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01 Jun 22

TEIGNMOUTH HARBOUR CONSULTANCY GROUP (THCG) - RULES AND PROCEDURES (DRAFT)

Purpose

1. There are a number of source documents that help to understand what a consultative group is for and provides guidance. The first of which is the Department for Transport's own guidance for Trust Ports¹ where it discusses principles, engagements and benefits and the relevant section can be found at Annex A.. However more specifically the legal framework for establishing and engaging with a consultative body in Teignmouth sits in the **2003 Teignmouth Harbour Revision Order No. 2574** under section 14 and states:

(1) The Commissioners **shall establish one or more consultative body** or bodies which the Commissioners shall consult on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of the harbour and its navigation.

(2) The Commissioners **shall make arrangements for** every such consultative body to meet not less than twice a year.

(3) The Commissioners **shall take into consideration** any matter, recommendation or representation which may from time to time be referred or made to them by such a consultative body whether or not that consultative body has been consulted by the Commissioners on the matter, recommendation or representation so referred or made.

(4) The consultative body or bodies established pursuant to this article shall consist of such number or numbers of persons appointed by the Commissioners as the Commissioners shall from time to time consider appropriate being persons who, in the opinion of the Commissioners, are **representative of persons having an interest in the functioning of the harbour**.

(5) Any such consultative body may determine its **own quorum and procedure and shall appoint a chairman**.

(6) An individual member of a consultative body may, on giving notice in writing to the chairman of that body, **send a substitute** to any meeting of the body.

(7) A member of a consultative body **shall hold office for the period of three years** from the date of his appointment and at the end of the period shall be eligible for re-appointment.

(8) A member of a consultative body may resign his office at any time by notice in writing given to the chief executive.

¹ DFT- Ports Good Governance, Moving Britain ahead, March 2018, Page 30-32

Rules and Procedures

2. The rules and procedures were last formally endorsed on 29 Jan 04 by the then Clerk of THC and have been updated and provisionally endorsed in May 22:

1. Officers

- 1.1 There should be a Chairperson and Vice-Chair appointed for a period of one year.
- 1.2 Any casual vacancy arising during the course of a single year may be filled by a temporary appointment at the next meeting.
- 1.3 A Chair or Vice-Chair shall be eligible for re-election for a term not to exceed 3 years.

2. Voting

- 2.1 Voting shall be by majority of 60% by show of hands to pass a motion.

3. Conduct of Meetings

- 3.1 The quorum for the meetings shall be 10 members of the Consultancy Group.
- 3.2 In addition to the meetings which must be convened by Teignmouth Harbour Commission under para 14(2) of the Teignmouth Harbour Revision Order 2003, meetings may be convened at the request of any two members of the Consultancy Group.
- 3.3 A single representative of persons having an interest in the functioning of the harbour shall be invited to attend and have a single vote.
- 3.4 Votes shall be counted by the Chair or the Vice-Chair.
- 3.5 In the absence of either the Chair or the Vice-Chair, the meeting shall elect a temporary Chair from amongst its members to fulfil that role at the meeting.
- 3.6 Items for the agenda should be submitted to the Chair or Vice-Chair not less than 48hrs before the date of the meeting and the shall have an discretion over whether to take items for which prior notice has not been given to Teignmouth Harbour Commission for and on behalf of the Consultancy Group.
- 3.7 Those present at any meetings shall sign a register specifying the organisation whom they are representing.
- 3.8 THC will provide limited secretariat (call meetings, distribute agenda/minutes, populate website)
- 3.9 The Consultancy Group will meet three times yearly to sync with THC bimonthly meetings, alternating Tue/Thu 1800 (Jan, May, Sep).

4. Agenda

- 4.1 Meeting focus:
 - 4.1.1 Jan: elect officers, HM update on commercial charges and strategy, users update on plans for the year.
 - 4.1.2 May: users confirmed plans for the summer to ensure de-confliction.
 - 4.1.3 Sep: THC Annual Report, update on plans for leisure charges.
- 4.2 Apologies
- 4.3 Minutes/Outstanding Actions of last Meeting
- 4.4 Chairpersons Report
- 4.5 Harbour Master Report
- 4.6 User Community Updates
- 4.7 AOB
- 4.8 Confirm DONM.

Membership

| Role | Title |
|--------------------|---|
| Chair | |
| Vice-Chair | |
| Secretariat | Minutes (THCG member) Meeting booking and management (THC) |
| THC | THC Chief Exec / THC Chair |
| Harbour Master | THC Harbour Master / Deputy Harbour Master |
| Commercial Members | Associated British Ports (ABP) Devon Sea Safari Pike Ward Agents Pilotage and Marine Services Teignmouth Sea Sports South West Shaldon/Teignmouth Ferry Shaldon Marine / Mariners Weigh Teignmouth Boat Hire Teign Dive Centre Teign Fishermen and Watermen Association – TFWA Teign Fishermen and Watermen Community Interest Company - TFW CIC Teignmouth Marine Services Teign Musselmen's Society Teign Salmon Fishers - TBC Teign Sea Angling |
| Leisure / Clubs | Boat Owners Association (BOAT) Shaldon Sailing Club Shaldon Regatta Teignmouth Corinthian Yacht Club (TCYC) Teign Sea Angling Club Teignmouth Regatta Teign / South Devon Water Ski Club River Teign Rowing Club (RTRC) Canoe Club Sea Cadets River Teign Sea Scouts |
| Municipal | Bishopsteignton Parish Council Shaldon Parish Council Teignmouth Town Council |

| | |
|--------------------------|---|
| | Teignbridge District Council Newton Abbot Town Council |
| Safety | Devon & Cornwall Police RNLI |
| Invitees (By invitation) | As required to present or brief any subject of interest to the users. |

Karen Dalton-Fyfe
Chief Executive and Harbour Master

Annex:

- A. Department for Transport (DfT) - Guidance for Trust Ports

Annex A to
Teignmouth Consultative Body
Roles and Procedures
Dated 01 Jun 22

Department for Transport (DfT) - Guidance for Trust Ports²

Principles

- Trust ports are independent statutory bodies run on a commercial basis by independent boards for the benefit of their stakeholders. Trust ports are accountable to those stakeholders. The interests of the wide community of stakeholders should at all times be the guide by which the board of a trust port sets the strategy and direction of the port.
- Trust port boards should reinvest surpluses to support the continuing and long term success of the port for the benefit of its stakeholders.
- Trust port boards should consult stakeholders on significant decisions, where appropriate. Trust ports can and should consult and engage with stakeholders in a variety of ways including through an open Annual Meeting.

Supporting Discussion

Trust ports need to take into account the views of a wide range of stakeholders when considering and establishing their **medium to long term objectives**. Key to this is identifying and engaging effectively with stakeholders, as discussed below. In addition to helping frame strategic objectives, this is also an essential way in which trust ports are accountable to their stakeholders.

Stakeholder Benefit

Trust ports are expected to generate a commercial return on their operations. After making allowance for strategic investments and contingencies, trust port boards should reinvest surpluses to support the continuing and long term success of a port for the benefit of stakeholders. In addition to additional investment on a commercial basis, there are a number of ways in which a trust port board can do this including:

- investing in infrastructure, with a longer term view than might be expected on a purely commercial basis;
- investing in infrastructure or environmental improvements, to a higher standard or greater extent, bringing quantifiable benefits to stakeholders;
- undertaking activities that have a lower commercial return than a private sector port would undertake, but which delivers benefits for stakeholders, such as local communities;
- providing additional employee training where this helps develop the local skills base; and
- making charitable contributions or grants to community projects or organisations.

Priorities for delivery of stakeholder benefit should be established by the board following consultation with stakeholders and recorded, perhaps as part of an overall investment strategy. Stakeholder benefits should have a clear rationale and be consistent with the commercial considerations discussed above. Their delivery should not be directed towards practices which may distort the market on which a port operates. Investment in the harbour should be fair and equitable between stakeholders.

Engagement

Stakeholder engagement and consultation is of an even higher priority than for other SHAs. It is a key way in which trust port boards can demonstrate and ensure accountability. For many trust ports, interaction with the local community is likely to be particularly important.

² DfT- Ports Good Governance, Moving Britain ahead, March 2018, Page 30-32

As a starting point, trust port boards should consult stakeholders on significant decisions where appropriate. DfT 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. The board is best place to judge the overall impact of its decisions.

There are a number of ways in which trust ports can consult stakeholders, which many ports already utilise. In addition, trust ports should have an annual open meeting that all stakeholders can attend with the opportunity to put questions to the chair, other board members and senior executives.

There are a wide range of other ways in which trust ports can engage with stakeholders. For example, one trust port has established a stakeholder committee with major port users and local authority interests as a formal board committee to provide a stakeholder views directly to the board.