

Item: 9

Policy and Resources Committee: 17 April 2018.

Harbour Authority Sub-committee.

Report by Chief Executive.

1. Purpose of Report

To review the constitutional arrangements in respect of the Harbour Authority Sub-committee.

2. Recommendations

The Committee is invited to note:

2.1.

That, in July 2016, the Council established a Harbour Authority Sub-committee, comprising five members of the Development and Infrastructure Committee, including the Chair and Vice Chair.

2.2.

That, in June 2017, the Development and Infrastructure Committee recommended that the Chief Executive should submit a report, to the Policy and Resources Committee, reviewing the constitutional arrangements in respect of the Harbour Authority Sub-committee.

2.3.

The rationale for increasing membership of the Harbour Authority Sub-committee from 5 to 7 Elected Members as detailed in section 6.2 of this report.

2.4.

That additional appointments made to the Harbour Authority Sub-committee would be effective until June 2019, when membership of all committees and sub-committees would be reviewed as part of the mid-term review.

It is recommended:

2.5.

That membership of the Harbour Authority Sub-committee be increased from five members of the Development and Infrastructure Committee to seven members.

2.6.

That the Committee determines whether the two further members to be appointed to the Harbour Authority Sub-committee are members of the Development and Infrastructure Committee or from the wider Council.

2.7.

That the Committee appoints two further members to the Harbour Authority Sub-committee.

3. Policy Aspects

This report relates to the Council complying with its governance processes and procedures and therefore does not relate specifically to progressing the Council's priorities.

4. Introduction

4.1.

At its meeting held on 21 June 2016, when considering a governance review, the Policy and Resources Committee recommended, inter alia, that a Harbour Authority Sub-committee, encompassing the statutory functions of the harbour authority and the safe and effective operation of the harbour area, comprising five members of the Development and Infrastructure Committee, be established.

4.2.

At its meeting held on 6 June 2017, when considering appointments to various sub-committees and working groups, the Development and Infrastructure Committee recommended that the Chief Executive should submit a report, to the Policy and Resources Committee, reviewing the constitutional arrangements in respect of the Harbour Authority Sub-committee.

5. Background

5.1.

Orkney Islands Council operates a Municipal Port. The Council is the Statutory Harbour Authority and the Competent Harbour Authority for pilotage. The Port Marine Safety Code recognises the role of Municipal Ports as a viable and effective means of delivering the operational and safety functions of the Harbour Authority, provided the roles and responsibilities of the Duty Holder are clearly defined and it can be clearly evidenced that the Duty Holders are fully confident with the role.

5.2.

The challenge, therefore, within the governance review undertaken in 2016, was to establish a structure for the municipal port which could deliver the following:

- Focussed governance and assurance arrangements for marine operations as required by the Port Marine Safety Code and the Maritime and Coastguard Agency.
- Appropriate delegation of the Council's maritime safety and operational responsibilities directly to a suitably empowered and knowledgeable Duty Holder to enable and assure safe operations.
- Development of high level skills and knowledge for Members to enable them to better fulfil their Duty Holder responsibilities.
- Appropriate delegation of executive authority to officers to enable them to manage the port and to undertake reactive operational and business decision making.
- Considered development of new business/business development proposals to timescales which are compatible with the requirements of marine business.
- Consideration of, and business case development for, infrastructure developments.

5.3.

As a result, the Council established the Harbour Authority Sub-committee, comprising five members of the Development and Infrastructure Committee, including the Chair and Vice Chair, which allowed for enhanced training, familiarisation and engagement on harbour authority business and safety matters. The Harbour Authority Sub-committee also assumed the role of Duty Holder, with responsibility for safe and effective harbour operations, including towage – the scrutiny and assurance role.

6. Review of Constitutional Arrangements

6.1.

As stated above, the Harbour Authority Sub-committee currently comprises five members of the Development and Infrastructure Committee, including the Chair and Vice Chair.

6.2.

The rationale for increasing membership is that the current arrangements result in only five of the 21 Elected Members having a clear understanding and line of sight on the issues for, and performance of, a service that is responsible for delivering an important service for Orkney, requiring high levels of compliance with health and safety amongst other things. It is therefore proposed that membership of the Harbour Authority Sub-committee be increased to seven members to further distribute that understanding and increase resilience for the sub-committee.

6.3.

It is open to the Council to determine whether the additional two members be appointed from within the membership of the Development and Infrastructure Committee or from the wider Council.

6.4.

Membership of the Development and Infrastructure Committee currently comprises:

- Councillor Norman R Craigie.
- Councillor David Dawson.
- Councillor Andrew Drever.
- Councillor J Harvey Johnston.
- Councillor Rachael A King.
- Councillor W Leslie Manson.
- Councillor Gwenda M Shearer.
- Councillor Graham L Sinclair.
- Councillor James W Stockan.
- Councillor Magnus O Thomson.
- Councillor Duncan A Tullock.
- Councillor Kevin F Woodbridge.

6.5.

Of those, the following members serve on the Harbour Authority Sub-committee:

- Chair – Councillor Graham L Sinclair.
- Vice Chair – Councillor Andrew Drever.
- Councillor David Dawson.
- Councillor Gwenda M Shearer.
- Councillor Kevin F Woodbridge.

6.6.

It should be noted that any additional appointments made to the Harbour Authority Sub-committee would be effective until June 2019, when membership of all committees and sub-committees would be reviewed as part of the mid-term review.

7. Financial Implications

There are not anticipated to be any significant financial consequences arising from the report recommendations.

8. Legal Aspects

8.1.

With limited exceptions, section 56 of the Local Government (Scotland) Act 1973 provides that a local authority may arrange for the discharge of any of their functions by a committee of the authority, a sub-committee, an officer of the authority or by any other local authority in Scotland. The discharge of functions also includes doing anything which is calculated to facilitate or is conducive or incidental to the discharge of any of these functions.

8.2.

There are no statutory rules in force in Scotland as to which councillors should be appointed to which committee. Councils have a free hand to decide the membership of their committees and sub-committees.

9. Contact Officers

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