the Council conferred under the Constitution: Functions within the definition of a Harbour Authority in Section 57(1) of the Harbours Act 1964 for Southwold Harbour and the Southwold Harbour Order 1933 and the Harbour Docks and Piers Clauses Act 1847 (as incorporated).
2. Functions arising out of any Byelaws made by the Council under the above Acts.
3. That the discharge of these functions within any policy and budget approved by the Council be delegated as set out in the Terms of Reference and Memorandum of Understanding between the HMC and the Council.
4. All Meetings of the HMC and subcommittees shall be conducted in accordance with the Council's Cabinet Procedure Rules as set out in pages 75-78 of the Council's Constitution.

B Membership of the HMC

1. The HMC shall consist of ~~nine (9)~~¹⁴ members, ~~five (5)~~⁶ Members of the Cabinet of the Council and ~~four (4)~~⁵ Co-opted Members. Each Co-opted Member, as far as it is achievable, will be appointed on a 'fit for purpose basis' through assessment of each nominee's skills, knowledge, experience and commitment on matters identified from time to time by a skills audit as being the main skills requirements for the HMC. It is considered that at least one Co-opted Member should be a member of Southwold Town Council.
2. All Members of the HMC, including any Co-opted Members, will be bound by the Suffolk Local Code of Conduct as set out in the Council's Constitution and will be required to sign the declaration of acceptance of office as required by law in any event within 14 days of their appointment. A Co-opted Member is under the same obligations as Members of the Council that appoints the Co-opted Member, and that member must observe the Council's Constitution and most importantly comply with the statutory rules relating to conduct and the disclosure of interests.
3. No Co-opted Member shall act as a Member until that person has made the declaration of acceptance of office; and a Co-opted Member shall cease to be a Member of the HMC if that person fails to make that declaration within three months of his / her appointment.
4. The Chairperson and Vice Chairperson of the HMC shall be elected in accordance with the Council's Constitution. Only Cabinet Members shall be the Chairperson and Vice Chairperson of the HMC.
5. Voting rights – by virtue of the Local Government (Committees and Political Groups) Regulations 1990 (as amended) Regulation 4, a Co-opted Member is entitled to vote on a committee established exclusively for the discharge of the Council's functions as a Harbour Authority. All Co-opted Members shall have full voting rights on all matters before the HMC. The power to co-opt rests with the Cabinet of the Council and not with committees although the selection of persons to serve as co-opted is usually (but not always) left to the committee, such decisions to be taken in accordance with any relevant skills audit and application procedure and ratified by the Cabinet of the Council.
6. Voting at any Meeting of the HMC shall be in accordance with paragraph 8 on pages 5-6 of the Constitution;
7. In the event that an HMC Member other than Council Member does not attend any meetings of the HMC for a period of six months from the date of his or her last attendance, that Member ceases to be

an HMC Member, unless within the period of absence the Council gives approval for this absence. This shall not apply to Council Members whose attendance is regulated by Statute.

8.(i) All HMC Members will attend relevant training to be determined by the Chairperson on the basis of appropriate advice, which shall be founded on best practice.

(ii) All HMC Members will be required to attend Code of Conduct Training.

C Appointments Process

The HMC shall consist of ~~911~~ members, ~~56~~ Members of the Cabinet of the Council, and ~~45~~ Co-opted members. Each Co-opted Member, as far as it is achievable, will be appointed on a 'fit for purpose basis' through assessment of each nominee's skills, knowledge, experience and commitment on matters but not limited to the following:

- management of harbours;
- shipping and other forms of transport;
- local industrial, commercial, financial or legal matters;
- management of marine leisure activities;
- safety or personnel management;
- community issues;
- environmental matters;
- knowledge of port/maritime or other nautical experience;
- any other skills and abilities considered from time to time by the Appointments Panel to be relevant to the discharge by the HMC of its functions;

As stated above, it is considered that it is appropriate that at least one Co-opted Member who is deemed fit for purpose is appointed from Southwold Town Council.

1. Council Members shall be appointed to the HMC by the Cabinet and a Council Member's term shall expire on the fourth day after the date of the next regular election or from the date of their resignation. Council Members' appointments will be governed by the Council's Constitution.

2. The Council shall secure, so far as reasonably practicable, that the Council Members appointed by them will, between them, have special knowledge, experience and ability in a broad and complementary range of matters relevant to the efficient, effective and economic discharge by the HMC of its functions.

3. A Co-opted Member's term of appointment shall be three years from the date of appointment unless the Member shall die, resign or be disqualified;

4. Co-opted HMC Members shall be appointed by the Council for up to 2 full terms, and exceptionally 3 full terms.

5. In order to stagger the appointments process to maintain some continuity of the HMC for Co-opted Membership, the first term shall be ~~divided~~ as follows:

- 1 Co-opted Member will sit for only 1 year
- 2 Co-opted Members, 1 of whom will be nominated by Southwold Town Council, will sit for only 2 years
- 12 Co-opted Members will be nominated by Southwold Town Council and will sit for a full term of 3 years

Co-opted Members who sit for only one or two years in their first term may be appointed for one or two subsequent three-year terms without further competition being required. Following this transition period, terms for Co-opted Members will remain at three years from appointment.

6. A Co-opted Member may be appointed to a second three-year term without recourse to open competition, subject to the agreement of both the Chairperson and the Member, and the HMC's

assessment that the Member has performed satisfactorily during the first term (all Membership of the HMC is subject to ratification by the Council);

7. Re-appointment of a Co-opted Member for a third term shall involve competition with other candidates;

8. Appointments will usually be made by an Appointments Panel consisting of the Chairperson of the HMC, a Co-opted Member of the HMC, [and an independent external technical advisor with a thorough understanding of harbour/port governance issues].

9. The Appointments Panel shall secure, so far as reasonably practicable, that the Co-opted Members appointed by them will, between them, have special knowledge, experience and ability in a broad and complementary range of matters relevant to the efficient, effective and economic discharge by the HMC of its functions. The decisions of the Appointments Panel are subject to ratification by the Council.

D Resignation of Members

1. An HMC member, including the Chairperson, may resign his or her office at any time by Notice in writing given to the Council's Monitoring Officer.

E Meetings

1. The HMC shall meet at least 6 times a year and be governed by the Cabinet Procedure Rules as set out in the Council's Constitution;

2. The quorum for meetings of the HMC shall be 5 save that at no time shall there be less than 3 Council Members present at the Meeting.

3. The HMC shall consider the following business:

- i. Approval of the Minutes of the previous meeting;
- ii. Declarations of Interest, if any;
- iii. Report and feedback from Stakeholder Forums;
- iv. The business otherwise set out on the Agenda for the meeting;

4. Agendas

(i) a copy of the agenda including the item, or a copy of the item, shall be open to inspection by members of the public at least 5 clear working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; unless

(ii) by reason of special circumstance, which shall be specified in the Minutes, the Chairperson of the meeting is of the opinion that the item should be considered as a matter of urgency.

5. Annual Meeting

An Annual Meeting of the HMC will take place during the year. This will be an informal meeting and include invitation to all members of Stakeholder Forums.

F Declaration of Interests

1. A Co-opted Member shall be under the same obligations as Members of the Council that appoint that person and that person must observe the Council's Standing Orders and comply with the statutory rules relating to the disclosure of interests.

2. All HMC members will be governed by the Suffolk Local Code of Conduct which details interests which need to be declared.

3. The Council maintains and regularly updates a register of interests declared by Members, and shall make the register available for inspection by members of the public at all times during usual office hours.

G Payments to Members

1. [The Chairperson of the HMC shall receive a Special Responsibility Allowance in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended).]

2. The HMC may pay to Co-opted Members such expenses for travelling, subsistence [and attendance] allowances on the same basis as Members of the Council.

H Stakeholder Forums

1. To ensure that the HMC has strong and direct links with both harbour users, local communities and other external organisations with an interest in the HMC area, a formal consultation mechanism will be established. This will enable Stakeholder Forums to formally make representations to the HMC;

2. No Member of the HMC will have a position on the Stakeholder Forums. The Harbour Master (or authorised deputy) and an HMC Member may attend as observers.

3. The HMC may choose to appoint other Stakeholder Forums at its discretion.

4. ~~Within the first two years of its establishment t~~The HMC will ~~consider the~~ establishment of a formal stakeholder Advisory Group that it will consult on all matters substantially affecting the Harbour.

Schedule 1 : Declaration of Acceptance of Office – Co-opted Members East Suffolk Council

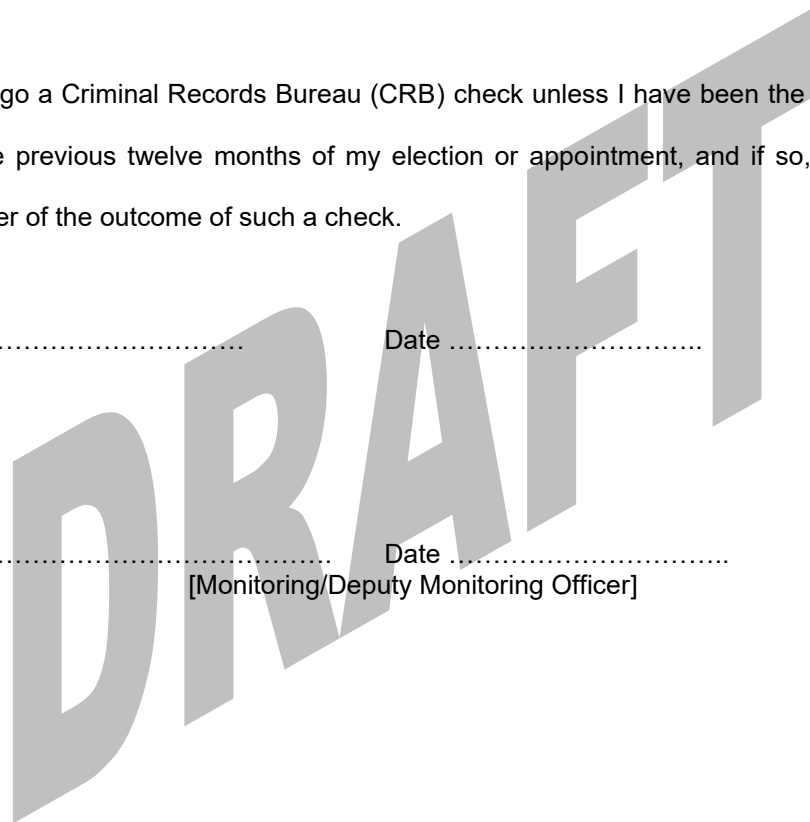
I.....being a Co-opted Member of East Suffolk Council, declare that I will duly and faithfully fulfil the requirements of this role according to the best of my judgement and ability.

I undertake to observe the Suffolk Local Code of Conduct as to the conduct which is expected of Members and Co-opted Members of East Suffolk Council.

I agree to undergo a Criminal Records Bureau (CRB) check unless I have been the subject of a CRB check within the previous twelve months of my election or appointment, and if so, I shall notify the Monitoring Officer of the outcome of such a check.

Signed Date

Signed Date
[Monitoring/Deputy Monitoring Officer]



Annex 5 – Organisational Structure

To be inserted

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Southwold Harbour

Outline Business Case 2020-21



Introduction

It's been another successful year at Southwold Harbour. The caravan site has gone from strength to strength, attracting more visitors each year. The team have continued to make improvements to the camping and campervan fields, with more power points and hard standing, and improvements to showers and bathrooms. But they have maintained the special character of the site, with the same simple offer that attracts people to the site year after year.

And at the harbour itself, we've seen the same growth – with more visitors each year arriving by boat, on foot and by car and bicycle. They come to shop, see the unique environment, to eat and use the facilities of the harbour. And managing the demands placed on the harbour by all of these visitors is the job of the harbourmasters and their staff, who have continued to do a great job this year.

Southwold Harbour is a special place and we are fortunate to have it within our district. But we know that it is a location that comes with a considerable responsibility; that we need to understand the forces at work in the river, the estuary and at sea, and to be ready to make the changes and investments needed to maintain this wonderful natural resource for harbour users and visitors for years to come.

And the way that we manage this responsibility has been the subject of much discussion this year. In fact, debate about the best governance arrangements for the harbour have been a source of lively discussion for decades. Now we have agreed a way forwards. Following a thorough and detailed consultation with local people, we are delighted that a decision has been reached that addressed the concerns of various stakeholders while also safeguarding the future of the harbour. Investment in the harbour can now take place with confidence and in the knowledge that local people will play a role in a bright future for the town and the site. A Harbour Management Committee – similar to those that manage other, similar harbours across the country – is a way that local voices can have a seat around the table when decisions are made affecting the Harbour.

This outline business case provides some information on the harbour, and sets some outline priorities for the Harbour Management Company during its first year of operation. It is anticipated that the Harbour Management Committee itself will draft a full 5-10 year business plan as one of its first priorities.

Background Information

Relevant legislation:

- Pier and Harbour Orders (Elgin and Lossiemouth and Southwold) Confirmation Act 1933;
- The Harbours Act 1964;
- The Transport Act 1981;
- The Harbour, Docks and Piers Clauses Act 1847;
- The Statutory Harbour Undertakings (Accounts etc.) Regulations 1983; and
- Local Government Act 1972.

Report on Statutory Harbour Undertakings

East Suffolk Council is the statutory harbour authority for Southwold Harbour and 'The Corporation' for the purpose of the Pier and Harbour Orders (Elgin and Lossiemouth and Southwold) Confirmation Act 1933 (Hereafter referred to as the 1933 Harbour Order). Harbour legislation requires the Council to prepare an annual statement of accounts relating to harbour activities and any associated activities for each harbour for which it is the statutory harbour authority. This report contains a summary of activities during the year and the financial statements for the year ended 31 March 2019 for Southwold Harbour.

Principal activities:

The principal activities during this year continue to be the provision and maintenance of anchorage, moorings, pontoons and associated harbour facilities as well as the management of leases for harbour land and buildings.

Harbour Management Committee

A thorough and detailed consultation with local people was carried out in relation to the future management of Southwold Harbour Lands. The views of key stakeholders such as the Marine Management Organisation (MMO), Inshore Fishing and Conservation Authority (IFCA), Environment Agenda and the Department for Transport were also sought.

The consultation involved face to face meetings, an online survey and a number of public meetings and drop in session. The aim was to gather feedback on people's view on how a Harbour Management Committee could best meet the needs of users of the harbour, and reflect the views of residents and local councillors.



At a meeting held at the end of March 2019, it was agreed that a new strategic body called the Harbour Management Committee will oversee harbour operation, bringing expertise and experience to the management of the port.

It will ensure there is more local involvement and engagement in the management and delivery of harbour operations and safeguard its future. The Committee will consist of a group of Councillors and experts committed to securing long-term investment, while also reinforcing transparency and local involvement.

In December, the Joint Committee agreed that it wishes to revisit resolutions made in March 2015 to create a charitable company to manage the Southwold Harbour Lands as it believes these resolutions were no longer appropriate.

The new 'Harbour Management Committee' for the Southwold Harbour Lands will provide a sustainable model which will:

- Meet all of the 'Key Principles' outlined in the 2014 'Southwold Harbour Lands Consultation' document
- Enable 'local influence' by inclusion of varied stakeholder groups, including Southwold Town Council and East Suffolk Council

- Provide an opportunity to include appropriate skillsets for the effective management of the Southwold Harbour Lands
- Provide an effective management structure to implement the PGGG and consider future governance and legislative options
- Satisfy the economic security and level of control required by East Suffolk Council for future investment



This document sets out some background and an outline of the priorities for the Harbour Management Committee in the financial years 2020-21.

Operational Activity in the Harbour – 2018-19

Southwold Harbour is sited within The Southwold Harbour Lands, as prescribed and delineated by the 1933 Harbour Order.

As Harbour Authority and 'Corporation' for the purpose of the 1933 Harbour Order, East Suffolk Council lets a number of holdings within Southwold Harbour Lands, to various parties.

Revenue from Southwold Harbour is retained for use in its operation, in accordance with and as outlined in sec 39 of the 1933 Harbour Order.

Southwold Harbour is managed by a Harbour Master and Deputy Harbour Master. Harbour users have formed an Association (Southwold Harbour & River Blyth User Association) which has regular meetings with Harbour staff and designated, responsible East Suffolk Council officers, to discuss issues pertaining to Southwold Harbour.

Southwold Harbour attracts a large number of pedestrian visitors as well as pleasure and business vessels, who use its facilities. The port is home to a number of artisanal fishermen; visiting wind farm vessels are increasing, due to developing projects for renewable energy in the area.

In 2018/19 1203 vessels used Southwold Harbour, and staff dealt with over 3,800 contacts by radio.

Of those vessels, nearly 280 were from vessels registered in other countries (predominantly the Netherland and Belgium). Southwold remains an attractive destination for vessels from these countries.

Health and Safety improvements in the Harbour Undertaking have been ongoing with improvements to fencing, roadways and segregation between pedestrians and vehicles.

Investment has been made in improving the caravan and camping site, with new hard-standing pitches and electric hook up points being installed, along with toilet and shower block improvements. In addition, the reception has been renovated, with new windows and interiors, to improve the environment for staff and visitors.

In 2018, building on a preliminary report of the Coastal Partnership team into the likely engineering work that would be required in the harbour, a detailed technical specification for a full Harbour Survey was drafted. The survey itself – which will form the basis for a 20 year engineering

programme – will be carried out in the summer of 2019. This survey will form the basis of the business plan of the Harbour Management Committee.

In addition to the cyclical maintenance routine observed by harbour staff and Waveney District Council departments, other activities during 2018/19 include:

- Scoping new works for new visitors staging
- Installation of new electricity sub stations and cabling on the caravan site, preparatory to providing power to sites
- Development of training plans, including meeting the requirements of the PMSC, as well as fire, manual handling and general H&S awareness
- Securing funding for repairs to the North Training Arm fendering, with work to repair being scheduled for 2019
- Improvements in the fencing on the South side of the river (Walberswick side) to provide better protection for dogs and dog walkers from accessing the river.
- Ongoing discussions with the offshore energy industry about the potential role of the harbour in supporting windfarm operations

Harbour Management Committee – An outline of Year 1 priorities

The HMC is intended to be the body responsible for taking day to day decisions around the operation of the harbour, to manage the harbour safely and in line with relevant legislation and to draft and deliver the objectives set out in the business plan.

As this is the first year of operation for the HMC, a multi-year business plan has not been drafted as this is a responsibility for the HMC itself. The Harbour Management Committee is the body that will set the priorities for the Harbour Operation. However, as there need to be some priorities set for the period before the HMC is operational, what follows is a short description of the priorities for the organisation during the financial years 2020-2021.

Business Plan Action	Comments
To oversee the delivery of the Southwold Harbour Survey from external consultants	This specialist survey will provide empirical data on which to base a maintenance and investment plan. It is anticipated that the business plan will be based on the financing requirements suggested by this plan
To draft the budget for the HMC - which will be a fairly modest one for day to day matters; and To consider recommendations to ESC for capital requirements – including potential borrowing, based on the relevant studies and data.	The budget should include revenue projections, capital requirements as set out in the Harbour Survey, and if necessary any borrowing requirement
To draft a five-year business plan for the Harbour Management Committee	
To receive the Caravan Site Investment report and draft an action plan	
To prepare a budget based on this report, to include any investment requirements.	Budget to cover revenue projections and any capital borrowing requirements.

To arrange induction and training of Harbour Management Committee members, including an ongoing skills audit and training needs analysis	
To prepare for an application for a Harbour Revision Order to update the governing legislation for the harbour lands, including the safeguards recommended by the Southwold Harbour Lands Joint Committee in March 2019 in respect of income, sale and constitutional matters.	