[DRAFT/] CONSULTATION CIRCULAR
SOUTHWOLD HARBOUR LANDS JOINT COMMITTEE (JC)
Context of the draft Southwold HMC constitutional documents from Ashfords LLP

1. In May 2019, Ashfords LLP (Ashfords) were instructed to advise on the appropriate constitution for the proposed Southwold Harbour Management Committee (HMC) to enable governance improvements in line with the key principles in the consultation document from June 2014 and the Ports Good Governance Guidance (PGGG) issued by the Department for Transport. The instructions have been published. They:
   a. provided the background and points from the consultations and meetings so far; and
   b. emphasised the JC’s recommendations (as endorsed by Waveney District Council and Southwold Town Council) that the points set out in section 12 of the report to the JC for its meeting on 6 March 2019 should be taken into account, including places on the HMC for member(s) of Southwold Town Council and other external appointees.

2. In June 2019, Ashfords produced an explanatory note and their draft constitution for the HMC, comprising draft Terms of Reference and a draft Memorandum of Understanding, all as published with this circular.

3. The JC keeps an open mind, but has questions and reservations about the draft constitutional documents produced by Ashfords and will need to consider them carefully, together with the results of this public consultation exercise, when it meets again (probably in November 2019, to allow sufficient time for consultation) to decide on the way forward, and may decide to recommend changes.

4. The JC draws the attention of consultees to paragraph 3.1 of the draft Terms of Reference, and paragraph B of Annex 4 to the draft Memorandum of Understanding, which would together:
   a. provide that the HMC shall consist of 11 members, comprised of 6 Members of the Cabinet of East Suffolk Council and 5 Co-opted Members;
   b. state that each Co-opted Member, as far as it is achievable, will be appointed on a ‘fit for purpose basis’ through assessment of each nominee’s skills, knowledge, experience and commitment on matters identified from time to time by a skills audit as being the main skills requirements for the HMC; and
   c. state that it is considered that at least one Co-opted Member should be a member of Southwold Town Council.

5. In particular, it was expected that Ashfords would follow the JC’s recommendation that there would simply be automatic places for member(s) of Southwold Town Council, and East Suffolk Council was expecting to require a higher proportion of East Suffolk Council members than this in order to ensure adequate control over the matters it will be asked to fund and for which it will remain, directly or indirectly, liable.

6. Ashfords have confirmed that they had fully taken these points into account and their advice is that the constitution should follow the PGGG, as summarised in their explanatory note and their draft Memorandum of Understanding, generally and in particular because this would be necessary in future if a Harbour Revision Order is to be secured to update the 1993 legislation governing the harbour.

7. It appears the JC will need to decide whether to recommend that this advice is followed, or recommend a different constitution and ensure explanation of the reasons for non-compliance with the PGGG, knowing that this would have to be revisited in future, particularly when preparing for an application for a Harbour Revision Order. Accordingly, it may be appropriate to ask Ashfords to provide further advice or to attend the future meeting of the JC to answer questions from JC Members, informed by the results of the public consultation exercise.

[Pursuant to the resolutions made by the JC on 5 July 2019, this explanatory circular has been approved by the Chairman and Vice Chairman of the JC, after discussions with their respective JC Members, to set out the context of the documents from Ashfords LLP which are being published in this consultation exercise.]

Minutes of the meeting of the JC on 5 July 2019 are published with this circular.

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