

**Salcombe Harbour Board – 8 June 2009****AMENDMENTS TO THE SALCOMBE HARBOUR BOARD CONSTITUTION****Report of the Monitoring Officer**

**Statutory Powers:** Local Government Act 1972 and the Pier and Harbour Order (Salcombe) Confirmation Act 1954.

**Financial Implications:** None

**Purpose of report**

To amend the Harbour Board's Constitution, particularly the appointments process for Council Members.

**RECOMMENDATION**

**That the Board RECOMMEND to Council that the Salcombe Harbour Board constitution be amended to clarify the appointments process for Council Members, as set out in paragraph 4 of this report.**

**Background**

1. On 20 July 2006, the Council considered and approved proposals for the re-constitution of the Salcombe Harbour Board. This was to ensure that the Council could best govern as a Harbour Authority for the future in line with Department for Transport's (DfT) 'Guide to Good Governance' and the Municipal Ports Review which had been published.
2. As part of the re-constitution, Members approved the establishment of a "fit for purpose" Board consisting of up to 10 members, of which up to 6 could be co-opted and 4 made up by nominated District Councillors. A recruitment process was agreed, with appointments being based upon a range of technical skills demonstrated by applicants together with other relevant criteria which would make them suitable Board members. This applied to both co-opted members and Councillors.
3. A new constitution was drawn up and agreed by the old Board and subsequently adopted by full Council at its meeting of 20 July 2006 (minute 39/06 refers). Article C of the Harbour Board's constitution sets out the appointments process for both Council Members and co-opted Members. Council Members "shall be appointed to the Board at the Council's annual general meeting" so long as they can show that they meet the "fit for purpose" criteria. However, as it currently stands the constitution, omits to explain the processes for Members who no longer wish to serve on the Board, the casual reappointment of Council Members and the method for obtaining expressions of interest from other Council Members wishing to apply for the Board.

4. Therefore, the following paragraph is being suggested to the Board to be incorporated under article C of the constitution (also demonstrated in appendix A to this report; Constitution of the Salcombe Harbour Board) to clarify this issue:-

*“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 contacted 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;*

*Following district wide elections, expressions of interest will be invited from all Members, with interviews being held for all four positions.”*

### **Strategic Risk Assessment**

5. The proposed changes to the Salcombe Harbour Board’s constitution do not carry any risk to the Council

### **Conclusion**

6. The provisions with the Constitution are regularly reviewed to ensure it is fit for purpose and sufficiently robust if subject to challenge.

Kat Winterbottom  
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Salcombe Harbour Board  
8 June 2009

Delyth Jenkins Evans  
Monitoring Officer