

MODERNISING TRUST PORTS

**A GUIDE TO GOOD
GOVERNANCE**

ANNEXES

Annex 1

TRUST PORTS

ENGLAND & WALES

non-fishery

Berwick Harbour Commissioners
Blyth Harbour Commissioners
Brightlingsea Harbour Commissioners
Caernarfon Harbour Trustees
Cattewater Harbour Commissioners
Chichester Harbour Conservancy
Cowes Harbour Commissioners
Crouch Harbour Authority
Dart Harbour & Navigation Authority
Dover Harbour Board
Falmouth Harbour Commissioners
Fowey Harbour Commissioners
Gloucester Harbour Trustees
Great Yarmouth Port & Haven Commissioners
Harwich Haven Authority
Kings Lynn Conservancy Board
Lancaster Port Commissioners
Langstone Harbour Board
Littlehampton Harbour Board
Port of London Authority
Lymington Harbour Commissioners
Maldon Harbour Improvement Commissioners
Maryport Harbour Commissioners
Milford Haven Port Authority
Neath Harbour Commissioners (inc. Briton Ferry)
Newport (Gwent) Harbour Commissioners
Orford Town Trustees
Padstow Harbour Commissioners
Poole Harbour Commissioners
Sandwich Port & Haven Commissioners
Shoreham Port Authority
Teignmouth Harbour Commissioners
Tyne Port Authority
Warkworth Harbour Commissioners
Whitehaven Harbour Commissioners
Yarmouth (IoW) Harbour Commissioners

TRUST PORTS

ENGLAND & WALES

Fishery

Bridlington Pier & Harbour Commissioners
Flamborough North Sea Landing Harbour Commissioners
Hope Cove Harbour Commissioners
Looe Harbour Commissioners
Mevagissey Harbour Trustees
Mousehole Harbour Commissioners
Newlyn Pier & Harbour Commissioners
North Sunderland Harbour Commissioners (Seahouses)
Polperro Harbour Trustees
Port Isaac Harbour Commissioners
Portloe Harbour Commissioners
Saundersfoot Harbour Commissioners
Sennen Cove Harbour Commissioners
Staithes Harbour Commissioners (including Runswick Bay)
Wells Harbour Commissioners

TRUST PORTS

SCOTLAND

non-marine works

Aberdeen Harbour Board
Brownies Taing Port Trust [Lerwick]
Collieston Harbour Trustees
Cromarty Firth Port Authority
Inverness Harbour Trustees
*Lerwick Harbour Trustees
Montrose Harbour Trustees
Peterhead Bay Authority
River Nith Commissioners (Dumfries)
Urr Navigation Trustees (Palnackie)

* joint marine/non-marine

TRUST PORTS

SCOTLAND

marine works#

non-fishery

Balintore Harbour Trustees
Rosehearty Harbour Commissioners
St Margarets Hope Pier Trust (South Ronaldsay)
Skerry Harbour Trustees
Urr Navigation Trustees (Dalbeattie)

fishery

Annan Harbour Trustees
Avoch Harbour Trustees
Burnmouth Harbour Trustees
Cruden Bay Harbour Commissioners
Eyemouth Harbour Trustees
Fraserburgh Harbour Commissioners
Gardenstown Harbour Trustees
[*Lerwick Harbour Trustees]
Mallaig Harbour Authority
Pennan Harbour Trustees
Peterhead Harbour Trustees
Port Seton Harbour Commissioners
St Abbs
St Andrews Harbour Trustees
Scrabster Harbour Trustees
Stornoway Pier & Harbour Commissioners
Tarbert (Loch Fyne) Harbour Trustees
Ullapool Pier Trustees
Whitehills Harbour Commissioners
Wick Harbour Trustees

| |
|-----------------------|
| Status Unknown |
|-----------------------|

Cromarty Harbour Trust

#see Harbours Act 1964 s 57 and Harbours Piers & Ferries (Scotland) Act 1937 as amended by Local Government (Scotland) Act 1973 sch 19 para 13

*joint marine/non-marine - on other list

Annex 2

Model job specifications for trust board members

These job specifications represent the DETR's view of good practice and compliance. They are based largely on those currently used for the Port of Tyne Authority. Smaller trusts are invited to adapt to suit but should remember that the basic principles expressed in the following specifications will hold good.

Chairman

- The chairman is responsible for providing leadership and direction to the board.
- The chairman is seen as an ambassador for the trust locally, regionally and nationally.
- The chairman should be competent in making presentations, speeches and in handling public occasions.
- The chairman should support the executive arm of the trust and ensure that any undue concentration of power, influence or interest is avoided.
- The chairman should be able to devote sufficient time to the trust's affairs on a regular basis and be able to make additional commitment from time to time as circumstances require.
- The chairman is responsible for ensuring that the board remains fit for purpose and compliant with this guidance.

Key Tasks

- To lead the board in achieving effective strategic direction of the affairs of the trust, based upon a sound understanding of the business, its finances, operational environment, and the statutory and regulatory framework within which it must function.
- To ensure that the board has a clear understanding their own responsibilities, duties and obligations as board members.
- To lead the board in taking a balanced and objective view of the trust's current performance and future plans.
- To lead the board in critically assessing the output and performance of board committees and/ or advisory/ focus groups.

- To ensure that the executive presents the board with a clear and balanced picture of the operational business and financial performance of the trust.
- To ensure that board composition and succession are regularly reviewed so that an appropriate balance of skills is retained.
- To ensure that succession planning for the executive arm of the trust is regularly reviewed.
- To review, with non executive board members, the performance of the chief executive/ senior manager.
- To review with the chief executive/ senior manager and deputy chairman the performance of the board and senior staff.

Deputy Chairman

The deputy chairman should, ideally, have a different, though complementary, background from the chairman. Otherwise his role is to support the Chair in discharging the responsibilities outlined above.

Board Member

The duties of a board member are considered to be on a par with those of a director of a company, in addition to which there are obligations, responsibilities and statutory duties peculiar to the trust.

In particular they will act as completely independent trustees for the benefit of all stakeholders in the trust including all port users and the local community and will abide by the principles of good corporate governance set out in this guidance.

The trust's primary duty (*and therefore that of a board member*) shall be to take such steps as they consider necessary or expedient for the improvement, maintenance and management of the port/ conservancy and the accommodation and facilities afforded or in connection with the port/ conservancy with a recognition of the port's role in the region.

A board member is expected to act with independent judgement, to use their skills and experience for the benefit of the board, to be committed to working in the best interests of the port/ conservancy, to devote the necessary time to carry out the function of board member and to undertake such training as specified by the board and the Department of Environment, Transport and the Regions from time to time.

A board member will be familiar with the area served by the port.

A board member should have wide experience in one or more of the following areas

(to be determined by the board but, typically, to include)

- management of harbours
- shipping or other transport modes
- appropriate commercial/ industrial experience
- financial expertise
- administration
- organisation of workers
- sport and recreational users of the harbour
- environmental issues - specifically those affecting the port/ conservancy
- specific knowledge of/ interest in the local community and the wider community, economic and social context within which the Board operates
- tourism and leisure

ANNEX 3

Care should be taken in wording an advertisement. The more specific the stated criteria and competencies the less risk of attracting applications from unsuitable candidates. Also, where the advertisement is placed will effect the level of and quality of responses. As a general rule you should consider

- advertising in the local press if there is a particular need for local or regional representation;
- advertising in the ethnic press to generate more interest in appointments amongst these communities;
- investigating the possibility of free advertising – for example in newsletters issued by relevant organisations or groups or through media involvement.

Model advert

Department of the Environment, Transport and the Regions
APPOINTMENTS TO TRUST PORT BOARDS IN GREAT BRITAIN
PART TIME (TYPICALLY 1 - 2 DAYS PER MONTH)

The Appointments

The Secretary of State for the Environment, Transport and the Regions makes a number of part-time appointments to the boards of trust port authorities listed in this advertisement. We are looking for high quality individuals with an interest in public service to fill forthcoming vacancies at a number of the ports.

Trust ports differ from company or local authority-owned ports by their constitution and powers. All port activities are funded from within revenue, supplemented in some cases by commercial borrowing up to prescribed limits. Each board is typically made up of a number of members with local or specialist interests, and can typically include members of local authority, port user, trade union, shipping and other stakeholder groups alongside those appointed by the Secretary of State. Terms of appointment are typically up to three years, and in many cases (but not all) remuneration is paid - typically £3000 - £6000 per year depending on the port.

The requirements

Successful candidates will be able to demonstrate ability and a proven track record in their chosen profession or other activities, such as community work. Commitment and experience can be as valuable as qualifications, although in some areas specialist experience is needed. You will be required to work with senior and professional staff, so experience of achieving results through demanding board or committee work is important, as is the ability to grasp complex issues quickly and express yourself clearly. Residence within a reasonable distance (e.g. 50 miles) of the port concerned, and familiarity with local issues in the region surrounding the port, are highly desirable.

The Ports

Aberdeen Harbour Board
Cromarty Firth Port Authority
Dover Harbour Board

Falmouth Harbour Commissioners
Harwich Haven Authority
Port of London Authority
Milford Haven Port Authority
Montrose Port Authority
Peterhead Bay Authority
Poole Harbour Commissioners
Sandwich Port & Haven Commissioners
Shoreham Port Authority
Port of Tyne Authority

DETR is committed to the principles of public appointment on the basis of merit and aptitude, with openness and transparency of process. In particular the Department is committed to address the under-representation of women and people from ethnic minorities, as well as people with disabilities, who have the required knowledge and experience. Political activity will not be a criterion for appointment, but candidates must fully support the objectives of the board to which they are appointed.

If you are interested in being considered for appointments to any of the ports mentioned please write, indicating which port(s) you are interested in, to:

The Trust Port Appointments Officer
Department of the Environment, Transport and the Regions
Ports Division
4/13 Great Minster House
76 Marsham Street
LONDON SW1P 4DR

Closing date for correspondence - 31 August 1998

Individuals who applied in June 1997 need not reapply unless their information has significantly changed.



Annex 4 –

Before publicising the appointments, it is essential that sufficient information packs are ready. These should contain the application form, full details of the trust, the job and personal criteria sought copies other relevant data such as the annual reports and accounts. Candidates should be advised how long the process will take. If possible the information pack should be made available via a trust's web site. Fax and e-mail offer a speedy and economical means of sending out application documentation and receiving applications.

Model application form and associated documentation

INFORMATION FOR CANDIDATES

These notes provide information for potential applicants interested in serving as a part-time non-executive member on the board of..... The notes include short introductions to the work of the port, an explanation of the role of board members and the qualities sought in applicants. Paragraphs explain how to apply.

Unsuccessful applicants may also be considered for relevant appointments in subsequent years.

Introduction

It is an important objective of to appoint candidates representing a wide range of appropriate experience to serve on the board. Therefore you should not rule yourself out from applying because you imagine that "you are not the kind of person" who is appointed to such things. On the other hand, it is also an important objective to appoint competent individuals suited to what are demanding positions. Therefore, you should only apply if you feel you possess the qualities, skills and competencies sought in our advertisement (a copy of which is attached) at a level sufficient to take part in the leadership of this port/ conservancy. A process which is open is also intrinsically competitive: it is not possible to recommend for appointment everyone who possesses the qualities described. Therefore if you apply, it is important that your application brings out clearly with concrete examples the level and depth of your achievement and experience as applicable to the qualities we are seeking in a new board member. Some people may find it helpful to ask a friend to read through their application and comment before submitting it.

How to use these notes

In paragraphsyou will find an introduction to what qualities are sought in our board members. Do you feel you can make a valuable contribution to this work? If so turn to the notes attached which give information about our port and its operations. Do not apply unless you have the adequate time to give to the board.

To apply, follow carefully the directions in paragraphsof these notes. Because of the high degree of interest in appointments of this kind, unless your application closely follows these directions (and is received at the correct address by the closing date) it will not be possible for it to be considered.

About the appointment

As well as considering those who respond to the present advertisement, the board may also consider names from other sources. Experience, interests, location, amount of time available and other relevant information are important so that sensible matches between individuals and bodies can be considered.

The appointment is part-time, typically days a month exclusive of time required for participation in an induction training programme. It attracts a remuneration of Travelling expenses may be reimbursed in some cases up to a maximum distance specified by the port.

Appointments offer opportunities to individuals who wish to contribute to the community and to the efficient administration of port business. The opportunity may be to help run the port more effectively, to offer advice on a challenging and complex issue, or to broaden a board's approach by bringing a fresh outlook or new areas of expertise to discussions.

Service on the board of a trust port can give you a valuable insight into the practice of government. It can be a useful development opportunity for rising stars: it can provide those at the peak or end of their careers in the public or the private sector with a chance to contribute their expertise for the public good; and it can also offer an opening for valuable contributions from people taking career breaks or who have gained their experience in other areas, such as voluntary work.

An overview of our port/conservancy

To include operations, environment, workings of the board etc. - see model strategy document for a steer to contents of this section.

Qualities sought in potential board members

(insert core requirements - skills, competencies, characteristics, expertise etc. from national standards together with specific requirements for your port and this specific appointment)

Before an individual is appointed to a board, here are some of the things which need to be considered:

- *you must broadly agree with the overall mission of the port but be prepared to question hard the means of getting there;*
- *you may well bring specialist knowledge (of marketing or finance, for example, or as a consumer) but you must not be a defender of functional or sectional interests;*

- *you must understand the constraints of the port's relationship with the Department of Environment, Transport and the Regions and of working within the guide to good governance for trust ports.;*
- *you must understand the organisation of the port (not necessarily before appointment) but not become too identified with it;*
- *you must understand the legislative and statutory framework within which the port operates and the duties and obligations this places on the board;*
- *you must have a commitment to getting the best value for money, taking into account social objectives, for the port's end customers;*
- *you must be prepared to spend time, if necessary over and above that nominally required, to do the job properly.*

The key qualities which need to be clearly demonstrated (by factual information and concrete examples) in your application include:

- you must have achieved results in demanding situations. These can be in a career or in unpaid (such as voluntary) work;
- you must have demonstrated the ability to contribute effectively in group discussions involving a wide range of people, including specialists and professionals. This includes the intellectual ability to extract the essence of an argument from papers and to analyse problems and assess evidence impartially;
- you must demonstrate that you have been able to earn the respect of colleagues and been influential as a member of a team working over a sustained period of time towards demanding goals;
- your application should make clear the level and depth of your management or specialist expertise (if any), and any other experience which demonstrates your knowledge and interests relevant to this post.

You should also set out your reasons for wishing to be considered for this appointment.

How to apply

Your application needs to comprise the following:

- the last two pages of these notes, detached and completed in dark ink;
- a letter not exceeding two pages answering the four requests in paragraph ...;

- a full CV giving your date of birth, education and professional and life qualifications and full career history, paid or unpaid, including details of any budgets and numbers of people which you have managed and relevant achievements. Please also give the names, addresses and brief details of two referees who know you well but are not personally connected to you and can assess your potential to contribute to the board.

Please type your letter and CV or submit it in very legible handwriting in black or dark blue ink.

Please include in your covering letter not more than 2 pages in total in response to the four requests below. Your response may be quite limited in one or more cases, in which case please complete as far as you feel able.

- *describe briefly the most challenging problem with practical implications which you have faced and what you contributed to its solution;*
- *describe a group situation in which you had to balance either your strongly held views or your specialist skills against wider or contrary considerations. What impact did others' views have on you and your views on them?*
- *summarise any specialist or management experience (or local or regional knowledge in the case of geographical bodies) which you think particularly relevant to the ports in which you are interested;*
- *trust ports need to represent a broad cross-section of experience of the community How wide is your experience of the varied circumstances of life faced by individuals in your region? This could include, for example, domestic and family experience as well as voluntary or professional experience.*

Address your application to:

NB. The content of unsuccessful applications will remain confidential.

DATA PROTECTION ACT 1984

Individual records shall be kept for a maximum of three years, in line with the maximum length of the appointment cycle. Information held by the Department about individuals in connection with appointments to trust port boards shall be fully in compliance with the provisions of the Data Protection Act 1984, that is to say: -

- personal data shall be held only for the purposes specified in this guidance, and will be relevant
- data shall not be used or disclosed in any manner incompatible with the appointments process
- all data shall be accurate and kept up to date
- applicants shall be entitled, at reasonable intervals and without undue delay, to have access to data held and to have data corrected or erased where appropriate.
- appropriate security measures shall be taken to protect personal data against unauthorised access, alteration or deliberate or accidental loss or destruction.

STRICTLY CONFIDENTIAL

APPOINTMENTS TO BOARDS OF TRUST PORT

| |
|------------------------------|
| Reference (for official use) |
|------------------------------|

Please complete both sides of this form clearly using black or dark blue ink and CAPITAL letters. Attach two copies of your letter and CV completed according to the attached instructions and send to

PERSONAL DETAILS

| | | |
|----------------------------|---------------|-------------|
| Title | First Name | Surname |
| Age on..... | Date of Birth | Nationality |
| Address for Correspondence | | |

| | |
|---------------------|------------------------|
| Postcode | e-mail (if applicable) |
| Telephone (Daytime) | Telephone (Evening) |

CURRENT/MOST RECENT EMPLOYMENT (OR OTHER ACTIVITY)

| | |
|---|---|
| Position held (if position was in a particular branch, please state which) | |
| Name of employing organisation | |
| This employment is current or This employment finished (or finishes) on | Most recent annual salary (approximate but excluding bonuses and benefits) £ |

| | |
|--|--|
| How much time could you make available for this appointment? Days per month | |
|--|--|

DECLARATION

| | |
|---|------|
| I have read the information provided about these appointments. In addition to the information requested, I have disclosed in my accompanying letter and CV any other information which is relevant to my suitability as a public appointee - for example any convictions or bankruptcies or anything, such as business interests or personal relationships, which might lead to a question of a conflict of interest. I confirm that to the best of my knowledge the information which I have provided whether in this form or in any accompanying papers is accurate and not misleading. I realise that failure to disclose relevant information or the provision of inaccurate or misleading information may result in an appointment being summarily terminated. | |
| Signature | Date |

detach as necessary

MONITORING INFORMATION

| |
|--|
| Please help us monitor the effectiveness of its equal opportunities policy and its advertising by completing the following details, which do not form part of your application and will be treated in strict confidence. |
| I learned about these appointments from: |

| | | |
|---|----------|--------------|
| Other (please specify) | | |
| I am | Male | Female |
| I consider myself to be | disabled | not disabled |
| <p>I would describe myself as being of the following ethnic origin:</p> <p>BLACK:</p> <p style="text-align: center;"> Caribbean including UK African including UK Other (please specify) </p> <p>ASIAN:</p> <p style="text-align: center;"> Indian Bangladeshi East African Pakistani </p> <p style="text-align: center;"> Chinese Other (please specify) </p> <p>WHITE:</p> <p style="text-align: center;"> European including UK Other (please specify) </p> | | |

ANNEX 5 –

Typical letter of appointment

APPOINTMENTS TOPORT AUTHORITY

I am pleased to inform you that, following the interview you attended on, we recommended that you should be appointed as a member of thePort Authority. The Board has agreed, and has asked me to invite you to accept an appointment for a term of three years, commencing immediately and running until, We trust that you are willing to accept this invitation, and I would be grateful if you could contact me at your earliest opportunity to confirm.

I attach for your information a copy of the Government's National Standards of Accountability for Trust Ports. These provide the basic framework within which all trust ports must operate and with which all board members must comply. I would be grateful if you could familiarise yourself with this before your first board meeting.

In accordance with the Guide to Good Governance for Trust Ports, it is our practice to seek a declaration of interests from members being appointed or reappointed to the Board of a Trust Port. Assuming you are willing to be appointed, could you please make a declaration in accordance with the attached Notes for Guidance. This information will be passed to the Chairman and any relevant interests will be published in a register open for inspection at the trust's offices.

All new board members are required to participate in a training programme designed to familiarise them with their duties and obligations, operation of the port and the legislative and statutory framework within which it operates. I will contact you again shortly to discuss arrangements for taking this forward.

I look forward to hearing from you shortly.

Yours sincerely

NOTE FOR GUIDANCE ON THE DISCLOSURE OF FINANCIAL AND OTHER INTERESTS BY PROSPECTIVE MEMBERS OF HARBOUR AUTHORITIES

1. You should furnish the chairman of the with particulars of:
 - (a) any trade or business you are engaged in, or propose to become engaged in;
 - (b) any appointment as a director or officer of any corporate body which you may hold or be proposing to take up;
 - (c) membership of any organisation (such as the Freemasons) which might be deemed by a reasonable person to have the potential to prejudice the discharge of your functions;
 - (d) any securities (including stock, shares, mortgages, debentures and debenture stock) or other interests, held by or for you, that might have a prejudicial effect upon the discharge by you of your function as a Member of the Harbour Authority, or might prima facie appear to be likely to have such an effect;
 - (e) any land in which you have an interest, if that land is in or near the area of any of the Harbour Authority's land or is likely to have its value affected by development on or near the port, or by the policy or operations of the Harbour Authority;
 - (f) whether in the last five years you have held office in any political party, or affiliated body, which fields candidates at local or general elections in any part of the United Kingdom, or in elections to the European Parliament; whether you have spoken in public in support of a political party or have stood as a candidate in local, Parliamentary or European Parliament elections.

2. The.....Trust must necessarily rely upon your discretion and judgement in the provision of all relevant particulars and disclosure of relevant matters. In considering what particulars to provide and what matters to disclose, you should be guided by the premise that the Trust Board and its executive would wish to be made aware of any interest or connection that might raise in the mind of a reasonable person the question whether your duty to promote the interests of the Harbour Authority was in conflict with the obligations imposed by your other interests. Your attention is drawn to the relevant sections of the Government's National standards of Accountability for Trust Ports.

3. Should you acquire, during the course of your appointment, any new interest or connection that could be construed as liable to lead to possible conflict with your duties as a member of the Harbour Authority, the chairman should be notified as soon as possible.

4. Should you change either your business or home address, or any associated telephone number, during the course of your appointment the chairman should be notified as soon as possible.

Annex 6 –

Example of an undertaking to be signed by new board members

GREAT YARMOUTH PORT AUTHORITY

Great Yarmouth Port Authority Acts and Orders 1866

to 1990

DECLARATION

I, [FULL NAME]

do solemnly declare

- (1) that I will faithfully and impartially, according to the best of my skill and judgement, execute all the powers and authorities reposed in me as a member of the Great Yarmouth Port Authority by virtue of the Great Yarmouth Port Authority Acts and Orders 1866 to 1990;
- (2) that I have read and understood the notes entitled “Note For Guidance Of Board Members On The Disclosure Of Financial And Other Interests” and “Duties Of Members” and that I will comply with the requirements as to the disclosure of such interests, laid down by paragraph 10 of Schedule 1 to the Great Yarmouth Port and Haven (Constitution) Revision Order 1984, and in particular that:-
 - (a) I have disclosed to the chief executive/ senior manager details of every financial or other interest such as is mentioned in the said note;
 - (b) I will in future notify the Chief executive/ senior manager of any alteration in those interests, and of any new interest, such as is mentioned in the said notes, which I may acquire.

Made and signed in Great Yarmouth)

in the County of Norfolk, on the)
)
.....
..... day of)
) (signature)
..... 1998)

Witnessed by the Chief executive/ senior manager)
.....
as a Member of the Great Yarmouth)
Port Authority) (signature)

GREAT YARMOUTH PORT AUTHORITY

Duties Of Members

Members should appreciate that, having signed the declaration prescribed by the Commissioners Clauses Act 1847, they are under a duty to act in the interests of the Authority as a whole and not as representatives or delegates of the body of whom they are appointed. Members must not use their position except for the benefit of the Authority.

The Authority moreover has been advised that the duties and responsibilities of Members are analogous to those of directors of companies, who owe a fiduciary duty to the company and must exercise independent judgement.

Annex 7

Declaration of interests – screening questionnaire

All short listed candidates must complete the following declaration

All answers will be treated in confidence except those marked * which will be included in the register of interests and open to public inspection if you are appointed.

Personal details

- Name*
- DoB*
- Private address
- Business address
- Telephone

Have you changed your name? If so give details

Other relevant Information

Any appointee to the trust could find that matters or incidents which previously attracted no attention could become matters of public interest once the person concerned holds public office.

If the answer to any of the following questions is “yes” please provide details on a separate sheet.

Have you

- ever been convicted of any offence (other than minor motoring) which are not spent in accordance with the Rehabilitation of Offenders Act 1974;
- any charges outstanding;
- become bankrupt in the past 10 years;
- been dismissed from any office or employment in the past ten years.;
- ever been disqualified from either acting as a company director or in the management of a company;
- ever been a director, partner or manager of a company which has gone into liquidation, receivership or administration.;

Are there any other facts to declare which you feel might be raised in public in future in relation to your suitability to hold the appointment for which you are being considered, for example because they could be presented as a conflict of interest.

Other business interests*

Current employment details.

Please state whether there are any companies, partnerships, or other organisations

- in which you or members of your family or close associates have shares or securities with a nominal value of more than £25,000 or 1/100th of the total issued share capital;
- of which you are or have been a director or partner in the last 10 years;
- of which you own more than 50% whether or not you are a director or partner.

If the answer to any of these questions is yes please give details on a separate sheet.

Other appointments*

Have you any other current public appointments paid or unpaid. Please give details.

Other interests

Are you a member of any political party, club or closed society (such as the Freemasons). Please give details.

Do any of your close family or associates have pecuniary or non pecuniary interests which relate closely, or be construed as relating closely, to the trust's activities. If yes please provide details on a separate sheet.

Declaration

You are required to notify the Trust of any other information which you consider relevant to an assessment of your suitability as a board member. For example you must declare any associations, convictions, bankruptcies or other appointments which might lead to allegations of a conflict of interest and to report any significant change in the future to the information provided here.

I certify that the information given above is complete and correct to the best of my knowledge.

I also certify that, if appointed to the Trust I will inform the Chief executive/ senior manager and or chairman immediately of any change of circumstances which would result in a "yes" answer being given to any of the above questions if they were put to me.

Signed.....
Name.....

Date.....

Annex 8

Some possible examples of key performance indicators

Corporate

- ratio of reserves to turnover
- capital gearing
- level of liquidity based on capital employed
maximum levels of borrowing
- capital - staff ratio
- comparisons with past trading figures
- profitability measured as a return on capital employed
- accidents
- meeting the needs of users (as a service provider)
- provision of services to stakeholders (measure of satisfaction)
- safety of working environment for users and employees
- discharge of duties as a good employer
- staff turnover
- compliance with environmental duties
- compliance with statutory duties and obligations
- compliance with the standards and implementation timetable

Personal

- members contribution to the work of the trust
- skills displayed by members (have they effectively deployed the skills which formed the basis for their selection?)
- attendance records
- chairman's assessment of individuals performance

Annex 9

• Port Side Training for Board Members

Course content might include

- Role as board member (introduction to the guide to good governance for trust ports and local requirements)
- Identification of and relationship with stakeholders)
- Personal contribution expected
- Overview of national standards
- Workings of the board
- Operation of the port
- Commercial overview
- Current position and future strategy (strengths, weaknesses, opportunities)
- Port safety
- Local environmental issues
- Relationship between the trust and the Department (respective roles)
- Relationship with public (dealing with community relations issues)

To be supplemented by regional seminars introducing the guide to good governance for trust ports and their impact of the trust port community.

• Regional seminars for board members

Content might include

- Ports policy overview
- Overview of existing legislation and statutory procedures (based on Peter Lane's summary?)
- Role and responsibility of the board member (national standards)
- Key skills sought in a board member and relationship between board and executive arm (statutory and standards)
- European dimension

• National Training

- Role and responsibility of the board member (statutory - general and personal)
- Environmental responsibilities (Habitats Directive et al)
- Safety responsibilities (Port Marine Safety Code)

| Strand | Type of training | Provider | National Standards | Condition of reappointment |
|---------------|--------------------------------|-----------------------|---|-----------------------------------|
| 1 | On the job – port level | CHA | All - within 6 months of appointment | |
| 2 | Regional seminars | BPA/ BPIT/DETR | New – within 6 months of appointment Existing – strongly recommended | |
| 3 | DETR seminars | DETR | New – within 6 months of appointment Existing – welcomed | |

Annex 10

Example of proposed training handbook for board members

Draft Courtesy of Peter Lane of Rees and Freres. A member of the Trust Port review Legal Working Group

Draft/PAMPHLET

A GENERAL GUIDE TO THE LEGISLATION RELATING TO HARBOUR AUTHORITIES

INTRODUCTION

1. This Guide is intended to give an overview of the main sources of legislation relating to harbour authorities. It does not attempt to cover every form of statutory provision which may affect those engaged in the operation of ports and

harbours. Instead, this Guide aims to highlight the main legislative framework-which is particular to harbour authorities.

WHAT IS A HARBOUR AUTHORITY?

2. A harbour authority is a body which has been given statutory powers or duties for the purpose of improving, maintaining or managing a harbour. The actual body which is the harbour authority can take different forms. Some are local authorities, some are companies registered under the Companies Act 1985 and some are statutory companies (i.e. a company established by Act of Parliament). Many harbour authorities are, however, of the type commonly known as "trust ports", These were established by Acts of Parliament but unlike authorities which are companies, are controlled not by shareholders but by a specially constituted body, sometimes known as commissioners.

LOCAL LEGISLATION

3. With the exception of the British Waterways Board and Associated British Ports authorities derive their basic statutory powers and duties from local legislation. Until 1964, this legislation was always in the form of a private Act of Parliament (or in an order contained in, and confirmed by, an Act of Parliament). The Harbours Act 1964 introduced a system whereby such powers and duties can be conferred or varied by an order in the form of a statutory instrument, made by the Secretary of State (or Minister of Agriculture, Fisheries and Food) (see below).
4. Many harbour authorities were established by a private Act of Parliament, often in the nineteenth century. In the case of a trust port, this Act would set out the constitution (or membership) of the authority, and the method by which members were to be appointed (for example, by election from amongst the users of the harbour, by a local authority or other local interests, by central government, or a combination of these).
5. The "establishing" Act would also usually incorporate a large number of provisions of the Harbours, Docks, and Piers Clauses Act 1847. The 1847 Act was passed by Parliament in order to save the promoters of local harbour legislation from having to repeat, in that legislation, standard provisions relating to the construction and/or operation of the harbour. The 1847 Act deals, amongst other things, with -
 - the construction of the harbour
 - the setting and collection of rates (but see also now the Harbours Act 1964)
 - the appointment and functions of a harbour master
 - the regulation of activities and conduct at the harbour, including the power to make byelaws.
6. One of the most important provisions of the 1847 Act is section 33. This provides that, subject to the payment of rates (i.e. harbour dues) the harbour "shall be open to all persons for the shipping and unshipping of goods, and the embarking and landing of passengers". The importance of section 33 was confirmed in the case of *R. v. Dover Harbour Board ex parte Peter Gilder & Sons* [1995] 3 All ER 37 where the High Court held that that section prevented the Dover Harbour Board from refusing to make the Port of Dover available for those wishing to use it for the export of live animals.
7. In many cases a harbour authority's local legislation will consist of several different Acts or Orders, passed or made over a considerable period of time.
8. Additional legislation may have been required, for example to authorise the construction of new harbour works such as piers or jetties, to modernise the powers to regulate the harbour or (more recently) to expand the range of activities which the authority may carry on at, or in connection with, the harbour. (The need

to obtain statutory authorisation to construct a work below high-water mark is discussed in the *Guide to the Legal Aspects of Works below High-water Mark*).

9. These later pieces of legislation will often have repealed provisions in earlier Acts or Orders relating to the harbour authority, either expressly or because a later enactment is inconsistent with an earlier one. Care should, therefore, be taken in examining a harbour authority's legislation to ensure that a provision has not been repealed or amended by a later piece of legislation.

THE HARBOURS ACT 1964

10. Public general legislation, as its name implies, is legislation which is general, as opposed to local, in its effects. The harbours Act 1964 is perhaps the most important single piece of public general legislation affecting harbour authorities.
11. The 1964 Act modernised the system whereby harbour authorities may levy charges or dues on those using the harbour. Prior to the Act, dues had been specifically set by harbour authorities in Schedules contained in their local legislation, which required updating as increases or adjustments became necessary. The 1964 Act gave harbour authorities a general power to set ship, passenger and goods dues (that is to say, dues in respect of ships using the harbour, passengers embarking or disembarking at the harbour, and goods entering, leaving or passing through the harbour by ship). The 1964 Act also empowers harbour authorities to levy combined charges (that is to say, ship, passenger and goods dues and other charges which a harbour authority may have power to levy, for example for services provided at the harbour). A procedure is laid down by the Act for making objections to ship, passenger and goods dues (see sections 26-39).
12. Section 48A of the 1964 act (which was added by the Transport and Works Act 1992) required a harbour authority, in formulating or considering any proposals relating to its functions under any enactment, to have regard to various environmental matters including conservation, freedom of public access to places of natural beauty and the availability of facilities for visiting buildings, etc. of archaeological, architectural or historic interest.
13. It should be noted that certain environmental functions are conferred on harbour authorities under the Conservation (Natural Habitats, &c.) Regulations 1994.

HARBOUR REVISION ORDERS AND HARBOUR EMPOWERMENT ORDERS

14. The 1964 Act also introduced two new forms of order-making procedure, so as to reduce the need for a private Act of Parliament (i) where an existing harbour authority requires an addition to its statutory powers and duties and (ii) where it is desirable to create a new harbour authority to manage a harbour. Orders of the first kind are called harbour revision orders and orders of the second kind, harbour empowerment orders.

Harbour revision orders

15. Subject to what is said below a harbour revision order may be made for achieving all or any of the objects specified in Schedule 2 to the 1964 Act. Amongst these objects are the following -
- reconstituting the authority or establishing another authority in place of the existing one
 - varying, or abolishing duties or powers of the authority contained in local legislation
 - adding to or substituting such duties or powers
 - revising the jurisdictional limits of the authority
 - authorising the compulsory acquisition of land for the purposes of harbour works
 - extinguishing or diverting footpaths or bridleways
 - conferring borrowing powers on the authority
 - closing part of the harbour or reducing the facilities available there.
16. Except in the case of partial closure or a reduction in facilities, the Secretary of State or Minister is not able to make a harbour revision order unless he is satisfied that it is "desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships" (section 14(2)(b)).
- 17- Most applications for harbour revision orders are made by the harbour authority itself. but it is possible for an application to be made by a body appearing to the Secretary of State/Minister to have a substantial interest or to be representative of persons appearing to him to have such an interest. In certain circumstances the Secretary of State/Minister may himself make a harbour revision order.
18. An order for the partial closure of a harbour, a reduction of facilities in the harbour or the disposal of property no longer required for the purposes of the harbour may be made if the Secretary of State is satisfied that it would be desirable to do so, even though the requirements described in paragraph 16 above are not met. The complete closure of a harbour still requires a private Act of Parliament.

Harbour empowerment orders

19. Harbour empowerment orders deal with the situation where there is no harbour authority but it can be shown that it is desirable that one should be established. The body in question might be a pre-existing body; alternatively, the order may itself establish the body and make provision for its constitution. The order may contain all such powers as are necessary to enable the harbour authority to create/operate/regulate the relevant harbour facilities.

PROCEDURE FOR OBTAINING HARBOUR ORDERS

20. The procedure for both types of harbour order allows for objections to be made to the proposed order and, if necessary, for a public inquiry to be held into those objections, before the decision is taken whether to make the order. The precise procedural requirements are set out in Schedule 3 to the 1964 Act.

THE DOCKS AND HARBOURS ACT 1966

21. The Docks and Harbours Act 1966 enables a harbour authority -
- to provide, maintain and operate inland clearance depots, either alone or jointly with another. (The consent of the Secretary of State/Minister is required where the depot is not be on harbour land)
 - to acquire by agreement any business or undertaking which consists wholly or mainly of the carrying out of activities relating to harbours or the provision etc. of an inland clearance depot
 - to subscribe for or acquire the securities of a body corporate which is (or will be)engaged in such activities or in providing etc. any such depot
 - to acquire by agreement any land wherever situated.
22. The 1966 Act also contains provisions widening the borrowing powers of harbour authorities.

THE DANGEROUS VESSELS ACT 1985 AND THE DANGEROUS SUBSTANCES IN HARBOUR AREAS REGULATIONS 1987

23. The Dangerous Vessels Act 1985 enables a harbour master to give directions prohibiting the entry (or requiring the removal) of a vessel into (or from) the harbour if he considers its nature, condition or contents are such that its presence might involve grave and imminent danger to persons/property or grave and imminent risk that the vessel may, by sinking or foundering, prejudice the use of the harbour by other vessels.
24. The Dangerous Substances in Harbour Areas Regulations 1987 control the loading, unloading, storage and movement in a harbour of certain dangerous substances (as defined in regulation 3). Harbour masters are given powers to make directions regulating or prohibiting the presence etc. of such substances in the harbour.

THE PILOTAGE ACT 1987

25. The Pilotage Act 1987 confers upon a harbour authority responsibility for pilotage where the authority's harbour falls wholly or partly within an active former pilotage district. For pilotage purposes such a harbour authority is known as a "competent harbour authority" and, as such, has a duty to consider whether there is a need for pilotage and, if so, to make the necessary provision for supplying it. The authority must also determine whether in the interests of safety pilotage should be compulsory.
26. The 1987 Act contains detailed provision for (amongst other things) authorisation of pilots, pilotage directions (making pilotage compulsory), exemption certificates, charges, agents and joint arrangements.

THE AVIATION AND MARITIME SECURITY ACT 1990

27. The Aviation and Maritime Security Act 1990 confers important responsibilities on harbour authorities for the purpose of protecting ships and harbour areas against acts of violence.

THE PORTS ACT 1991

28. The Ports Act 1991 makes provision for a trust port to transfer its undertaking to a specially formed company whose shares are then sold (under the direction of the Secretary of State), thereby "privatising" the port or harbour in question. A number of former trust ports, including Tees and Hartlepool, Medway, Clyde and Forth, were privatised under the "voluntary" procedure contained in the 1991 Act. That Act also contains a mechanism whereby the Secretary of State

can require a trust port to privatise itself, but it is not the policy of the Government to have recourse to this mechanism.

THE MERCHANT SHIPPING ACT 1995

29. Part VI of the Merchant Shipping Act 1995 and the regulations made under it confer certain powers on a harbour master in connection with oil pollution from ships. Under Part VI the Secretary of State has power to make orders relating to the provision at ports and terminals of reception facilities for the discharge from vessels of oil and other specified substances (section 128). He may also make regulations requiring a harbour authority to prepare a waste management plan (Chapter 1A). The Merchant Shipping (Port Waste Reception Facilities) Regulations 1997 have been made under this power.
30. By virtue of Part VIII of the 1995 Act a harbour authority is a local lighthouse authority as respects its harbour. A harbour authority has power to carry out harbour operations consisting of the marking or lighting of the whole or any part of its harbour.
31. Local lighthouse authorities are subject to the general supervision of the general lighthouse authority. In the case of England and Wales, this is Trinity House; in the case of Scotland it is the Commissioners of Northern Lighthouses. A general lighthouse authority is required (by section 198 of the 1995 Act) to inspect all lighthouses, buoys and beacons provided by a local lighthouse authority. With the approval of the Secretary of State, a general lighthouse authority may direct a local lighthouse authority to lay down buoys, or remove or discontinue any lighthouse, buoy or beacon, or make alterations to the operation etc. of any lighthouse, buoy or beacon (section 199). Similar provision is also found in the local legislation of some harbour authorities as a result of the incorporation of sections 77 and 78 of the Harbours, Docks, and Piers Clauses Act 1847 (see above).
32. The 1995 Act also contains powers for harbour authorities to deal with wrecks in their harbours (section 252).
33. Please note that the list of statutory provisions in this Guide, whilst intended to cover the most significant statutory provisions concerning harbour authorities, is not exhaustive.

FOOD AND ENVIRONMENT PROTECTION ACT 1985 : PART II – DEPOSITS IN THE SEA

34. This Act replaced the Dumping at Sea Act 1974. It allows for a licensing regime, administered by MAFF, to control the deposit of articles or materials, including dredged materials, in sea or tidal waters. The primary objective of these controls is to protect the marine ecosystem and human health, and to minimise interference and nuisance to others.

PUBLIC GENERAL LEGISLATION REFERRED TO IN THIS GUIDE

35. Harbours, Docks, and Piers Clauses Act 1847 (*10 and 11 Vict. c.27*)

- Harbours Act 1964 (c.40)
- Docks and Harbours Act 1966 (c.28)
- Dangerous Vessels Act 1985 (c.22)
- Pilotage Act 1987 (c.21)
- Dangerous Substances in Harbour Areas Regulations 1987 (S.I. 1987/37)
- Aviation and Maritime Security Act 1990 (c.31)
- Ports Act 1991 (c-52)
- Conservation (Natural Habitats, &c) Regulations 1994 (S.I.1994/2716)
- Merchant Shipping Act 1995 (c.21)
- Merchant Shipping (Port Waste Reception Facilities) Regulations 1997 (S.I. 1997/3018).
- Food and Environment Protection Act 1985

Annex 11

- **Examples of published strategy documents**

Lerwick, Tyne, Dover

Annex 12

Model outline strategy document

BUSINESS SUMMARY

or

Who, What, Why, Where, When and How

Introduction

- When the Trust was established
- Where the port is/boundaries
- Who runs it - Board/Staff
- What it was set up to do
- What it does today
- What it will do in the future

The Rivermouth Harbour Trust was established by a local Act of Parliament in 1823, although craft have landed at Rivermouth since Roman times. The Trust was set up to manage what was then a small fishing port. Today it caters for variety of fishing and leisure craft as well as the local ferry to The Island. The modern day port extends from Inward Point to Harbour Entrance covering some 3 square miles and includes a Special Protection Area (SPA) for Birds.

Trust Ports are independent statutory bodies run by boards of trustees. They are commercially run organisations which are required to reinvest all profits back into the port for the benefit of all port users and wider regional and local interests. The Rivermouth Harbour Trust is directed by 12 Trustees whilst the day to day port operations are carried out by a team of 45 staff. A full list of Trustees and main contacts are on Page x.

This business statement aims to provide an overview of the aims and objectives of the Rivermouth Harbour Trust, including a summary of its recent achievements and future plans.

Board Members and Executive

- How long they have been on the board - length of Term
- Who is on the board - potted biography/photo - skills/interests/responsibility background/other positions
- Method of appointment
- Boards own code of practice

- Board remuneration and expenses (inc. confirmation that these have been set by the remuneration committee)
- Key elements of the register of interests
- Confirmation of training
- Listing of and description of powers and duties of committees
- Meetings and attendance

Joanna Smith - Board Member

Business/Shipping Expertise

Managing Director - Cargo Shipping Ltd

Member of RYA

Appointed September 1995 by Parish Election. Current term expires September 2000.

Aims/Mission Statement

Rivermouth Harbour Trust aims to run an efficient, effective port operation for the benefit of all stakeholders, including both port users and the wider community.

The Trust aims to fulfil its statutory responsibilities whilst meeting the changing needs of the marine sector and others with an interest in port activities.

The Trust aims to maximise the quality and value for money its services in order to maintain existing and attract new business to the port, investing in new facilities as necessary.

The Trust aims to meet National Standards for Trust Ports and ensure that it is open and accountable in all its activities. This is underpinned by 6 key policies.

Consultation Groups

- Description of groups membership and activities during the year

Compliance with the Guide to Good Governance for Trust Ports

- Timetable and plan for compliance
- Progress with plans for implementation against timetable.
- Impact of changes made during the year.

Repairs and Maintenance

The Trust has a rolling maintenance programme and 3 year plan for capital works. This includes..... The main priority for 1999 is the anti-corrosion work on Jacob's Pier. During 1998 wave-calming measures were completed and a new roof was put on the Harbour Master's office following damage in the September hurricane.

Target 1: Ensure all safety repairs carried out within 24 hours.

Target 2: Complete anti-corrosion work on Jacob's Pier by end August 1999.

Next Steps/Forward Look

Contact Points/Queries

If you have any queries on this publication please contact

Other useful numbers include.....