

## **Item: 7**

**Harbour Authority Sub-committee: 26 October 2021.**

**Harbour Authority Governance – Role of Duty Holder.**

**Report by Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.**

### **1. Purpose of Report**

To consider the provision of the mandated Duty Holder cover for the Harbour Authority during periods when elected members, as members of the Harbour Authority Sub-committee, are unable to perform that duty.

### **2. Recommendations**

The Sub-committee is invited to note:

#### **2.1.**

The requirement, under the Port Marine Safety Code, to have an identified and designated Duty Holder for the Harbour Authority, which is currently the Harbour Authority Sub-committee.

#### **2.2.**

That, at 00:01 on polling day, all elected members demit office, effectively removing the mandated Duty Holder from the Harbour Authority structure, until such time as members are appointed to the Harbour Authority Sub-committee, normally in early June.

#### **2.3.**

Options for the provision of Duty Holder responsibility, as detailed in section 4 of this report, with the preferred option being to induct additional permanent Duty Holders from the Senior Management Team in order to provide continuity during local government election periods.

**It is recommended to the Policy and Resources Committee:**

#### **2.4.**

That the Chief Executive be authorised to nominate members of the Senior Management Team to act as additional permanent Duty Holders for the Harbour Authority to ensure continuity during local government election periods.

## 3. Background

### 3.1.

The Port Marine Safety Code (PMSC) requires a Harbour Authority to identify and designate a Duty Holder. This can be an individual or a body whose members are individually and collectively accountable for compliance with the Code and their performance ensures safe marine operations in the harbour and its approaches.

### 3.2.

Currently the Council, as the Statutory Harbour Authority, has designated the Harbour Authority Sub-committee as Duty Holder. Elected members fulfil this function for the period of appointment as a member of the Sub-committee. Each member is provided training in their role and responsibility as a Duty Holder and they exercise these responsibilities through the formal Harbour Authority Sub-committee meetings.

### 3.3.

However, at 00:01 on polling day, all elected members demit office, effectively removing the mandated Duty Holder from the Harbour Authority structure, until such time as members are appointed to the Harbour Authority Sub-committee, normally in early June. This generates a gap in the role of Duty Holder for the Harbour Authority for a period of several months, until new memberships are constituted and members trained in their roles and responsibilities under the PMSC.

## 4. Potential Solutions

### 4.1.

There are three potential solutions to the issue, as follows:

#### 4.1.1.

**Option 1** – Maintain the current Harbour Authority Sub-committee members as Duty Holders until appointments have been made to the Sub-committee and training provided.

#### 4.1.2.

**Option 2** – Transfer the responsibility to the Chief Executive for the handover period.

#### 4.1.3.

**Option 3** – Induct additional permanent Duty Holders from the Senior Management Team. They will then attend Harbour Authority briefings and meetings on a permanent non-voting basis and provide continuity during local government election periods.

## **5. Options Appraisal**

### **5.1.**

Option 1, whilst ensuring continuity of trained Duty Holders, would be unconstitutional and could be legally challenged as such. Any Council member involved in this option would no longer be associated with the Council at 00:01 on the day of polling. Whilst it would provide continuity for the period prior to new appointments to the Harbour Authority Sub-committee, there is no guarantee of continuity beyond that depending upon election results.

### **5.2.**

Option 2 could provide continuity for the full period required. However, it would not provide the independent questioning of systems and operations that the Duty Holder system is intended to provide.

### **5.3.**

Option 3 would give continuity and oversight of the Harbour Authority for the interim period. It could also be made a permanent feature, extending understanding of the Harbour Authority to the wider Council and provide a greater understanding of the issues involved with operations through the Senior Management Team.

### **5.4.**

It is recommended that Option 3 be adopted as the most suitable to ensure routine continuity for the role of Duty Holder permanently and during local government elections.

## **6. Human Resource Implications**

Training on the duties of Duty Holder will be required for those members taking up the duty.

## **7. Corporate Governance**

This report relates to the Council complying with governance and scrutiny and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **8. Financial Implications**

There are no financial implications arising from the recommendation of this report.

## **9. Legal Aspects**

As the Port Marine Safety Code requires a Harbour Authority to identify and designate a Duty Holder, the recommended option will assist the Council in discharging this duty during an election period.

## **10. Contact Officers**

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