

## **SIMULTANEOUS MEETING OF EAST SUFFOLK COUNCIL'S CABINET AND SOUTHWOLD TOWN COUNCIL**

Tuesday, 2 March 2021

### **GOVERNANCE OF THE SOUTHWOLD HARBOUR LANDS - NEXT STEPS**

#### **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following a consultation exercise and detailed review of the position, the Southwold Harbour Lands Joint Committee (JC) rescinded resolutions about previous planned governance changes which had proved inappropriate, and made the recommendations set out in section 5 of this report,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.
2. On 15 March 2019, Waveney District Council's (WDC) 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 (PGGG) issued by the Department for Transport (DfT) 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 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, 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. The public consultation which was carried out between September and December 2019 was considered by the JC in the report presented to the meeting of 3 February 2020 (the February 2020 Meeting), together with the consultation responses, and changes to the draft constitutional documents which were recommended in light of the JC's initial concerns (as highlighted in the consultation circular) and the consultation responses.

6. At the February 2020 Meeting, the JC considered the consultation responses and proposals to recommend to ESC's Cabinet and STC, as set out in the report which was presented (the February 2020 Report). The JC also took advice, in person, from a solicitor from Ashfords, about the proposed way forward. Resolutions were made at the February Meeting as set out in the February 2020 Report.
7. Following the February 2020 Meeting, Ashfords were instructed by the ESC to:
  1. Advise on the method of appointment to the HMC (including proposed appointments panel) and to provide input into the skills audit being carried out to identify the skills required on the HMC during its initial establishment (and broadly during its first three years).
  2. Prepare the draft terms of reference and structure for the Advisory Group
8. ESC then carried out a further public consultation exercise which commenced on Friday 1 May and closed on Friday 12th June 2020 about the:
  1. Skills audit for the initial appointment of members of the proposed HMC
  2. Draft Terms of Reference for the Stakeholder Advisory Group (the Advisory Group).
9. The purpose of this report is to consider the outcome of the last public consultation and to consider the next steps, leading to the formation of the HMC. Lara Moore, a solicitor from Ashfords, will be present at the meeting on 2 March 2021 to answer provide advice and to answer any questions.

Is the report Open or Exempt?	Open
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<b>Wards Affected:</b>	Southwold
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<b>Cabinet Member:</b>	Councillor Craig Rivett Deputy Leader and Cabinet Member with responsibility for Economic Development
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<b>Supporting Officer:</b>	Kerry Blair Head of Operations 01502 523007 <a href="mailto:kerry.blair@eastsoffolk.gov.uk">kerry.blair@eastsoffolk.gov.uk</a>
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## 1 INTRODUCTION

- 1.1 Links to various documents forming the background to in this matter are provided in the table at the end of this report.
- 1.2 Also attached for ease of reference are links to:
- (i) PGGG published by the DfT;  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/684839/ports-good-governance-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/684839/ports-good-governance-guidance.pdf).
  - (ii) The Port Marine Safety Code published by the DfT and the Maritime and Coastguard Agency;  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/564723/port-marine-safety-code.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/564723/port-marine-safety-code.pdf).
  - (iii) February 2020 Report  
<https://eastsuffolk.cmis.uk.com/eastsuffolk/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/136/Committee/26/Default.aspx>

## 2 BACKGROUND

- 2.1 The February 2020 Report sets out the background to this matter, and provides a chronology of what happened, when, and why, relating to the proposed changes to the governance of the Southwold Harbour Lands (SHL). The SHL is an area including 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 At the February 2020 Meeting, the JC resolved to recommend to the Cabinet of ESC and to the STC:
- a. That the Harbour Management Committee should be created by the Cabinet of East Suffolk Council, based on the revised Terms of Reference and the revised Memorandum of Understanding agreed in the meeting and initialled by the Chairman for the purposes of identification;
  - b. That Ashfords LLP should be instructed to prepare the draft terms of reference and structure for the Advisory Group as soon as reasonably practicable;
  - c. That a skills audit for the Harbour Management Committee is carried out as soon as reasonably practicable; and
  - d. That the Joint Committee should be disestablished on creation of the Harbour Management Committee.
- 2.3 The revised terms of reference for the HMC which were agreed and initialled at the February 2020 Meeting are attached to this report as Appendix A. The Memorandum of Understanding which was agreed and initialled at the February 2020 meeting is attached as Appendix B to this report.
- 2.4 Following the February 2020 Meeting, Ashfords were instructed by the ESC to:
- 1. Advise on the method of appointment to the HMC (including proposed appointments panel) and to provide input into the skills audit being carried out to identify the skills required on the HMC during its initial establishment (and broadly during its first three years).
  - 2. Prepare the draft terms of reference and structure for the Advisory Group

- 2.5 ESC then carried out a further public consultation exercise which commenced on Friday 1 May and closed on Friday 12th June 2020 about the:
1. Skills audit for the initial appointment of members of the proposed HMC
  2. Draft Terms of Reference for the Advisory Group.
- 2.6 The purpose of this report is to consider the outcome of the last public consultation and to consider the next steps, leading to the formation of the HMC. Lara Moore, a solicitor from Ashfords, will be present at the meeting to provide advice and to answer any questions.
- 2.7 It is noted and appreciated, with some regret, that there has been a short delay in considering the outcome of the second public consultation. This has been due to the pressures of other work, caused by the COVID-19 pandemic. However, it is hoped that the report now sets out a clear way forward, with the associated timeline leading to the formation of the HMC and the Advisory Group.

### **3. SKILLS AUDIT**

- 3.1 The skills audit, set out below, takes into account the likely key tasks and priorities of the proposed HMC during its first three years of operation. These include the tasks set out at Annex 2 of the Memorandum of Understanding for the HMC which has already been the subject of the public consultation. Those tasks were:
1. To review and finalise the Schedule of Assets for the SHL (and review annually)
  2. To draw up an initial/ five-year business plan for SHL (and then implement, with an annual and five-year review)
  3. To draw up the proposed budget for SHL (and then to report on performance against budget every 6 months)
  4. To prepare an annual report for SHL every year.

In addition, in line with the Memorandum of Understanding and Terms of Reference already consulted on, the following additional tasks will also be key tasks and priorities for the HMC during its initial three years of operation:

5. On establishment of the HMC to establish the proposed Advisory Group (and once established to consult with it and other stakeholders).
  6. To consider and progress an application for a Harbour Revision Order to modernise the statutory provisions applying to SHL (including placing the HMC and Advisory Group on a statutory footing).
  7. In designing these long-term improvements, by applying for a Harbour Revision Order or otherwise:
    - a. specific safeguards should, subject to legal advice and the requirements of stakeholders, be included to protect income from the SHL and preserve the SHL in the ownership of the ESC; and
    - b. 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.
- 3.2 Having considered the above tasks, the key skills required on the HMC during its first three years of operation include:

1. Risk Management and Mitigation (including Coastal defence, flood protection, health and safety and marine engineering)
2. Knowledge of and management of ports / harbours
3. Financial/organisational/strategic planning and management
4. Knowledge of local stakeholders including the local community (e.g., residents, businesses, commercial users, leisure users, caravan site owners, visitors, Blyth estuary)
5. Management/development of property/facilities (and in particular caravan site operation and tourism)
6. Communications, marketing and consultation

#### **4 PROPOSED TERMS OF REFERENCE FOR THE ADVISORY GROUP**

- 4.1 As to the proposed Terms of Reference for the Advisory Group, these are set out at Appendix C to this report.

#### **5 RESULTS OF THE CONSULTATION AND RECOMMENDATIONS**

- 5.1 As to the Skills Audit for the establishment of the HMC, a number of the consultation responses provided similar suggestions/comments in respect of this. The comments, followed by the ESC's responses to them, is set out below:-

1. A further skills audit should be carried out after two years. The ESC accepts this recommendation and a further skills audit of the HMC will be conducted in 2 years' time. The current Skills Audit document has been updated to reflect this.
2. Other skills were suggested for inclusion, such as those around securing funding, business planning, team working, problem solving, knowledge of the LA, and other agencies e.g., the Environment agency. Also, skills such as project management, expertise in climate change, rising sea levels, flood protection, flood mitigation, coastal defences, basic engineering experience (science of the estuary in an engineering role), environmental matters and tourism. The ESC agrees that all of these skills are relevant. Indeed, a number of them were already expressly included in the current skills matrix. Whilst many of them were within the more general scope of the skills already included, the Skills Audit has been amended to make this clearer.

- 5.2 On the draft Terms of Reference for the Advisory Group, a number of the consultation responses provided similar suggestions/comments in respect of them, to reflect the fact that:

1. An Executive of approximately 4 persons should be formed from the Advisory Group. The ESC will keep this suggestion under review once the Advisory Group has been established. However, the usual way for any harbour stakeholder group to engage with the statutory harbour authority is through its meetings, and the provision of relevant minutes and written questions/representations, as well as by the attendance of Officers of the harbour authority (for example the Harbour Master or another suitable person) at the Advisory Group meetings to answer questions etc. Therefore, it is proposed to establish the Advisory Group and to keep the structure under review as it progresses through its first year of operation.
2. Shoreside trader representatives should include large businesses such as Adnams and the Harbour Marine Services. There are already two spaces allocated on the Advisory Group for shoreside traders who operate close to the harbour. This now includes a reference to businesses as well as traders. Adnams and/or the Harbour Marine Services can submit an application to join the Advisory Group if they wish to do so, along with any other shoreside traders and businesses. Any applications will be assessed and members will be selected

with a view to being representatives, overall, of the businesses/traders close to the harbour.

3. There should be a Scientific Adviser who understands tidal flows, coastal surges, expertise in rising sea levels and flood protection, engineering. There is already a position provided for a representative of the Environment Agency. Given the Environment Agency's central role in coastal defences and flood protection, any such representative should have this expertise. If the Environment Agency choose not to appoint a representative, then an alternative person with appropriate skills will be sought as per the provisions of the Terms of Reference.
4. There should be a representative of the 6 Blackshore homeowners. The STC representatives will assist in presenting the views of local residents. However, it is agreed that a representative of local residents should be offered a separate position on the Advisory Group. Therefore, a new position has been created. It is not limited solely to the Blackshore home- owners, but they are invited to submit an application for the position.
5. Additional comments were also submitted, followed by the ESC's response to them.

(1.) That the Advisory Group must have real influence and that its advice and recommendations must be fully taken into account by the HMC and clear reasons given for any decisions made against advice from the Advisory Group. It is correct that the HMC should take into account the advice of the Advisory Group and it is intended that any future Harbour Revision Order will place the right of the Advisory Group to be consulted and for its views to be taken into account on a statutory footing. However, it is important from the outset to understand that taking account of the views of the Advisory Group does not necessarily mean implementing its recommendations. When taking decisions, the HMC/ESC will set out the basis upon which its decisions have been reached, as it is required to do, under the usual public law requirements in this regard.

(2.) The £25,000 cap on the proposed HMC's budget should be removed, if the sum in question is within the HMC budget agreed with the ESC. It is confirmed that where sums have already been approved as part of the HMC budget, then, further approval of the sum by the ESC, when being used for the approved purpose, would not usually be required. (Note, however, that there may be an internal sign off procedure required for release of the funds by the ESC).

(3.) To establish a charitable arm, within the HMC's business plan, in order to fund the considerable capital investment required for future flood defences of the Harbour and River. Establishing a charity as part of a statutory harbour authority is not without precedent in England. However, it is very rarely done, and its establishment would be a involve a complex process which may or may not be successful. Once the HMC is established, it will be able to give the suggestion due consideration, should it consider that it is appropriate to do so.

(4.) All minutes of meetings and accounts should be posted online and all meetings should be open for members of the public to observe. HMC meetings will be conducted in accordance with normal ESC procedures including publication of papers, minutes, attendance of public at meetings and accounts. Also, as confirmed at the February 2020 Meeting, all harbour revenue (including revenue received by the ESC in respect of the Caravan Park and Camping Ground situated on harbour land) will be treated and applied only in accordance with article 39 of the Southwold Harbour Order 1933. (This Order provides the governing legislation for the harbour undertaking, as summarised in section 2 of the report to the JC of December 2018).

## 6 NEXT STEPS

- 6.1 The recommendations of the JC were made to both the Cabinet of ESC and STC with regard to:
  - a. the establishment of an HMC, based on the revised Terms of Reference and the revised Memorandum of Understanding agreed in Joint Committee meeting of 3 February 2020; and
  - b. the dissolution of the Joint Committee (JC) on the establishment of the HMC.
- 6.2 Assuming that as a result of this simultaneous meeting of the ESC Cabinet and STC, the establishment of the HMC is confirmed, then, the ESC will begin the process of establishing the HMC based on the Skills Audit (referenced above), the Terms of Reference, and Memorandum of Understanding already agreed by the JC at the February 2020 Meeting, and the recommendations of the PGGG. The anticipated timescales are set out below.
- 6.3 The functions of the ESC as a harbour authority are carried out by the Council's Cabinet. Paragraph 3.2 of Section D (Cabinet) of Part 2 (Function and Responsibilities) of the Council's Constitution, and sub-paragraph 7) of paragraph 5.11 (Services and Functions within Cabinet Responsibility) of Section D, refer to this. The HMC will consist of 5 persons appointed by the Cabinet, and 4 persons who are co-opted to the HMC by the Cabinet.
- 6.4 Taking into consideration the Skills Audit, it will be necessary to identify potential Cabinet appointees that hold one or more of those skills. At the same time, it will be necessary to identify any gaps, where the required key skills may not be held by potential Cabinet appointees.
- 6.5 Thereafter, a public advertisement can be placed for the four co-opted HMC positions. This advertisement will provide the full list of skills required for the HMC, but also identify, as a priority, those key skills which are not already provided by the Cabinet appointees. It is suggested that there be a 21-day application period for the co-opted appointments.
- 6.6 All applications for the co-opted appointments will need to be reviewed and a short list of applicants prepared, having due regard to the Skills Audit requirements (if the number of applicants means that a shortlist is required). Short listed applicants will be invited for an interview.
- 6.7 It is recommended that the short-listed applicants be interviewed by an Appointments panel consisting of a member of the ESC, a member of STC and an independent external person. Ashfords may well be able to recommend such an independent person to the ESC, based on their previous experience of making such appointments. On the conclusion of the interviews, the Appointments Panel will make recommendations to the ESC Cabinet as to the persons it considers should be appointed to the co-opted HMC positions for the Cabinet to consider at a subsequent meeting.
- 6.8 In considering the recommendations of the Appointments Panel, the Cabinet will also consider its potential Cabinet appointees and whether all remain suitable for appointment or whether, with regard to the Skills Audit and applications received, any other person should be appointed in place of one or more of the potential Cabinet appointees. Once the Cabinet has met to confirm the appointment of the Cabinet appointees and the externally, co-opted appointments to the HMC, it will need to also consider and confirm the length of the initial terms of office for the co-optees (in accordance with the Memorandum of Understanding and the Terms of Reference).
- 6.9 All HMC members will be bound by the Suffolk Code of Conduct (the Code), whilst serving on the Committee. Therefore, the co-opted Members of the HMC will need to make the declarations of interest, in writing, which are required under the Code. Co-opted Members will need to be familiar with all of the obligations set out in the Code whilst serving on the HMC.

6.10 Co-opted Members of the Council are also paid an allowance which is in accordance with paragraph 5 of the ESC's Members' Allowances Scheme. A link to ESC's Constitution is included here, which includes the Code, in Part 4, and the Members' Allowances Scheme, in Part 5;

<https://www.eastsuffolk.gov.uk/assets/Your-Council/East-Suffolk-Council-Constitution.pdf>

The amount payable as an allowance for co-opted HMC Members is an amount per meeting, being the Basic Allowance (currently £7 706.25) multiplied by between 1% to 4% the equivalent of between £77.06 and £308.25 per meeting. The % is to be determined at the discretion of the Chair of the Committee on which the co-opted Member sits. Therefore, the % payable will be a matter for the Chair of the HMC to determine, at the first meeting of the HMC. The Chair and Vice-Chair of the HMC will be elected Members of the Cabinet. For the ESC Members of the HMC, note that under the Members' Allowances Scheme, up to two Special Responsibility Allowances may be paid to each Member, being 100% of the highest eligible allowance and 25% of the second highest allowance, provided that the second allowance does not relate to a position on the same Committee.

6.11 As well as being entitled to a co-opted Members' Allowance, the Members' Allowances Scheme allows Members and co-opted Members to claim:-

1. Travel and limited subsistence as expenses. Mileage incurred on HMC business, for approved duties such as including driving to meetings (assuming they resume in person) are paid at 45p per mile. Mileage must be claimed within 3 months of the costs being incurred. Claims are made via the Council's HR system, so the co-opted Members would be set up on that, so they can make their claims online. Note that subsistence is not paid for the costs of breakfast, tea or lunch and only the costs of an evening meal can be claimed when linked to an overnight stay, where the overnight stay is required to attend a course, or such like.
2. The actual costs of using public transport can be reclaimed for approved duties, so, travel costs to meetings if bus or rail is used. Taxis fares are only paid in urgent cases where no public transport is reasonable available to carry out approved duties.
3. An hourly Dependant Carers Allowance of £20.00 per hour to cover the costs of carers or nursing, to allow attendance at meetings.
4. An hourly babysitting/childcare allowance of up to £10 per hour to cover the costs of childcare to allow attendance at meetings. For the allowances referred to in this subparagraph, and 3) above, receipts for the costs incurred must be provided, and family members cannot be used to provide the caring, nursing or babysitting etc.

6.12 The payment of allowances is subject to Income Tax under PAYE and National Insurance deductions. Receipts for allowances claimed, including tickets/fares, are required and it must be noted that the Council publishes details of all claims and payments made under the Members' Allowances Scheme.

6.13 After the appointment of the HMC, it is suggested that all Members of it meet, to receive a training session about the statutory harbour authority, including information about the PMSC, PGGG and their duties as HMC Members. Immediately following the training session, it is suggested that the first HMC meeting should take place. On the first meeting of the HMC, the JC will be dissolved, automatically.

6.14 Agenda items for the first meeting will include approving:

1. The draft Terms of Reference for the Advisory Group;
2. The public notice inviting applications for membership of the Advisory Group and letters inviting nominations (where appropriate).
3. Establish the Advisory Group Membership Committee (Membership Committee)



- 6.15 Thereafter, a public notice can be published and nomination request letters sent out to invite applications for membership of the Advisory Group with a closing date for applications/nominations 21 days later. Applications/nominations can then be considered by the Membership Committee and recommendations formulated. A second HMC meeting may then be convened to confirm the appointments to the Advisory Group. Once the HMC has met and confirmed the members of the Advisory Group, its first meeting may be held.

## **7 HOW DOES THIS RELATE TO THE EAST SUFFOLK STRATEGIC PLAN?**

- 7.1 The changes to governance proposed for the SHL support a number of themes in ESC's Strategic Plan. The wider representational base of the HMC and the Advisory Group provides an opportunity for greater engagement with our Communities and enables them to contribute to the running of an important local asset. Being set up in accordance with the PGGG will provide the support of the DfT and give a base for a subsequent Harbour Revision Order, thus securing a more modern approach to the management of the SHL. Having a skills-based approach to the recruitment of the HMC Members, and having co-opted Members on it, will provide a new and exciting approach to the management of the SHL. It will also provide a more transparent means of operating the SHL, given that the HMC will be set up and run as any other Committee of the Council/Cabinet would be, and will be subject to the same rules around accessibility of information, openness etc.
- 7.2 By having this new approach to the management of the SHL assets, it will fit with the other themes in the Strategic Plan, such as Enabling Economic Growth, Caring for Our Environment and Remaining Financially Sustainable. In terms of these themes, the new governance arrangement will support any plans which there might be to develop or renovate the built environment of the SHL, to attract inward investment, maximise its economic potential, build business partnerships or support the delivery of infrastructure.

## **8. FINANCIAL AND GOVERNANCE IMPLICATIONS**

- 8.1 ESC 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 ESC to control expenditure and work cost-effectively with the arrangements for the new constitution for ESC.
- 8.2 The longer term financial and governance considerations for the SHL are described and considered in section 12 of the February 2020 Report, at Appendix A.
- 8.3 There will be some modest costs associated with the next steps set out in this report, such as for advertisements for the recruitment of the co-opted Members of the HMC, and the Members of the Advisory Group. Also, for the payment of an Allowance for the co-opted Members of an amount per meeting, based on between 1% and 4% (to be determined) of the Basic Allowance of payable to Members of ESC

## **9. OTHER KEY ISSUES**

- 9.1 This report has been prepared having taken into account and reviewed the results of an Equality Impact Assessment (EIA), as published with the February 2020 Report and available at the link to that report, above. 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:

9.1.1 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 ESC 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.

9.1.2 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.

9.2 We consider that the proposal will not adversely affect the status quo and should improve it. Currently, the SHL are managed by officers of ESC, in consultation with the Southwold Harbour and River Blyth Users Association (SHRBUA) and the Southwold Caravan Owners Association (SCOA), and others. The proposed 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.

9.3 No points have been made by consultees during the 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.

## **10. CONSULTATION**

10.1 This report has been prepared taking into account the results of the consultation exercise referred to above. Further, the proposed approach would enable ongoing consultation, including the provisions for establishment of the Advisory Group described above.

## **11. OTHER OPTIONS CONSIDERED**

11.1 The February 2020 Report sets out the various proposals which have been made previously, in relation to the governance of the SHL, and the background to the decisions to be made in this report. See section 11 of the February 2020 Report for the various options.

## **12. REASON FOR RECOMMENDATIONS**

12.1 The recommendations in this report are made in response to the February 2020 Report and the resolutions passed at the February 2020 Meeting, as set out above. The Terms of Reference and the Memorandum of Understanding were agreed at the February 2020 Meeting, and the further consultation builds upon the work carried out thus far, to implement the new governance model for the SHL. Not to follow those recommendations would not serve the good work which has been undertaken, to date, to develop a more modern, working model of governance for the SHL.

12.2 It is considered that the recommended approach strikes the right balance, in terms of accommodating the wishes of stakeholders as far as possible and enabling the HMC to comply with the PGGG. It is recommended 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.

## RECOMMENDATIONS

- a) That the outcome of the further consultation is considered and the East Suffolk responses to the points raised from it be noted
- b) That the proposed Terms of Reference for the Advisory Group, at Appendix C to this report, be approved
- c) That the establishment of an Harbour Management Committee for the Southwold Harbour Lands, based on the revised Terms of Reference and the revised Memorandum of Understanding agreed and initialled at the meeting of the Southwold Harbour Lands Joint Committee held on 3 February 2020, be confirmed; and
- d) That on the establishment and first meeting of the Harbour Management Committee for the Southwold Harbour Lands, the dissolution of the Southwold Harbour Lands Joint Committee be confirmed and
- e) That delegated authority be given by the East Suffolk Council's Cabinet to the Strategic Director, to run the recruitment processes outlined in paragraph 6 of this report, and in consultation with the Head of Legal and Democratic Services, to establish the Harbour Management Committee, the Appointments Panel, the Advisory Group and the Membership Committee.

## APPENDICES

<b>Appendix A and B</b>	Terms of Reference for the HMC as agreed and initialled at the February 2020 Meeting and the Memorandum of Understanding as agreed and initialled at the February 2020 Meeting
<b>Appendix C</b>	Proposed Terms of Reference for the Advisory Group

## BACKGROUND PAPERS

Date	Type	Available From
<b>6 March 2019</b>	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	<a href="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/">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/</a>
<b>June 2014</b>	Consultation Document	<a href="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">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</a>

<b>28 July 2014</b>	Minutes of the simultaneous meeting of WDC's Cabinet and STC	<a href="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">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</a>
<b>November 2018</b>	Equalities Impact Assessment (EIA)	<a href="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">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</a>
<b>December 2018</b>	December Report	<a href="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">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</a>
<b>February 2019</b>	February Report	<a href="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">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</a>
<b>6 March 2019</b>	March Resolutions	<a href="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">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</a>
<b>15 March 2019</b>	Resolutions by WDC's Cabinet	<a href="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">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</a>
<b>5 July 2019</b>	July Report	<a href="https://eastsuffolk.cmis.uk.com/eastsuffolk/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/108/Committee/26/Default.aspx">https://eastsuffolk.cmis.uk.com/eastsuffolk/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/108/Committee/26/Default.aspx</a>
<b>July 2019</b>	Draft Terms of Reference as published for consultation	<a href="https://www.eastsuffolk.gov.uk/assets/Visitors/Southwold-Harbour/Management-consultation/Terms-of-Reference.pdf">https://www.eastsuffolk.gov.uk/assets/Visitors/Southwold-Harbour/Management-consultation/Terms-of-Reference.pdf</a>
<b>July 2019</b>	Draft Memorandum of Understanding as published for consultation	<a href="https://www.eastsuffolk.gov.uk/assets/Visitors/Southwold-Harbour/Management-consultation/Memorandum-of-Understanding.pdf">https://www.eastsuffolk.gov.uk/assets/Visitors/Southwold-Harbour/Management-consultation/Memorandum-of-Understanding.pdf</a>
<b>August 2019</b>	Consultation circular	<a href="https://www.eastsuffolk.gov.uk/assets/Visitors/Southwold-Harbour/Management-consultation/Consultation-Circular.pdf">https://www.eastsuffolk.gov.uk/assets/Visitors/Southwold-Harbour/Management-consultation/Consultation-Circular.pdf</a>
<b>August 2019</b>	Draft outline business case	<a href="https://www.eastsuffolk.gov.uk/assets/Visitors/Southwold-Harbour/Management-consultation/Outline-Business-Case.pdf">https://www.eastsuffolk.gov.uk/assets/Visitors/Southwold-Harbour/Management-consultation/Outline-Business-Case.pdf</a>