



BRISTOL HARBOUR COMMITTEE TERMS OF REFERENCE

1. Purpose

To determine all matters relating to the strategic management of the Council's function as a Statutory Harbour Authority, and consistent with the Council's Policy Framework. Specifically the Committee will:-

- 1.1 Manage the Harbour in accordance with the provisions of the Harbours Act 1964, the Bristol Harbour Order 1998 and the Harbour Docks and Piers Clauses Act 1847 (as incorporated), as amended from time to time (the 'Harbour Legislation').
- 1.2 Manage the Harbour's financial matters in accordance with the Council's approved financial procedures and the Council's objective for the harbour to be financially self-sustainable, including (but not limited to):
 - 1.2.1 recommending to the Economy and Skills Policy Committee the setting of harbour fees and charges from time to time (including in-year changes to the schedule) normally following consultation with Harbour Stakeholder Groups;
 - 1.2.2 providing the annual revenue budgets within the ring-fenced harbour accounts to the Economy and Skills Policy Committee;
 - 1.2.3 receiving quarterly budget monitoring reports and to approve variances as appropriate; and
 - 1.2.4 monitoring the harbour reserve funds, seeking to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing;
 - 1.2.5 the Committee will make an annual report to the Economy and Skills Policy Committee to report on performance against budget.
- 1.3 The Harbour Committee will not have authority to make a key decision, but can make a recommendation to the Economy and Skills Policy Committee who will have the authority to make Key Decisions for the Harbour.
- 1.4 No decision by the Harbour Committee shall impact adversely on the Council's general fund or capital budget.
- 1.5 The role of Duty Holder (See Annex 1) for the purposes of the Port Marine Safety Code will be undertaken by the Economy and Skills Policy Committee Chair. Accountability for this role cannot be assigned or delegated.
- 1.6 Produce, approve and monitor a business plan for Bristol Floating Harbour, in line with the Council's policy framework, and address any issues relating to safety and performance of the harbour operation.

- 1.7 Review these terms of reference annually and request the Council to make any necessary amendments and/or additions;
- 1.8 Review annually the powers delegated to the Harbour Master and Head of Service for the Natural and Marine Environment and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes;
- 1.9 Consider any other matters referred to the Committee by the Harbour Master and Head of Service for the Natural and Marine Environment;
- 1.10 To conduct task and finish activities to consider Harbour Policy matters as required
- 1.11 To recommend the format, composition and governance of the Stakeholder Group and keep the arrangements under annual review;
- 1.12 To provide strategic direction to the Harbour Master and Head of Service for the Natural and Marine Environment and the Leader of the Council in relation to those assets within Bristol Harbour and the harbour estate that are managed by Bristol Statutory Harbour Authority.
- 1.13 To determine the annual work programme of the Committee
- 1.14 To produce and publish a Bristol Floating Harbour Annual Report.

2. Membership

- 2.1 The Harbour Committee will comprise nine members (9), five (5) members will be Elected Members who will be appointed by the Council and four (4) non-elected member/advisors will be co-opted onto the Committee following an appointment process to assess the skills and expertise that they can bring to the Committee on a four-year term.
- 2.2 The Chair shall be the Chair of the Economy and Skills Policy Committee and the Vice Chair shall be an elected member of the Council.
- 2.3 All members of the Harbour Committee will have voting rights.
- 2.4 All members of the Committee shall abide by the Council's Code of Conduct for Elected Members;
- 2.5 All members to understand the role of the Duty Holder.
- 2.6 Co-opted member/advisors will serve the Committee for one four-year term and a maximum of two four-year terms. Each will be selected on the basis of being able to fulfil one or more of the following skills covering Harbour Operations, Heritage and Tourism, Finance and Commercial.
- 2.7 A co-opted member/advisor may be appointed to a second four-year term without recourse to open competition, subject to the agreement of both the Chair and the co-opted member/advisor, and the Committee's assessment that the co-optee has performed satisfactorily during the first term.

3. Meetings

- 3.1 The Committee shall meet at least 4 times a year and be governed by Council's Committee Procedure Rules as set out in the Council's Constitution.
- 3.2 The quorum for meetings of the Committee shall be 5 save that at no time shall there be less than 3 elected members present at the meeting.
- 3.3 The Committee shall consider the following business:
 - 3.3.1 approval of the Minutes of the previous meeting;
 - 3.3.2. declarations of Interest, if any;
 - 3.3.3. report and feedback from any Stakeholder Forum(s);
 - 3.3.4. the business as set out on the agenda for the meeting.

Annex 1: The Duty Holder

1. Organisations must have a “duty holder” who is accountable for their compliance with the Code and their performance in ensuring safe marine operations. For most organisations, the role of duty holder is undertaken by members of the management team or a board who are (both collectively and individually) publicly accountable for marine safety under the Code.
2. If however, the management team or board is not directly accountable for marine safety, or has limited decision-making powers in this respect, it is acceptable for the role of duty holder to reside elsewhere. This might be the position in some municipal ports for example, where accountability for marine safety is overseen by a local authority committee. If so, the organisation should publish and confirm who the duty holder is.
3. The duty holder is responsible for ensuring that the organisation complies with the Code. In order to effectively undertake this role, they should:
 - (a) be aware of the organisation’s powers and duties related to marine safety;
 - (b) ensure that a suitable MSMS, which employs formal safety assessment techniques, is in place;
 - (c) appoint a suitable designated person to monitor and report the effectiveness of the MSMS and provide independent advice on matters of marine safety;
 - (d) appoint competent people to manage marine safety; ensure that the management of marine safety continuously improves by publishing a marine safety plan and reporting performance against the objectives and targets set; and
 - (e) report compliance with the Code to the MCA every 3 years.
4. Harbour authorities have powers to appoint a harbour master and may properly entrust the operation of the harbour to such professional people; but the duty holder cannot assign or delegate its accountability for compliance with the Code.
5. All duty holders should take time to gain an appropriate insight and understanding of their organisation’s port marine activities, MSMS and supporting policies and procedures. This can be accommodated through briefings and operational visits. Serious consideration should be given to appointing a member to the board who has relevant maritime experience and who can act as the initial point of contact for the designated person. The duty holder should also ensure that appropriate resources are made available for discharging their marine safety obligations.

Glossary of associated terms

MCA	Maritime and Coastguard Agency
MMO	Marine Management Organisation
MSMS	Marine Safety Management System
PMSC	Port Marine Safety Code