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## **RAMSGATE PORT AND HARBOUR GOVERNANCE PROPOSALS**

To: **Cabinet – 11<sup>th</sup> September 2014**

Main Portfolio Area: **Operational Services**

By: **Cllr Mike Harrison, Cabinet Member for Operational Services**

Classification: **Unrestricted**

Ward: **Central Harbour**

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**Summary:** To consider proposals for the governance of Ramsgate Port and Harbour taking into account the previous findings of Opportunities for Ports in Local Authority Ownership – A Review of Municipal Ports in England and Wales.

### **For Decision**

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#### **1.0 Introduction and Background**

- 1.1 Work on the governance of the port and harbour has been done in parallel to the development the development and adoption of the Ramsgate Maritime Plan by Cabinet.
- 1.2 This has been done in the context of the approach recommended in ‘Opportunities for Ports in Local Authority Ownership – A Review of Municipal Ports in England’ and Wales, which makes reference to the findings of ‘Modernising Trust Ports – A Guide to Good Governance’. However, this work has also reflected how this has been adopted by a number of ports and the issues this has caused for them.
- 1.3 On this basis the report takes on board the prime aims in the above documents, but proposes a more flexible approach, in which the responsibility remains with Cabinet as currently, but the role of a Harbour Committee is undertaken by a Cabinet Advisory Group

#### **2.0 Current Situation**

- 2.1 The port and harbour are a direct responsibility of Cabinet as an executive function, with the management being delegated to officers to run the services. The constitution does not allow the executive to delegate its responsibilities to a Committee of Cabinet unless this is comprised of Cabinet members only. On this basis it can seek input from other members either through a Cabinet Advisory Group, or through making a decision to revert its responsibilities to full Council, and for Council to set up a committee.

#### **3.0 Proposal**

- 3.1 Annex 1 sets out possible terms of reference for the governance of Ramsgate Port and Harbour, and it is proposed that this is adopted by Cabinet.

- 3.2 The delivery of these terms of reference can be undertaken either through a Cabinet Advisory Group, or through a committee constituted under full Council as indicated in 2.1 above.
- 3.3 The primary finding of the government in its review was the need to ensure that there is sufficient accountability, capacity and capability in relation to the management of municipal ports. Although a number of councils adopted a separate committee with specific delegated powers to give effect to this, this has led to some problems, and is clearly not the only way to approach this.
- 3.4 The alternative is to create a Cabinet Advisory Group with both member and external representation. This can create the capability and capacity to assist managers and Cabinet in the running of the port and harbour, allowing advice to be carried forward by officers in day to day management where this is in line with current delegations, and seeking approval from Cabinet where significant decisions need to be made that fall outside these. This combines the flexibility necessary, but with ultimate responsibility remaining with Cabinet in parallel with their other responsibilities. It can be done without changing the constitution to reflect the reversion of these responsibilities to Council or the setting up of a new committee, and allows this to be changed much more readily if it is not working. Overall scrutiny of the exercise of executive responsibilities would still remain with the Overview and Scrutiny Panel.

#### **4.0 Corporate Implications**

##### **4.1 Financial and VAT**

- 4.1.1 The membership of the board would involve the normal travel expenses for members of the group that can be accommodated within existing budgets.

##### **4.2 Legal**

- 4.2.1 Under paragraph 7.1.1 terms of the Constitution for the Governance of Thanet District Council, Cabinet can set up Cabinet Advisory Group to advise it on relevant issues. However, Cabinet remains responsible for the port and harbour.

##### **4.3 Corporate**

- 5.3.1 The current financial position of the port precludes taking a more radical approach to its future management and relationship to the council at this point. However, following the development of the Ramsgate Maritime Plan and the associated consultation, there are benefits to considering changes to the governance of the port and harbour. The proposals represent the current national advice on the governance of municipal ports, which allows more involvement of members in the management of Ramsgate, but also an opportunity to bring in external expertise to assist this. However, this is done in a way that reflects on the experience of other ports, and provides as much flexibility as possible.

##### **5.4 Equity and Equalities**

- 5.4.1 There are no equalities implications associated with the proposals.

#### **6.0 Recommendation**

- 6.1 That Cabinet agrees the setting up of the Ramsgate Port and Harbour Cabinet Advisory Group under the terms set out in Annex 1.

## 7.0 Decision Making Process

7.1 This is a non-key decision which can be made by Cabinet.

Contact Officer:	Mark Seed, Director of Operational Services
Reporting to:	Madeline Homer, Interim Chief Executive

### Annex List

Annex 1	Ramsgate Port and Harbour Board Terms of Reference
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### Background Papers

Title	Details of where to access copy
Ramsgate Maritime Plan	<a href="http://democracy.thanet.gov.uk/ieListDocuments.aspx?CId=151&amp;MId=3046&amp;Ver=4">http://democracy.thanet.gov.uk/ieListDocuments.aspx?CId=151&amp;MId=3046&amp;Ver=4</a>
Opportunities for Ports in Local Authority Ownership – A Review of Municipal Ports in England	<a href="http://webarchive.nationalarchives.gov.uk/20100513185438/http://www.dft.gov.uk/pgr/shippingports/ports/opportunities/rtunitiesforportsinlocal4960.pdf">http://webarchive.nationalarchives.gov.uk/20100513185438/http://www.dft.gov.uk/pgr/shippingports/ports/opportunities/rtunitiesforportsinlocal4960.pdf</a>
Modernising Trust Ports – A Guide to Good Governance	<a href="http://assets.dft.gov.uk/publications/modernising-trust-ports-guide/mtp-good-guide-to-governance.pdf">http://assets.dft.gov.uk/publications/modernising-trust-ports-guide/mtp-good-guide-to-governance.pdf</a>

### Corporate Consultation Undertaken

Finance	Matthew Sanham, Finance Manager (Service Support)
Legal	Steven Boyle, Interim Legal Services Manager & Monitoring Officer