

Part E – Executive Sub-Committee Terms of Reference & Procedure Rules

The Executive has delegated functions to the following Executive Sub-Committee. Procures and meetings arrangements will be in accordance with the Council's Constitution and its Executive Arrangements.

1.1 Harbour Management Advisory Committee

Membership and meeting arrangements

1. The Harbours Management Advisory Committee shall be primarily responsible for advising the Executive in exercising the Council's functions as a harbour authority as defined in the Harbours Act 1964 and any other functions arising under any local Act and/or byelaw in respect of the operational issues in relation to harbour land of any harbours within the area of the Council not dealt with through any other mechanism.
2. The Harbours Management Advisory Committee shall have the power to advise the executive in determining income and expenditure matters relating to the harbours for which it is responsible.
3. The sub-committee will be made up of 6 members drawn from the Executive and four non-elected members will be co-opted onto the Committee following an appointment process to assess the skills and expertise they can bring to the Committee. Any substitute members must be from the Executive.
4. The co-opted members will be recommended to the Executive for appointment and their appointment is subject to ratification by the Executive. Co-opted members will serve the Committee in accordance with the following arrangements:

Co-opted Membership for the first term of the Committee shall be as follows:

 - 1 Co-opted Member will sit for only 1 year
 - 2 Co-opted Members will sit for only 2 years
 - 1 Co-opted Member will sit for a full term of 3 years
5. Co-opted Members who sit for only one or two years in the first term may be appointed for one or two subsequent three-year terms without further competition being required.
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 Chair and the Co-opted Member, and the Committee's assessment that the Member has performed satisfactorily during the first term (all Membership of the Committee is subject to ratification by the Executive).
7. The quorum will be 5 members save that at no time shall there be less than 4 Executive Lead Members present at the meeting.
8. The Chair and Vice Chair will be Executive Members.

9. The sub-committee shall meet at least 4 times a year and be governed by the Executive Procedure Rules.
10. All members of the Committee shall abide by the Council's Code of Conduct.
11. The sub-committee will report annually to the Executive.

Functions

1. Any function of the Council as Harbour or Port Authority is an Executive responsibility
2. The Committee will manage Harbours in accordance with the provisions of the Harbours Act 1964 and the Harbour Docks and Piers Clauses Act 1847 (as incorporated), as amended from time to time (the 'Harbour Legislation').
3. The Committee shall not incur any expenditure, enter into any obligations or take any other action except:
 - (i) within the budget determined by the Council in accordance with the following provisions; and
 - (ii) as set out in the harbour business plan approved by the Executive in accordance with the following provisions (the 'Harbour Business Plan')
4. The Committee is an advisory committee and makes recommendations to the Executive where there are any decisions required regarding the management, acquisition and disposal of assets in accordance with the Council's acquisitions and disposals policies, financial procedure rules and contracts procedures rules.
5. When making recommendations to the Executive, the Committee shall ensure its recommendations:
 - (i) accord with the provisions of the Harbour Legislation and Council's plans, policies and strategies and in particular the Harbour Business Plan; and
 - (ii) Have been developed following 21 days' prior notice given to the Council's Chief Finance Officer.
6. The Committee will review and then recommend an annual budget, (including rental charges and central re-charges to the Council) and an annual schedule of charges and dues for the Harbours and these will be determined by the Executive.
7. The Committee will monitor performance against approved budgets and take appropriate action where this is required.
8. The Committee will make an annual report to the Executive reporting on performance against budget.
9. The Committee will publish a Harbour Business Plan and any other plan required from time to time following approval from the Executive.
10. The Harbour Business Plan and other plans should promote the Harbours to be financially self-sustainable in the long term, reducing the risk of the need to call upon the Council's General Fund.