

HAMPSHIRE COUNTY COUNCIL

Decision Report

	River Hamble Harbour Management Committee River Hamble Harbour Board
Date:	8 December 2023 13 January 2024
Title:	Review of Terms of Reference
Report From:	Director of People and Organisation

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Purpose of this Report

1. The purpose of this report is to carry out an administrative review of the Terms of Reference of the River Hamble Harbour Board and the River Hamble Harbour Management Committee, set by the County Council in May 2005 when the new arrangements were established.

2. Recommendation(s)

To approve the updated Terms of Reference of the River Hamble Harbour Board and the River Hamble Harbour Management Committee.

3. Executive Summary

3.1 The changes proposed are summarised below. The Board will submit these terms of reference to the Council for approval.

Harbour Board

3.2 To reflect the evolved practices appointments to the Board, which are approved by the Council and the change in Director job title.

3.3 All appointments are made for four years. The composition and role of the Board are unchanged.

Management Committee

3.3 To reflect changes of name in two of the Co-opted organisations:

Original title	New title
Ship and Boat Builders' National Federation	British Marine
Docks Board	Associated British Ports

4 Contextual information

The terms of reference as proposed to be amended are set out in full below.

4.1 Harbour Board

TERMS OF REFERENCE

RIVER HAMBLE HARBOUR BOARD

1. Functions Delegated

The functions of the County Council in the capacity of harbour authority for the River Hamble.

2. Legal Status

A committee established further to S.101(1) and S.102(1) Local Government Act 1972, to which political proportionality applies.

3. Chair and Membership

The Board comprises seven members, as follows:-

3.1 The Chairman of the Board to be appointed by the County Council.

3.2 Two Members of the County Council. Subject to proportionality being maintained, these to be:

- one Member representing a County Council division within the administrative boundary of Eastleigh Borough Council, and
- one Member representing a County Council division within the administrative boundary of Fareham Borough Council.

3.3 Three co-opted members with relevant skills and experience in the following areas:

- recreational sailing;
- marine industry;
- environmental management.

3.4 The County Council's Marine Director, or other representative nominated from time to time by the relevant HCC Director.

3.5 The appointments referred to in paragraphs 3.2 and 3.3 shall be made by the County Council .

4. Term of Office

4.1 The term of office of the Chairman shall be the period between his appointment and the first full meeting of the County Council after the next following County Council elections.

4.2 The term of office of those Board members appointed further to Paragraph 3.5 above shall be for a term of four years.

4.3 Casual vacancies in appointments referred to in Paragraphs 3.2 and 3.3 shall be filled further to Paragraph 3.5 above. Those appointed to fill a casual vacancy shall continue in office until the date at which the term of office would have expired, had the casual vacancy not arisen.

5. Voting

5.1 All Board members other than the member appointed under Paragraph 3.4 above shall be entitled to vote (Note: co-opted members are entitled to vote further to S.13 (4) (g) Local Government and Housing Act 1989 and Regulation 4 of the Local Government (Committees and Political Groups) Regulations 1990, as the Board is established exclusively to discharge the Council's functions as a harbour authority).

5.2 In the event of there being an equal number of votes for and against a particular proposition, the Chairman shall have a casting vote.

6. Quorum

6.1 The quorum for meetings is **three**, including at least two Members of the Council.

7. Frequency of Meetings

7.1 The Board will normally meet once in every two months.

4.2 Harbour Management Committee

TERMS OF REFERENCE

RIVER HAMBLE HARBOUR MANAGEMENT COMMITTEE

1. Functions

1.1 To advise the River Hamble Harbour Board on the discharge of its powers, functions and obligations.

2. Legal Status

2.1 A sub-committee of the River Hamble Harbour Board established further to Article 12 of the River Hamble Harbour Revision Orders 1969 to 1989.

3. Chair and Membership

3.1 The following bodies are each entitled to appoint one member to the Committee:

- Associated British Ports (the Docks Board¹)
- the Royal Yachting Association
- the Association of Hamble River Yacht Clubs;
- British Marine (the Ship and Boat Builders National Federation²)
- the River Hamble Boatyard and Marine Operators' Association;
- a representative of Berth and Mooring Holders³
- Fareham Borough Council;
- Eastleigh Borough Council;
- Winchester City Council.

Each body is entitled to nominate a person or persons to act as deputies for that member, provided that due notification of that appointment is given to the Chief Executive. A person so nominated may attend and vote and take part in any proceedings or business of the Management Committee in the place of the appointed person.

3.2 The Committee shall include at least nine Members appointed by the County Council, so that at least a majority of the members of the Committee are Members of the County Council. Proportionality applies to these appointments. The Chairman shall be appointed by the Council.

3.3 No member of the Board shall also serve as a member of the Committee.

4. Term of Office

4.1 All appointing bodies are asked to make appointments for a period of four years. There is no bar on re-appointment at the end of that period.

4.2 All appointments of Members further to Paragraph 3.1 will be for the period until the next following County Council elections.

¹ Per the Statutory Instrument

² Per the Statutory Instrument

³ Role added on the recommendation of the Governance Committee 26 June 2008

5. Voting

5.1 All Committee members are entitled to a vote. In the event of there being an equal number of votes for or against a particular proposition, the Chairman shall have a casting vote.

6. Quorum

6.1 The quorum for meetings is one quarter of the membership i.e.: five.

7. Frequency of Meetings

7.1 The Committee will normally meet quarterly, subject to there being sufficient business.

5. Finance

There are no financial implication arising from this report.

6. Performance

There are no financial implication arising from this report.

7. Consultation and Equalities

The report has been reviewed by the Harbour Board and the Committee

8. Climate Change Impact Assessment

There are no implications for climate change from this report.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes/no
People in Hampshire live safe, healthy and independent lives:	yes/no
People in Hampshire enjoy a rich and diverse environment:	yes/no
People in Hampshire enjoy being part of strong, inclusive communities:	yes/no

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> Appointment of the Harbour Board and Committee	<u>Date</u> 16 May 2005
Governance of the River Hamble Governance (Governance Committee)	26 June 2008
Direct links to specific legislation or Government Directives	
<u>Title</u> River Hamble Harbour Revision Orders	<u>Date</u> 1969 to 1989.

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	