



North Devon Council

Report Date: Monday, 23 September 2024

Topic: Update to Constitution - Delegated Powers to Harbour Board

Report by: Simon Fuller, Senior Solicitor and Monitoring Officer

1. INTRODUCTION

- 1.1. The Council is required to put in place a formal advisory body to allow it to consult with users of the harbours for which it is statutory harbour authority.
- 1.2. This report proposes changes to the Constitution to delegate powers to the Harbour Board to put such a body in place and thereafter manage appointments to such body in accordance with an agreed constitution.

2. RECOMMENDATIONS

- 2.1. To recommend to Full Council that paragraph 6 to Annexe 1 to Part 3 of the Constitution be amended with the wording as set out in Appendix A to this report.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To allow compliance with the Harbour Revision Order at Ilfracombe and provide a formalised means for the Council, as statutory harbour authority, to consult with harbour users about the management of the harbours it is responsible for.

4. REPORT

- 4.1. At its meeting on 6 August 2024 the Council's Harbour Board recommended the approval of a Constitution to establish the Ilfracombe Harbour Advisory Committee (IHAC), such Constitution to be subject to the approval of the Monitoring Officer.
- 4.2. On reviewing such Constitution it was noted that the delegated powers to the Harbour Board would require updating to allow for the appointments, and regulation of appointments, to the IHAC.
- 4.3. The establishment of the IHAC is a requirement of the Harbour Revision Order that the Council has established as statutory harbour authority for Ilfracombe.
- 4.4. The IHAC is effectively a formalised version of previously established harbour user forums which gave views and were consulted on the operation of the harbour.
- 4.5. The IHAC will not be a committee of the Council, instead it is a committee made up solely of harbour users the views of which the Harbour Board and the wider Council will have to have regard when making a decision in respect of its management of the harbour in Ilfracombe.

- 4.6. The wording proposed in the revised Constitution as shown at Appendix A (with proposed changes highlighted in Appendix B to allow Members to see the precise proposed changes) provides for the appointment of members to an advisory body (or bodies) to the Harbour Board to allow for the fact that it is likely that a similar body to the IHAC will be required for Lynmouth in the near future.
- 4.7. A copy of the Constitution proposed for the IHAC is included with this report as Appendix C. This provides further detail about how the IHAC will function and how the Harbour Board, and the wider Council, will take its views into account.
- 4.8. An additional change is also recommended at paragraph 2 of the Harbour Board delegated powers, this is to change reference to “long term strategy” plan to “business” plan. This on request from the Harbour Master to reflect the terminology used for this documentation.

5. RESOURCE IMPLICATIONS

- 5.1. None.

6. EQUALITIES ASSESSMENT

- 6.1. This proposal has no relevance to equalities or protected characteristics because it is proposing an amendment to the Constitution which will formalise the consultation with harbour users which will, if anything, increase the Council's openness and accessibility as to the consultations taken by the Council as statutory harbour authority and relates to the decision making process rather than the decisions themselves.

7. ENVIRONMENTAL ASSESSMENT

- 7.1. There are no environmental implications arising from the recommendations in this report.

8. CORPORATE PRIORITIES

- 8.1. The recommendations in this report will allow for the formalisation of the appointment process for a committee of users of the harbours for which the Council is statutory harbour authority. This should allow for better customer focus and economic development in ensuring that the views of such users are properly taken into account.

9. CONSTITUTIONAL CONTEXT

- 9.1. Save as provided in paragraph 9.2 below, the decision in respect of the recommendations in this report can be made by this Committee pursuant to delegated powers provided in Part 3 Annex 1 paragraph 5 of the Constitution.



9.2. As noted in the report, the power to decide on one or more of the recommendations in this report is reserved to Council pursuant to Article 4.5.1 and as such the recommendation must be referred to Council to ratify.

10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

North Devon District Council's Constitution
Ilfracombe Harbour Revision Order

12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Simon Fuller, Senior Solicitor and Monitoring Officer