

Constitution of the Salcombe Harbour Board

A. Establishment of the Board

1. The functions of the Council conferred under the Pier and Harbour Order (Salcombe) Confirmation Act 1954 shall be reserved to the Council under section 13 of the Local Government Act 2000 and Regulation 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)
2. That the discharge of these functions within any policy and budget approved by Council be delegated as set out in the scheme of delegations.

B. Membership of the Board

1. The Board shall consist of up to 10 members, 4 Members of South Hams District Council and the remainder co-opted Members. Each 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 such as the following:-
 - Knowledge of port/maritime or other nautical experience;
 - General finance/business knowledge;
 - Understanding of Harbour Users;
 - Awareness of environmental issues;
 - Aspects relating to tourism, leisure and marketing;
 - Knowledge or interest in the local and/or the wider community.
2. All co-opted Members will be bound by the Council's Member Code of Conduct and sign the declaration of acceptance of office as required by law in any event;
3. The Chairman of the Board shall be a Council Member;
4. All Members shall have full voting rights on all matters before the Board;
5. In the event that a Board Member does not attend any meetings of the Board for a period of six months from the date of his or her last attendance, that Member ceases to be a Board Member, unless within the period of absence the authority gives approval for this absence. If proved to be mitigating circumstances, and a Board Member is unable to fulfil their duties for a prolonged period of time, the Council may appoint a person qualified within the criteria set out in paragraph B1 above to sit on the Harbour Board during that period of absence only.

C. Appointments Process

1. Members of the Council shall be appointed to the Board at the Council's annual general meeting;
2. As these appointments are subject to a 'fit-for-purpose basis', if a casual vacancy has arisen for any reason, or otherwise during March each year the Leaders of all political groups of the Council will be contracted to ascertain whether there is likely to be any change to the Board's Membership. If any Board Member no longer wishes to serve on the Board, then expressions of interest will be invited with interviews being held for the vacancies. If all current Members wish to remain on the Board yet other Members wish to apply, then all candidates including current Board Members will be required to apply for the four seats as part of the interview process prior to annual Council making the appointments;
3. Following district wide elections, expressions of interest will be invited from all Members, with interviews being held for all four positions;
4. A co-opted Member's term of appointment shall be three years from the date of appointment to expire on the date of annual Council of the relevant year;
5. In order to stagger the appointments process to maintain some continuity of Board membership, the first term shall be divided so that two co-opted Members sit for two years only and the remainder of co-opted Members sit for the standard three year term. Following this initial staggering, terms will remain at three years from appointment;
6. A co-opted Member may be appointed to a second three-year term without recourse to open competition, subject to the agreement of both the Chairman and the Member, and the Board's assessment that the Member has performed satisfactorily during the first term;
7. Re-appointment for a third term shall be regarded as the exception and involve competition with other candidates;
8. The appointment of co-opted Members shall follow the Nolan model;
9. The Appointments Panel will consist of a nominated District Councillor from the majority party, a nominated District Councillor from the minority parties collectively and an independent external technical advisor with a thorough understanding of harbour/port governance issues. After the first round of appointments to the new Board and during their term, the Appointments Panel will also include either the Chairman of the Harbour Board or another Board Member;

D. Meetings

1. The Board shall meet at least six times a year;
2. The quorum for meetings of the Board shall be four provided that two members of the Council and two other Board Members are present;

3. Meetings will commence late afternoon to allow for public involvement;
4. Meetings are to be structured to enable a 15 minute public question time at the commencement of the meeting;
5. The Board shall consider the following business:-
 - i. Consideration of the minutes of the previous meeting;
 - ii. Declaration of interest, if any;
 - iii. Public questions and comments;
 - iv. Feedback from recognised Harbour Community Forums;
 - v. The business otherwise set out on the agenda for the meeting;
 - vi. Matters for future consideration.
6. An Annual General Meeting of the Board will take place during the year. In addition to those items of the ordinary Board meetings and those items set out in the Council's constitution, the annual meeting will receive the annual statement of accounts and the annual statement of service delivery.

E. Recognised Community Forums

1. To ensure that the Harbour Board has strong and direct links with both harbour users, local communities and other external organisations with an interest in the Salcombe-Kingsbridge Estuary, a formal consultation mechanism has been set up. Four not-for-profit community groups have registered their interest to work with the Council in relation to its future Harbour activities:
 - The Salcombe Kingsbridge Estuary Association;
 - The Salcombe Kingsbridge Estuary Conservation Forum;
 - The Kingsbridge Estuary Boat Club;
 - South Devon and Channel Shellfishermen.
2. The four groups are recognised as 'Harbour Community Forums' and form part of a formal consultation mechanism for the Harbour Board;
3. That the list of four groups is not exhaustive and it is anticipated that further community groups be recognised and added as time progresses.