

Annex 1 to Report 28/2007

Harbour Committee – Draft outline Terms of Reference/Protocol

Overall Objective

To maintain, protect and enhance the harbour whilst at the same time deriving sustainable economic and social benefit, as outlined in the Tor Bay Harbour and Maritime Strategy.

Specific Objectives

- Effective financial management of the harbour
- Maintenance & development of the harbour infrastructure
- Support for the local economy
- Positive contribution towards the character and attraction of the Bay
- Compliance with legal & regulatory requirements as listed in the Director of Marine Services specific delegations
- Appropriate awareness and regard for relevant environmental considerations
- Open & transparent governance
- Development of harbour staff
- Considering issues of risk management
- Making a positive contribution to the social wellbeing of the local community

Membership

As per the following table :-

Council to appoint 7 Councillors (politically balanced but to be apolitical) Term 4 years (the Council should aim to deliver continuity over the term)	To normally include (subject to the political balance rules) at least: 1 Councillor local to Brixham 1 Councillor local to Torquay 1 Councillor local to Paignton 3 Other Councillors preferably with harbour experience Plus the Mayor or a Councillor nominated by the Mayor
Appointees via advertisement (non-voting and appointed by the Committee) Term 4 years (can be re-appointed for a further 4 years) Maximum term 8 years Appointed on a staggered/rotational basis. Initial appointments to be given on different terms.	The Mayor or a Councillor appointed by the Mayor (if not covered by above selection) – <i>Note: The Mayor is entitled to attend/speak at any Committee meeting (Standing Order B4)</i> Director of Marine Services/Harbour Master(s) (advisors) Up to 5 x co-optees /advisors with one or more of the following appropriate

	<p>skills/experience :-</p> <ul style="list-style-type: none"> - boardroom experience/strategic thinker - business background in the marine leisure industry - recent and relevant commercial expertise - recent and relevant health & safety expertise - company management - business background in shipping/fishing or cargo activity - finance/management accounting - recent and relevant legal expertise - recent and relevant environmental expertise <p>1 x appointed by the Board of Torbay Development Agency Ltd (being a private sector Director of the Board)</p>
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It is to be noted that ALL appointees should act and/or advise only for and on behalf of the harbour as a whole, and not for their own/employers' interests. *This depends whether they are co-optees or advisors. Note: If co-optees are appointed they will need to sign a declaration to abide by the Code of Conduct and will then be subject to registering/declaring interests and withdrawing from meetings when appropriate.*

Chairman

To be appointed by the Harbour Committee from the 7 appointed Councillors.

Decision making functions and activity

To determine all matters relating to the strategic management of the Council's function as a Harbour Authority, in line with the Tor Bay Harbour & Maritime Strategy, the Council's Policy Framework. Specifically the Committee will :-

- (1) manage all of the Harbours financial matters in accordance with approved financial procedures and the Council's aspirations for the harbour to be self financing as out lined in the Harbour and maritime strategy and including, but not limited to:

the setting of harbour charges from time to time (including in-year changes to the schedule) normally following consultation with the relevant Harbour Liaison Forums providing that such does not impact on the Council's general fund or capital budget;

setting the annual revenue budgets for the ring-fenced harbour accounts;

receiving quarterly budget monitoring reports and to approve variances as appropriate; and

monitoring the harbour reserve funds and to seek to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing,

- (2) fulfil the Council's role as Duty Holder for the purposes of the Port Marine Safety Code,
- (3) approve and monitor a Business Plan for Tor Bay Harbour and address any issues relating to performance
- (4) annually review these Terms of Reference and the powers delegated to the Director of Marine Services/Harbour Master and recommend appropriate changes to the Council's Constitution Working Party
- (5) Any other matters referred to the committee by the Director of Marine Services
- (6) Committee can set up any sub committee or working committees as it sees fit.
- (7) To recommend the format and composition of the Harbour Liaison Forums.

Training

All Councillors and co-optees/advisors of the Harbour Committee are required to undertake appropriate training. This training should cover port operation, statutory and regulatory obligations, the role of the Duty Holder under the Port Marine Safety Code and governance issues.

Assets

The Harbour Committee will manage all of the land, sea and council-owned fixed assets located within the limits of the Harbour and Harbour Estate. The Council will determine the limits of the Harbour Estate in consultation with the Harbour Committee. (Note: Asset purchase and disposal over £25,000 is a matter for Council to determine.)

Recruitment

Appointment of co-optees/advisors will be recommended by a sub-committee of the Harbour Committee following open advertisement and an appropriate recruitment exercise. Appointments will be based on the required skills/experience.

Consultation

The Committee will have due regard for the interests of the local community, user groups and the views of the Harbour Liaison Forums, attending appropriate meetings and seeking views to gain a balanced picture of the effects of harbour policy and decisions.