



SOUTHWOLD HARBOUR MANAGEMENT COMMITTEE

Thursday, 14 July 2022

Subject	Harbour Revision Order
Supporting Officer	Kerry Blair Head of Operations kerry.blair@eastsoffolk.gov.uk

Is the report Open or Exempt?	OPEN
-------------------------------	------

Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	Southwold

Purpose and high-level overview

Purpose of Report:

To set out the process and timeline for carrying out a Harbour Revision Order (HRO) for Southwold Harbour and seek approval to move forward.

Recommendations:

That the HMC recommends that the Leader of the Council:

- Approve moving forward with an HRO, with the understanding that more work would need to be done on the flexibility of the harbour limits and understanding of responsibilities upstream of the harbour.
- Give Delegated Authority to the Head of Operations to appoint a Legal Advisor to support the HRO process.

Impact Assessment

Governance:

The HRO will be the legal order that defines the powers under which the HMC and the Harbourmaster can take action within the Harbour limits. As such, it is an essential piece of legislation to ensure the good governance of the harbour.

Environmental:

The HMC must act in the best interests of the Port, which includes ensuring its long term sustainability and success. Environmental factors will be taken into account in the decisions which the HMC will make.

Equalities and Diversity:

No impact.

Financial:

The financial impacts are set out within the report.

Legal:

Legal advisors will be appointed to support the process.

Risk:

The risk of continuing with the existing Harbour Order is as follows:

- That it does not provide sufficient powers for the Harbourmaster to carry out their obligations to manage harbour safety for all users.
- That it requires modernising – to take into account changes in use and vessel type.
- To put the HMC and the SAG on a statutory footing.

Harbour Business Plan Priorities

To be added when the plan is in place.

East Suffolk Council Strategic Plan Priorities

Select the themes of the Strategic Plan which are supported by this proposal:		
T01	Growing our Economy	<input checked="" type="checkbox"/>
T02	Enabling our Communities	<input checked="" type="checkbox"/>
T03	Maintaining Financial Sustainability	<input checked="" type="checkbox"/>
T04	Delivering Digital Transformation	<input type="checkbox"/>
T05	Caring for our Environment	<input checked="" type="checkbox"/>

Background and Justification for Recommendation

1 Background facts	
1.1	When setting up the HMC, a list of likely tasks and priorities were set out.
1.2	One task was to consider and progress an application for a HRO to modernise the statutory provisions applying to Southwold Harbour (including placing the HMC and Advisory Group on a statutory footing).
1.3	An HRO is made under the Harbours Act 1964, which amends the existing local harbour legislation of statutory harbour authorities.

2 Current position	
2.1	At it's meeting on 10 March 2022, the HMC welcome Lara Moore from Ashfords LLP to talk through the process and background to an HRO. The minutes of the meeting detail the full discussion.
2.2	<p>The HMC were advised that Harbour Revision Order allowed existing local harbour legislation to be modernised, repealed or for new powers to be added to ensure that harbours could be properly managed by the statutory harbour authority. Any successful application had to pass the 'core test' which was that the Marine Management Organisation would be:</p> <p><i>"Satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships"</i></p>
2.3	<p>The provisions that which could be in the HRO include:</p> <ul style="list-style-type: none"> • Placing the HMC on a statutory footing • Placing the Advisory Board on a statutory footing • Modernising but retaining full ring fencing of the harbour funds • Modernising provisions related to capital monies • Short fall in harbour revenue • Ensuring the 'rating' and 'harbour' limits are the same • Modernising the definition of vessel

	<ul style="list-style-type: none"> • Obtaining Powers of General Direction • Fixing the landside harbour premises limits or making them flexible
2.4	An HRO would also enable the ability to update some definitions in the Harbour Order, for Powers of General Direction and to enable further economic development.
2.5	The HMC and SAG were largely in agreement on the majority of the provisions which would need to be included in a Harbour Revision Order, but that more work would need to be done on the flexibility of the harbour limits and understanding of responsibilities upstream of the harbour.

3 How to address current situation

3.1	<p>The total timescale for application for an HRO is between twelve and eighteen months. The following tasks would need to be carried out:</p> <ul style="list-style-type: none"> • An application and revised HRO drafted • An accompanying statement of support detailing the provisions and reasons for inclusion be drafted • Local consultation carried out – although not a requirement is something that is recommended • The amended order to be examined by the Marine Management Organisation and Department for Transport • Order laid before Parliament
3.2	The application currently costs £4000, which rises to £9,790 in October 2022 and £15,579 in October 2023. Advertisement costs would also be incurred, which would be between £2,000 – £5,000. Legal fees would be in the region of £25,000 - £30,000.
3.3	Due to the lengthy timescales and known application cost increase later this year, it is suggested that the process is started prior to October 2022.

4 Reason/s for recommendation

4.1	To ensure that we bring existing legislation up to date.
-----	--

Appendices

Appendices:

None

Background reference papers:

Date	Type	Available From
March 2022	Minutes of the HMC Meeting held on 10 March	CMIS