



## SOUTHWOLD HARBOUR LANDS JOINT COMMITTEE

Wednesday 18 March 2015

### FUTURE GOVERNANCE OF THE HARBOUR LANDS (SHLJC02)

#### EXECUTIVE SUMMARY

1. A joint working group of Waveney District Council's Cabinet and Southwold Town Council (the Councils) conducted a detailed consultation, between 2 June and 11 July 2014, with regard to their draft vision for the future of the Southwold Harbour Lands ('SHL').
2. Following that consultation the joint working group made a series of recommendations to the Councils at a simultaneous meeting on 28 July 2014. In summary the Councils determined at that meeting to:
  - a) adopt the draft key principles and vision outlined in the consultation document;
  - b) establish a Joint Committee of Waveney District Council ('WDC') Cabinet and Southwold Town Council ('STC') to replace the joint working group;
  - c) delegated authority to the Joint Committee to act as the 'Initial Strategic Board' for the SHL;
  - d) investigate the options for optimising investment in and delivery of the Caravan site;
  - e) develop the optimum options for the sustainable, long term, ownership, control and delivery of the SHL;
  - f) develop and implement a Community Engagement Strategy to ensure the ongoing involvement of all relevant stakeholders.
3. The Joint Committee is now asked to consider in detail 2(e) above.

Is the report Open or Exempt?	Open
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<b>Wards Affected:</b>	Southwold
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<b>Supporting Officers:</b>	Arthur Charvonia, Strategic Director Lesley Beavor, Town Clerk
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## **1 BACKGROUND**

- 1.1 A joint working group of the Councils conducted a comprehensive consultation, between 2 June and 11 July 2014, with regard to the future of the SHL.
- 1.2 In response to that consultation exercise the Councils adopted a set of key principles and vision for the SHL and created a new Joint Committee to act as the 'Initial Strategic Board' for the SHL.
- 1.3 The Joint Committee has been established and has been tasked by the Councils with two main areas of focus. These are:
  - a) the sustainable, long term, ownership, control and delivery of the SHL; and
  - b) optimising investment in, and delivery of, the Caravan site.
- 1.4 This report focuses solely upon 'the sustainable, long term, ownership, control and delivery of the SHL'.

## **2 CONSULTATION & ENGAGEMENT**

- 2.1 The Joint Committee adopted a communication strategy and engagement plan at its meeting on 10 December 2014.
- 2.2 In line with that strategy and plan the Joint Committee held a stakeholder workshop on 7 February 2015 to consider both 1.3(a) and (b) above. This workshop built upon the original comprehensive public consultation carried out in June 2014.
- 2.3 Following the workshop the Joint Committee circulated copies of all of the comments made during the four workshop sessions to all the stakeholders. In addition the Joint Committee received a number of emails that helpfully provided additional clarity to the points raised during the workshop.
- 2.4 The Joint Committee then developed and circulated an additional document to all stakeholders to confirm what it changed as a result of the feedback from the workshop, together with what it can also still change, and what it can not change (see Appendix A).

## **3 SUSTAINABLE, LONG TERM, OWNERSHIP, CONTROL AND DELIVERY**

- 3.1 Following the decision made at the simultaneous meeting on 28 July 2014, WDC commissioned Winckworth Sherwood solicitors, on behalf of the Joint Committee, to advise and develop the optimum options for the sustainable, long term, ownership, control and delivery of the SHL.
- 3.2 Winckworth Sherwood presented their initial views and advice to the stakeholders at the workshop on 7 February 2015. Following consultation at that workshop and consideration of Appendix A, Winckworth Sherwood have now produced their more detailed advice for the Joint Committee (Appendix B).
- 3.3 This advice comprehensively considers a number of critical issues. Based upon this advice the Joint Committee is now asked to make six decisions, listed as recommendations below.
- 3.4 In addition, however, there are a number of aspects, highlighted in Winckworth Sherwood's advice, that will require further consideration by the Joint Committee before they can be decided. These include:
  - Members – including WDC and/or STC being Corporate Members (see Section 6)
  - Trustees (see Section 6)
  - Election of Trustees (see Section 6)
  - The terms of reference of the Stakeholder Advisory Group (see Section 6)

- The continued role of WDC and STC, as well as the Joint Committee (see Section 10)
- TUPE and pension implications (see Section 11)
- Whether or not the disposal will be for less than best consideration and if therefore consent will be required from the Secretary of State (see Section 12)
- Consideration of long term lease of the assets by WDC and / or STC; or freehold disposal (see Section 12)
- Consideration of loan, licence or disposal of other assets (see Section 13)

#### **4 OTHER MATTERS**

4.1 A number of other outstanding matters also remain for consideration by the Joint Committee and will form the basis of future discussion and reports. These are:

- The development of an appropriate phased transition mechanism so that all income earned by the lands is directly reinvested in the lands, rather than supporting WDC's revenue budget (offset by capital investments);
- The continued investigations identifying options for optimising investment in and delivery of the Caravan site in line with the adopted Vision.

#### **RECOMMENDATION**

1. That the legal model for the new governance arrangement should be a charitable company limited by guarantee ('Harbour Trust'), supported by a trading subsidiary.
2. That the key provisions of the governing document (as set out in Section 6 of Appendix B) be approved in principle, subject to further consideration being given to:
  - The name of the new company;
  - Members – including WDC and/or STC being Corporate Members of the Harbour Trust;
  - Trustees;
  - Election of Trustees; and
  - The terms of reference of the Stakeholder Advisory Group.
3. That the mechanisms for the recruitment, selection and appointment of trustees (as set out in Section 7 and Appendices 2 to 4 of Appendix B) be endorsed.
4. That statutory function of the Harbour Authority should be transferred to the new Harbour Trust.
5. That the indicative implementation timetable (as set out in Section 15 of Appendix B) be endorsed.
6. That any land / property transfers, creation of the Harbour Trust and transfer of statutory function of the Harbour Authority should take place simultaneously.

#### **APPENDICES**

##### **Appendix A**

Joint Committee confirmation of changes following the 7 February 2015 Workshop

**Appendix B**

Winckworth Sherwood's governance advice

**BACKGROUND PAPERS**

Please note that copies of background papers have not been published on the Council's website but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

<b>Date</b>	<b>Type</b>	<b>Available From</b>
2 June 2014	Southwold Harbour Lands Consultation document	<a href="http://www.waveney.gov.uk">www.waveney.gov.uk</a>
28 July 2014	SHL – Review of consultation and recommendations report (REP1127)	<a href="http://www.waveney.gov.uk">www.waveney.gov.uk</a>
10 Dec 2014	Community Engagement (SHLJC01)	<a href="http://www.waveney.gov.uk">www.waveney.gov.uk</a>