

	<b>REPORT TO WHITBY HARBOUR BOARD TO BE HELD ON 3 OCTOBER 2011</b>	
	<b>Key Decision</b>	<b>NO</b>
<b>Corporate Priority: All</b>	<b>Forward Plan Ref No</b>  <b>Chairman</b>	<b>Harbours &amp; Land – 8</b>  <b>Cllr M Cockerill Harbours, Land and Project Management</b>

**REPORT OF: HEAD OF TOURISM AND CULTURE – 11/418**

**WARDS AFFECTED: WHITBY WARDS**

**SUBJECT: TERMS OF REFERENCE FOR WHITBY HARBOUR CONSULTATIVE GROUP**

**RECOMMENDATION (S):**

Note the Terms of Reference of the Whitby Harbour Consultative Group, and agree these as a basis for consulting with the Group.

**REASON FOR RECOMMENDATION (S):**

To establish the protocol, operation and consultative role of the Whitby Harbour Consultative Group in relation to the Whitby Harbour Board

**HIGHLIGHTED RISKS:**

If the Whitby Harbour Board do not agree to the protocol established with this consultation group they will be in contention with recommended advice regarding the establishment of consultative groups in the Port Marine Safety Code and the Municipal Ports Review.

**1. INTRODUCTION**

- 1.1 The creation of the (Pilot) Whitby Harbour Board brings with it an opportunity to reflect upon how existing Harbour Users Group(s) operate, how the Whitby Harbour Consultative Group will operate and interact with the Board and, if changes are agreed to the way in which they function, whether a new 'model' can and should be rolled out at Scarborough and Filey Coble Landing.

## **2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN**

2.1 This projects meets several of the Councils Corporate Aims and priorities as follow:-

- Developing safer and stronger communities
- Building prosperous communities
- Creating healthy and vibrant communities
- Improve the Council

## **3. BACKGROUND AND ISSUES**

3.1 The existing Harbour Users Groups have existed in their present form for many years and to, a degree, have provided added value to the process of managing the harbours undertakings.

3.2 They previously compromised of representatives of the principal user interest groups, based predominantly around the leisure and fisheries sectors, these being the two major sectors that utilise the undertakings.

3.3 The Harbour Users Groups had no authority or powers and are run on a voluntary basis, meeting quarterly.

3.4 The chairmanship and a secretariat of the Group was provided by the Harbour Master's Office and the agenda based around disseminating information and receiving observations about, principally, operational matters etc.

3.5 In recognition of the place each of the harbours has within the local communities, local elected Members, representing their respective community, have been invited to attend the Group(s). Each of the user interest representatives are empowered to disseminate the outcomes of the Group meetings to their respective organisations and the notes of the meetings are publicly available via the Ports website and on request and a summary is displayed at locations around the Harbour.

3.6 The meetings are attended also by Officers of the Borough Council to help in liaison and to provide advice. Under this arrangement, the Cabinet Member with responsibilities for the Harbours also attends as an observer.

3.7 The proposal to formalise and expand the consultation group was agreed by the Whitby Harbour Board on 11 October 2010.

## **4. CONSULTATION**

4.1 The proposals contained in the report, were discussed with the then Whitby Harbour Users Group on 15 October 2010.

- 4.2 At an Extraordinary meeting of the Harbour Users Group on 3 December 2010 the recommendations were accepted. Work began to implement the recommendations by election of Chair and Vice-chair and discussion on establishing a terms of reference. Increased membership of the Group was also discussed to encompass other bodies.

## **5. ASSESSMENT**

- 5.1 Whilst the present Users Group arrangements have hitherto served a useful and mutually beneficial purpose, it is felt that they could perhaps operate in a more structured manner and fulfil a more inclusive role.
- 5.2 It is also envisaged that the reformulated Group will provide a constructive consultative forum to facilitate two-way communication between the (Pilot) Whitby Harbour Board and other bodies and organisations which have an interest in the Harbour.
- 5.3 In providing comment the Group shall have regard to the general duty of the Council to manage the Harbour in line with legislation, current policy and procedures. Though key decision making will continue to rest with the (Pilot) Whitby Harbour Board/Council
- 5.4 At the Extraordinary Meeting of the Group on 3 December 2010, Mr Whitton was elected Chair and Mr Lodge elected Vice-Chairman of the Group and they adopted the name of 'Whitby Harbour Consultative Group'.
- 5.5 A draft Terms of Reference for the Group (Appendix B) was presented and agreed at their meeting on 16 May 2011.

## **6. IMPLICATIONS**

### **(a) Policy**

- 6.1 There are currently no policy issues to consider.

### **(b) Legal**

- 6.2 No legal requirements that prevent the recommendations proceeding.

### **(c) Financial**

- 6.3 There are no financial issues to consider.

### **(d) Others**

- 6.4 I have considered whether the following implications arise from this report and am satisfied that there is no identified adverse implications that will arise from this recommendation:

Planning  
Equalities and Diversity  
Staffing  
Crime and Disorder  
Health and Safety  
Environmental

## 7. ACTION PLAN

- 7.1 If this report is received and agreed the Terms of Reference for the Whitby Harbour Consultative Group (Appendix B) will be formalised as the Modus Operandi for future meetings.



Brian Bennett  
Head of Tourism and Culture

**Author:** Capt Ian Vasey, Borough Harbour Master, Whitby Harbour Office  
Telephone No: 01947 602354  
Fax No: 08701 911327  
E-mail address: port.services@scarborough.gov.uk

### **Background Papers:**

Modernising Trust Ports : A Guide to Good Governance' (2007 & 2009)  
Opportunities for Ports in Local Authority Ownership (A review of Municipal Ports in England and Wales) (2006)  
Report to (Pilot) Whitby Harbour Board – 10/571  
Dept for Transport – Port Marine Safety Code

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT CAPT IAN VASEY ON 01947 602354, e-mail: port.services@scarborough.gov.uk

Risk Matrix

<b>Risk Ref</b>	<b>Date</b>	<b>Risk</b>	<b>Consequences</b>	<b>Mitigation</b>	<b>Current Risk Score</b>	<b>Target Score</b>	<b>Service Unit Manager/ Responsible Officer</b>	<b>Action Plan</b>
1	October 2011	Pilot Whitby Harbour Board do not agree to the contents of this report	Whitby Harbour Consultative Group will have no Terms of Reference for the Groups operation and protocol	Seek support to Terms of Reference	B2	A1	Capt Ian Vasey	To agree report recommendation
2	October 2011	Pilot Whitby Harbour Board will not be complying with recommended guidance	Pilot Whitby Harbour Board will be acting in contention to agreed Governmental recommendations	Seek support to Terms of Reference	B3	A1	Capt Ian Vasey	To agree report recommendation
3	October 2011	Whitby Harbour Consultative Group will return to Whitby Harbour User Group status and operation.	Reduced membership, inclusivity and harbour stakeholder input	Seek support to Terms of Reference	B2	A1	Capt Ian Vasey	To agree report recommendation

## **Whitby Harbour Consultative Group**

### **1. Aim of Group:**

This Group will aim to be a constructive friend to the Harbour Board while considering the interests of the port as a whole. It will provide the harbour users and stakeholders with a voice and facilitate constructive dialogue between the users, the Harbour Master and the Board on operational issues, acting as a conduit between harbour users/stakeholders and the Board.

This non-political, voluntary Group, will be used as a consultation platform for the Board on all issues which might reasonably be judged to warrant consultation. The Group will underpin the work of the Board and provide effective links with port user groups and others with a direct interest in the port's operations.

### **2. Membership:**

2.1 Group membership not to exceed 20 and to be made up of the following.

- i. One representative of the Whitby Yacht Club
- ii. One representative of the Whitby Boating Association
- iii. One representative of the Whitby Cruising Association
- iv. One representative of the Whitby Chartered Skippers Association
- v. One representative for the Large Fishing Vessels
- vi. One representative for the Smaller Fishing Vessels and Salmon Cobles
- vii. One representative for the Fish Buyers, Retailers & Processors
- viii. One representative for the Passenger Vessel Operators
- ix. One representative of the Fish Agents/Auctioneers
- x. One representative of Parkol Marine Engineering
- xi. One representative of Coates Marine
- xii. One representative of Whitby Town Council
- xiii. One representative of the Two Rowing Clubs
- xiv. One representative of the RNLI
- xv. One representative of the Harbour Board – usually Chair / Vice-Chair
- xvi. Harbour Master or deputy as nominated (SBC)
- xvii. Head of Service for the Harbours (SBC)
- xviii. Northern Area Engineer (SBC)
- xix. Project Manager (SBC)
- xx. Accountant (SBC)

2.2 Each Group Member is to nominate at least one deputy for each group (non-SBC).

2.3 Each Group Member to disseminate the information / outcomes to their members / associations.

2.4 An agreed Group Member to act as Port Marine Safety Code Representative.

**3. Attendance:**

- 3.1 Harbour Board Members who are part of the Customer Service Sub-Group have an open invitation to attend any meeting as an observer.
- 3.2 Any other Official from a recognised organisation as invited by the Group ie Police, North Yorkshire County Council, Natural England, English Heritage, Fire Brigade, DAG etc.

**4. Procedure for appointing Chair/Vice-Chair:**

- 4.1 Chair / Vice Chair to be elected from independent Members of Group
- 4.2 Chair / Vice Chair to be elected at the first meeting of the year.
- 4.3 Position to be held for one year (typically 4 meetings)
- 4.4 Maximum tenure of 2 years with re-election not permitted for 2 years.

**5. Roles of Chair/Vice-Chair:**

- 5.1 To liaise with Harbour Master and set the agenda prior to the meetings
- 5.2 To Chair Group meetings
- 5.3 To attend the Whitby Harbour Board meetings to act as the Group's spokesperson.
- 5.4 To make public comment about issues affecting the Harbour in consultation with the Chair/Vice-Chair of the Harbour Board
- 5.5 The Vice-Chair to deputise for the Chair in their absence.

**6. Size of Quorum:**

- 6.1 While preliminary a non-voting Group there are times when a vote can be taken. i.e. to elect the Chair / Vice-Chair, to elect member of the Group, to amend Terms of Reference etc. In such cases the quorum for voting will be 4/7 of the total independent membership i.e. 8 Council Officers are not eligible to vote.

**7. Meetings:**

- 7.1 Four meetings per year to be held per year.
- 7.2 Meetings will be restricted to Group Members and agreed official invitees.
- 7.3 Timings of meets to be set with regard to the Harbour Board meetings to allow the Chair / Vice-Chair to attend the Board meeting and present their report.
- 7.4 Extraordinary meetings can be held for other specific purposes with the agreement of the Chair/ Vice-Chair, Harbour Board Chair/ Vice-Chair, Head of Service and the Harbour Master.
- 7.5 Members of the Forum may propose items for discussion at future meetings.
- 7.6 Meetings to be held at 6pm on Monday evenings unless otherwise agreed.

7.7 Secretariat support for the Group to be provided by the Council, unless otherwise agreed.

**8. Terms of Reference:**

8.1 The role of the Group will be advisory only.

8.2 The Group is to provide a consultative forum to facilitate two-way communication between the Harbour Board and other bodies and organisations which have an interest in the Harbour.

8.3 The Group is to promote closer liaison and understanding between the various interested bodies and organisations which have an interest in the Harbour.

8.4 The Group will be a truly consultative body and its advice and views will be sought in advance of matters being considered by the Harbour Board (except in a case of special urgency or where it would be seriously detrimental to the interests of the Council/Board to do so) on all matters substantially affecting the conservation, protection, regulation, maintenance and improvement of the harbour and its navigation.

In providing advice and comment the Group shall have regard to the general duty of the Council to manage the Harbour in line with legislation, current policy and procedures.