



ILFRACOMBE HARBOUR ADVISORY COMMITTEE CONSTITUTION

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1.0 DOCUMENT CONTROL

This document is subject to a tri- annual, 3 yearly, review and periodic amendment as required

Major changes will be issued as a new version with all minor amendments to that version annotated by a decimal point e.g. V2 will become V2.1, V2.2 etc.

Amendment proposals should be sent to the Harbour Master using the following means:

Email: harbourmaster@northdevon.gov.uk

Phone: 01271 862108

Post: Harbour Masters Office, The Quay, The Pier, Ilfracombe EX34 9EQ

1.1 RECORD OF REVIEWS & AMENDMENTS

| <i>Review (R) Amendment (A)</i> | Date | Description of changes |
|-------------------------------------|------|------------------------|
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- 2.1 Ilfracombe Harbour is owned and operated by the Local Authority (LA), North Devon District Council (The Council). The Council is the appointed Statutory Harbour Authority. The benchmark for the standards and best practices to which it is expected by the Government that NDC will run the Harbour are set out in The Ports Good Governance Guidance (PGGG) published by the Department for Transport in 2018. The (PGGG) says that;

“A LA owned Harbour is in general operated for the benefit of stakeholders including the local community and can be an important local asset. LA owned ports also operate within the governance and decision making structure of the overall decision making structure of the LA. LA owned Harbours are part of the LA and so ultimately accountable to elected Council members and the local electorate.”

In Principle *“LA owned ports should engage fully and effectively with a range of relevant stakeholders”*

- 2.2 Within the draft Harbour Revision Order for Ilfracombe Harbour under;

Part 6 MISCELLANEOUS AND GENERAL

Advisory bodies 31.—

(1) The Council must establish one or more advisory bodies which the Council must (except in an emergency) consult on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of the harbour and their navigation.

(2) The Council must make arrangements for every such advisory body to meet not less than twice a year.

(3) The Council must take into consideration within a reasonable period any matter, recommendation or representation which may from time to time be referred or made to it by such an advisory body whether or not that advisory body has been consulted by the Council on the matter, recommendation or representation so referred or made.

(4) Any advisory body established under this article must consist of such number or numbers of persons appointed by the Council as the Council from time to time considers appropriate.

(5) Appointments to any such advisory body must be made by the Council in accordance with a scheme prepared by it for that purpose and the scheme must provide for the appointment of persons who, in the opinion of the Council, are representative of persons having an interest in the functioning of the harbour.

Excerpt from the PGGG;

“Effective engagement with stakeholders is essential for all SHAs to maintain or improve understanding of the harbour by its stakeholders.

Engagement is equally important to understand stakeholder’s views about the harbour and key issues from their perspective.

All SHAs should therefore seek to engage effectively with a wide range of stakeholders.
Principles

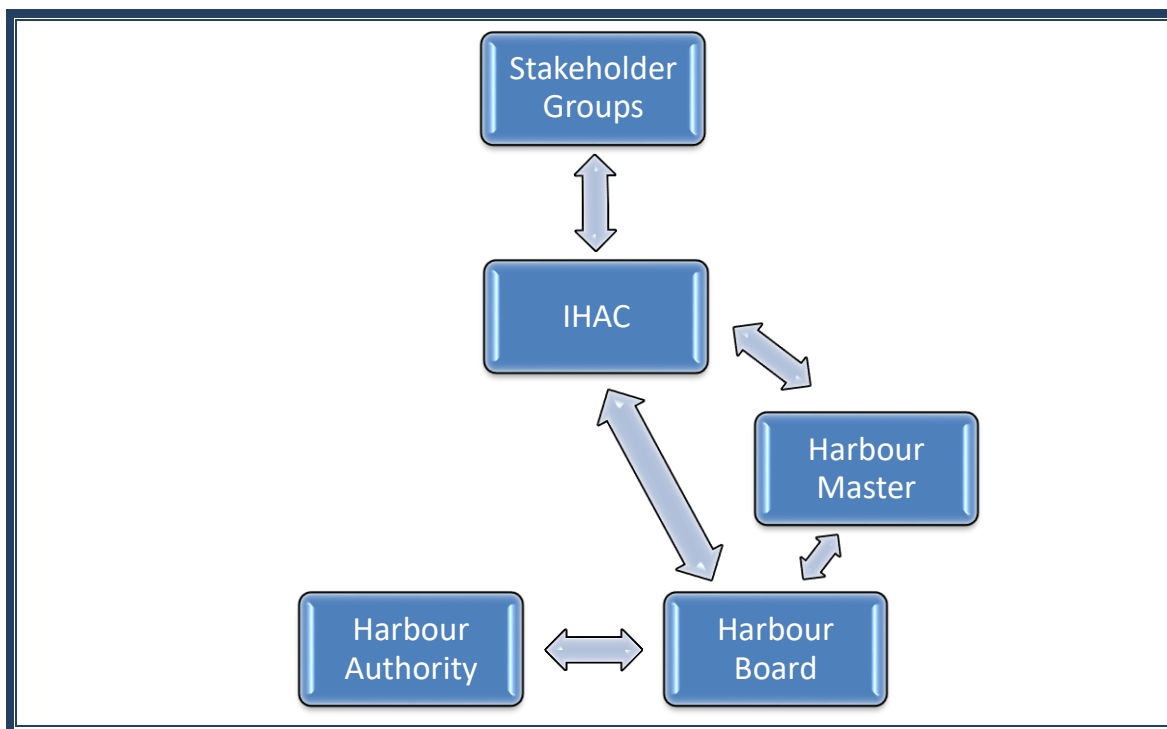
- All SHAs should engage effectively and openly with a wide range of stakeholders that have an interest in their harbour.*
- SHAs should periodically assure themselves that stakeholders have been identified and that engagement with them is appropriate and effective.*
- SHAs should also consider how the voice and views of stakeholders can be taken into account in their work, including in governance*

Different stakeholders may well have different views and interests on particular matters, which may not be consistent. It is important for SHAs and boards to engage with their stakeholders to consider these views and reflect them, where appropriate in the governance and operation of the harbour.”

This constitution endeavors to set down the structure, membership, and roles responsibilities in line with the legal duties as stated within the draft HRO and the guidance of the PGGG.

4.0 Structure

- 4.1. The Council as the appointed The Harbour Authority (HA) shall consult the Ilfracombe Harbour Advisory Committee (IHAC) on matters substantially affecting the maintenance, improvement, conservation, protection and regulation of the harbour and its navigation.
- 4.2. The Council has duly formed a subcommittee, the Harbour Board, to make recommendations to the Harbour Authority, on the approval of the Marine Safety Plan, and all other plans and policies or on other issues affecting all Harbours administered governed by the council.
- 4.3. The Harbour Board shall take into consideration recommendations and representations on any substantial matter which may from time to time be referred to them by the IHAC whether or not the IHAC has been consulted by the Harbour Board on the matter, recommendation or representation so referred or made.
- 4.4. The IHAC will act as one of the conduits for communication between the HA, by way of the Harbour Board, and all of its Harbour stakeholders.



5.0 QUORUM

- 5.1. The IHAC will have a quorum of six appointed members.

6.0 APPOINTMENTS

6.1 CHAIR, VICE CHAIR AND SECRETARY

- 6.1.1 At the first meeting after 1st April in each year, IHAC members must elect one of their number to be Chair of their meetings, one member to be Vice Chair and one member to be the Secretary for the following year. Only in exceptional circumstances should the Chair serve more than 3 years as Chair

or should the individual appointed as the Chair be an individual that has not been a member of the IHAC for at least two years.

- 6.1.2 If neither the Chair nor Vice Chair are able to attend a particular meeting, the members of the IHAC may appoint a chair for that meeting from amongst those present.
- 6.1.3 If the appointed secretary is unable to attend a particular meeting then the Vice Chair will act as secretary for that meeting, if the vice chair is unable to attend a particular meeting the members of the IHAC may appoint a secretary for that meeting from amongst those present.

7.0 MEETINGS & MEETINGS NOTIFICATION

- 7.1 At least four clear days' notice shall be given to all IHAC representatives, together with a written agenda and relevant papers, preferably by e-mail.
- 7.2 Copies of all agenda and supporting documents shall be supplied to the Harbour Master acting on behalf of the Harbour Board and the HA , to the above timeframe.
- 7.3 Notice of all meetings and subsequent approved minutes will be posted on the Councils Website under the Harbour section.

8.0 AGENDAS & MINUTES

- 8.1 The Agenda for each IHAC meeting will be approved by the Chair who is responsible for circulating the agenda as per
- 8.2 All agenda items should be sent to the secretary not less than seven days prior to the meeting notification schedule to enable time for the agenda to be drawn up and for the Chair to approval prior to circulating to the members.
- 8.3 Agendas shall, as a minimum;
- 8.4 Approve the minutes of the committee's previous meeting.
- 8.5 Consider the minutes of the previous meeting of the Harbour Board and comment as required.
- 8.6 Raise new points for consideration by the Harbour Board
- 8.7 The Minutes taken by the secretary will be commensurate with modern business practice and be brief, succinct and to the point.
- 8.8 The Minutes shall be written up by the secretary and circulated by the Chair in good time prior to the next meeting to allow committee members time to circulate to those they represent and receive any comments.

9.0 MEETING FREQUENCY

9.1 The Council shall require the IHAC to meet not less than 2 times per year, once as the AGM, meetings should not be less than 4 weeks prior to the Harbour Boards published committee dates. This is to enable the IHAC minutes to be included on the Harbour Boards agenda. The Council may call occasional ad hoc meetings if there is a particular requirement.

9.2 IHAC meetings shall be attended either in person at the appointed venue or virtually via a suitable platform.

10.0 ATTENDANCE OF OTHERS

10.1 The Harbour Master and one Harbour Board member or other representative may attend IHAC meetings at the discretion of the Harbour Board or by request of the IHAC Chair or other representative. This will be for the purpose of listening and providing information and not for the purpose of taking part in the decision making process.

10.2 Stakeholders other than IHAC members may attend relevant IHAC meetings but may only speak at the discretion of the IHAC Chair. Permission to speak shall not be withheld unreasonably but shall always be subject to the appropriateness of the matter and the manner of the individual. The number of these stakeholders who may attend an IHAC meeting is normally limited to 3, for reasons of safety and comfort.

11.0 MEMBERSHIP

11.1 The IHAC shall consist of one representative from such organisations as the HA consider appropriate. Unless and until changed under paragraph 9.1, there will be one representative from each of the following bodies:

- Ilfracombe Fishing Association
- Commercial Day Trip Vessels
- Ilfracombe Yacht Club
- Private Independent Vessels Owners
- Ilfracombe Anglers Association
- Local Dive Clubs
- RNLI
- Larkstone Hub Watersports Clubs
- Larkstone Hub Commercial watersports Operators
- Harbour Businesses'
- Environmental representative
- Ilfracombe Town Council
- Ilfracombe Business & Tourism Association
- Harbour Residents Association (See Note)

Note - Residents shall reside no further than Broad St to the West and no further than Hillsborough Rd to the South of the Harbour

- 11.2 Each Stakeholder Group will have an equal vote.
- 11.3 In the event of voting being equal on an issue the Chair will defer any resolution to a subsequent meeting, which will take place immediately after the meeting where there has been an equal vote.
- 11.4 In the event that the second vote remains equal then the Chair's vote shall count as two votes.
- 11.5 Appointments to the IHAC shall be subject to the approval of the Harbour Board and made by them after receiving the nominations from the membership organisations from time to time. The Chair of the IHAC in consultation with the Harbour Board is to undertake a periodic review of the committee to ensure that the composition and size remain relevant and appropriate and that relevant stakeholder groups are represented, and is to make recommendations as to any changes to the HA.
- 11.6 All representatives from Associations shall be from a properly constituted Organisation.
- 11.7 Only representatives from membership organisations which can demonstrate to the Commissioners that they are significant in the affairs of the Harbour will be appointed to the IHAC.
- 11.8 A member of the IHAC shall hold office for the term of three years from the date of appointment and at the end of that period shall be eligible for reappointment for a further three year term. It is hoped that a regular rotation of the members of the IHAC can be achieved, and to that end representative organisations will be asked to consider a change in the identity of a representative after two consecutive and subsequent terms served by an individual. For the avoidance of doubt, if the representative Organisation considers that the individual continues to be the most suitable representative for it on the Committee, then the individual can serve further term(s).
- 11.9 If during the term of appointment of any person, after consultation with the Chair of the IHAC, the Harbour Board consider that a member of the Committee is not properly fulfilling their role, duties or responsibilities as a member of the Committee or fairly representing the organisation that the person concerned represents, the Harbour Board may remove that person from the Committee and shall request that organisation to nominate a replacement representative for approval and appointment.
- 11.10 A member may resign their seat at any time by notice in writing (or e-mail) to the Chair. If this situation occurs the Chair will submit to the Harbour Board a new member for consideration.
- 11.11 The list of IHAC members will be published by the Council on the Harbour website page, with changes made public as they occur.

12.0 ADVICE TO THE HARBOUR BOARD

- 12.1 The PGGG recommends that The Harbour Board should consult stakeholders on significant decisions where appropriate.
- 12.2 The Department of Transport also states that it *“does not envision that all decisions should be consulted on as there are likely to be occasions where this will not be practicable, for example due to timing considerations, or appropriate, for example due to commercial reasons or as it concerns staff-related issues. Boards are responsible for taking decisions on all issues that come before it, having considered and weighed the views and advice received including from stakeholders”*
- 12.3 Summary minutes and all accompanying papers of any IHAC meeting will be considered by the Harbour Board at their next appropriate meeting.
- 12.4 The Harbour Board will give due consideration to the advice contained within such minutes and papers in their decision making.
- 12.5 The Chair/Vice-Chair of the IHAC may attend meetings with the Harbour Board to enlarge upon and discuss issues of special concern or importance if agreed between the Chairman of Harbour Board and the Chair/Vice-Chair of the IHAC. A request for such attendance must be made at least one week before the Harbour Boards meeting.
- 12.6 Consultation will take place at the earliest practical opportunity with clarity as to the specific areas where the Harbour Board is seeking particular advice.

13.0 ADVICE TO THE IHAC

- 13.1 The Harbour Board will report on decisions made by the Council by way of the Harbour Master or member of the Harbour Team, other than those that are considered by the Council to be commercially sensitive or involve personnel matters.
- 13.2 Where advice to the Council by way of the Harbour Board from the IHAC is rejected, an explanation will be provided by the Harbour Board in writing; this is to be included in the minutes of the Harbour Boards Committee meeting.

14.0 ROLE AND RESPONSIBILITIES OF MEMBERS

- 14.1 The role of an IHAC member is to be an active participating member of the Committee and to assist the Committee in serving its principal purpose, which is to ensure that there is effective and efficient communication between the Council, Harbour Board and the stakeholders.
- 14.2 A member of the IHAC has the following responsibilities:
- 14.3 To attend meetings of the Committee, if, on occasion, they are unable to attend then an alternative representative from the same represented body will be nominated by the member to attend in their place.
- 14.4 Dissemination of salient information from the meetings to the membership of their nominating organisation.
- 14.5 Provision of feedback to the Committee from the membership of their nominating organisation.
- 14.6 Act in a reasonable manner within the Committee and allow all Committee members the opportunity to express their opinion.
- 14.7 To use information provided to IHAC members, whether written or oral, solely for the purposes of consultation within the Committee and fulfilling their responsibilities as listed above.

15.0 FUTURE AMENDMENTS

- 15.1 Future amendments to this Constitution may be made by the Harbour Board after consultation with the IHAC.