

Southwold Harbour Lands Consultation, January 2019

Summary of information

Introduction

Views are being sought on proposals for the future management of Southwold Harbour Lands. Councillors from Southwold Town Council (STC) and East Suffolk Council (WDC) have proposed the creation of a new strategic body which would oversee operations and a consultation to consider these proposals begins on Saturday 19 January, running until Friday 28 February. Information gathered from the consultation will then be considered, before a final recommendation is made to councillors in March.

The structure being considered would establish a Harbour Management Committee (HMC) as a means of governing the Southwold Harbour Lands and full details of these proposals are included in the relevant appendices.

A summary of the proposals

In December, the Joint Committee agreed that it wishes to revisit resolutions made in March 2015 to create a charitable company to manage the Southwold Harbour Lands as it believes these resolutions are no longer appropriate.

Instead, the Joint Committee wishes to consult professional advisers and stakeholders regarding new proposals for a Harbour Management Committee to succeed the Joint Committee.

This proposal seeks to enable short term governance improvements (including more local involvement and engagement in management and delivery) and design proposals to deliver medium term improvements addressing long term sustainability, responsibility, liability and delivery.

The Joint Committee is clear, however, that these are only proposals at this stage and that a number of potential outcomes remain possible. The Committee intends fully to take into account the results of the consultation exercise before it makes its decision.

Ownership of Southwold Harbour Lands

The 1933 Harbour Order outlines the local authority (at that time Southwold Borough Council) as the responsible 'corporation' for the purpose of its administration. This duty transferred to Waveney District Council in 1974.

A letter dated 10 January 1974, sent by Waveney District Council to the Department of the Environment, stated that *“Southwold Parish Council has conceded that the Waveney District Council should operate Southwold Harbour and that the land associated therewith is transferred to the District Council, by the order [Local Government Act 1972]”*.

Appendix A outlines this and two other letters in respect of the matter.

Waveney District Council has managed Southwold Harbour Lands and been in receipt of rent for property thereon, since 1974.

Why is the ‘Harbour Management Committee’ model being proposed?

The Port Good Governance Guidance document (PGGG) document is published by the Department for Transport (DfT) and was updated in March 2018. It provides guidance for all Statutory Harbour Authorities (SHAs) in England.

Southwold Harbour Lands is operated by the Local Authority, Waveney District Council, which bears the statutory responsibility for that function and has done so since 1974. Part C of the PGGG, under the heading ‘Corporate Governance’ and ‘Principles’, outlines that: Local Authority-owned ports should be governed and operated in the interests of stakeholders including the local community and that establishing a Harbour Management Committee to govern a harbour is one way in which LA’s (Local Authorities) can incorporate good governance principles.

It is envisaged that establishing a ‘Harbour Management Committee’ for the Southwold Harbour Lands, will provide a model which will:

- Meet all of the ‘Key Principles’ outlined in the 2014 ‘Southwold Harbour Lands Consultation’ document
- Enable ‘local influence’ by inclusion of varied stakeholder groups, including Southwold Town Council and Waveney District Council
- Provide an opportunity to include appropriate skillsets for the effective management of the Southwold Harbour Lands
- Provide an effective management structure to implement the PGGG and consider future governance and legislative options
- Satisfy the economic security and level of control required by Waveney District Council for future investment

The consultation

The consultation seeks to engage as many people and listen to as many views as possible. The exercise includes drop-in events and a short survey.

Events:

- 19 January 2019: *A drop-in between 10am and 1pm at Southwold Sailing Club*
- 26 January 2019: *A drop-in between 10am and 1pm at Southwold Methodist Church*
- 6 February 2019: *A public meeting at 6.30pm at St Edmunds Hall, Southwold*
- 6 March 2019: *A Joint Committee Meeting at 6.30pm, at St Edmunds Hall, Southwold, where a governance model will be selected for recommendation*
- 15 March 2019: *A simultaneous Meeting with STC and WDC at 10.30am, at Stella Peskett Hall, Southwold, where the recommendation from the Joint Committee will be considered*

Survey: A short survey was conducted with members of the public.

Meanwhile the views of key stakeholders such as The Marine Management Organisation (MMO), Inshore Fishing and Conservation Authority (IFCA), Environmental Agency and the Department for Transport (DfT) will also be sought.

Deadline for representations Information gathered from the consultation events and survey by 28 February 2019 will be considered before a final recommendation is made.

Additional information

The structure of Harbour Management Committees according to the Port Good Governance

Guidance document:

The formation and membership of the committee is critical. It should be strategic and aware of the commercial and legal framework within which ports operate.

Based on particular experiences the Committee should ideally comprise:

- Approximately 50% LA (Local Authority) elected members of a constituent authority. These do not all have to be LA councillors, but can be co-opted representatives who are appointed by the LA or provide specific skills in support of port management;
- The port chief executive/harbour master should have access to the HMC in an advisory role, but as an officer of the Council they cannot serve on the committee or have voting rights;
- External appointees who are stakeholder representatives or individuals with valuable skills and experiences;
- A Chair appointed on merit, skills and suitability;
- External members should be appointed by public advertisement using the guidance applicable to public appointments, in line with the advice given above.

The HMC Chair should ideally be an elected representative of the LA as this will automatically maintain reporting lines and accountability to the Council. Should the LA favour the appointment of an independent Chair, it is important that reporting lines and voting arrangements are clear and in line with LA corporate governance practice.

Before recruiting, local authorities should undertake a skills audit to assess the balance of skills required to effectively govern the port and deliver against the business plan. These skills should be considered for all committee members.

In order for the HMC to operate effectively a formal memorandum of understanding could be established between the harbour committee and the local authority. The memorandum of understanding could set out the recommended ground rules for a framework between the port and its authority.

The resolutions to carry out this consultation exercise

On 18 December 2018, the Southwold Harbour Lands Joint Committee resolved:

1. that it is minded to revisit the resolutions it made on 18 March 2015 (the “Resolutions”, copy minute at Appendix H to the Report available at <https://www.eastsuffolk.gov.uk/assets/Your-Council/WDC-Council-Meetings/2018/December/Southwold-Harbour-Lands-Joint-Committee-18-12-18/dItem-7-Report-on-Future-of-Southwold-Harbour-Lands.pdf> (the “Report”)), including those that the legal model for the new governance arrangements for the Southwold harbour lands should be a charitable company with a trading subsidiary and that the statutory function of harbour authority should be transferred to that company, because, having considered the circumstances which have emerged and developed since those Resolutions were made, as summarised in the Report, it considers that those Resolutions are no longer appropriate.
2. to note the recommendation in the Report that the Joint Committee:
 - a. rescinds the Resolutions; and
 - b. recommends to a simultaneous meeting of Waveney District Council and Southwold Town Council that they modify the resolutions made by them on 28 July 2014 to withdraw the delegation to the Joint Committee to act as an “Initial Strategic Board” and direct the Joint Committee to, in line with its terms of reference, arrange to consult professional advisers and stakeholders and advise WDC and STC on proposals for a Harbour Management Committee to succeed the Joint Committee and:
 - i. enable short term governance improvements (including more local involvement and engagement in management and delivery) in line with the key principles in the June 2014 consultation document and the Ports Good Governance Guidance issued by the Department for Transport 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), addressing future ownership and long term sustainability, responsibility, liability and delivery.
 - c. arranges to instruct professional advisers to advise on the appropriate constitution for a Harbour Management Committee as outlined above; and
 - d. makes stakeholder engagement arrangements to consult community stakeholders and all other relevant stakeholders on the improvements outlined above.
3. to note that the Joint Committee keeps an open mind, that all potential outcomes (as to the Resolutions, the future of the governance arrangements for the Southwold harbour lands and the future role of the Joint Committee) remain open and the Joint Committee intends fully to take into account the results of the consultation exercise to be arranged as set out below before it makes its decision.

4. to carry out an exercise to consult potentially interested persons (Stakeholders) by:
 - a. arranging an event or events in Southwold to consult Stakeholders in person; and
 - b. using reasonable endeavours to notify Stakeholders, at such events and by advertisement in a local newspaper and/or publication on the WDC and/or STC websites, of these resolutions and that they must deliver any representations they may wish to make to kerry.blair@eastsoffolk.gov.uk and/or townclerk@southwoldtowncouncil.com in writing by midnight on 1 March 2019.

5. to arrange a further meeting to decide how to proceed once the results of the consultation exercise have been obtained and considered.