

[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~~14), ~~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.