

00-019-06	Harbour Users Group (HUG) ToR	V1.0
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Section Number	Access Code	Document Number
00	06	019
Short title	Harbour Users Group (HUG) ToR	



FALMOUTH HARBOUR

UK's Atlantic gateway.

Harbour Users Group (HUG) Terms of Reference

Version No.	Date	Author	Description of changes made
1.0	22/05/2024	CEO	First Draft

This document is due for review in 22/05/2026 by the Remuneration Sub Committee.

1 INTRODUCTION

- 1.1 Falmouth is a “Trust Port”: an independent statutory body run on a commercial basis by an independent harbour board - Falmouth Harbour Commissioners (FHC) - for the benefit of its stakeholders comprising marine users, both commercial and leisure, and local interests and communities. A trust port is accountable to those stakeholders. The interest of the wide community of stakeholders should at all times be the guide by which the board of a trust port sets the strategy and direction of the port.
- 1.2 The use of an advisory group, or committee, to consult stakeholders is both in specific circumstances a statutory requirement and also general good practice required by applicable codes of conduct such as the Code of Conduct on Harbour Directions and the Port Marine Safety Code.

2 AIMS

To:

- (a) be the statutory body required by Article 13 of the Falmouth Harbour Revision (Constitution) Order 2004, that the Commissioners shall consult on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of the harbour;
- (b) act as a statutory consultee, as detailed in Article [21] of the Falmouth Harbour Revision Order 202[4], in respect of the introduction, change or revocation of General Directions put forward by FHC;
- (c) fulfil the role of the “Port Users Group” required by the Code of Conduct on Harbour Directions;
- (d) satisfy the requirements of the Port Marine Safety Code and the Port Safety Management System in communication and consulting with marine users, both commercial and leisure, and local interests and communities.
- (e) refer any matter or make any recommendation or representation to FHC from time to time whether or not the HUG has been consulted by FHC on that matter, recommendation or representation.

3 MEMBERS

- 3.1 The HUG shall have a minimum of 10 members appointed by the group in accordance with guidelines approved by the Board.
- 3.2 Members shall comprise nominated representatives of relevant stakeholder groups and also individuals having a personal interest in the management, maintenance, improvement, conservation, protection or regulation of the harbour.
- 3.3 At a high-level, stakeholder groups comprise, but are not limited to:
 - Marine users - both commercial and leisure and their representative organisations
 - Local economy, such as local businesses including suppliers
 - Local government
 - Central government
 - Members of FHC staff

A non-exclusive list of recognised stakeholder groups is attached at Schedule 1 [to be completed]. Any addition to the organisations represented shall require the approval of both FHC and the HUG.

- 3.4 Nominations for the members of the HUG may be made either by recognised stakeholder groups, by the HUG or by FHC.
- 3.5 The approval of FHC shall be required for any appointment to the HUG other than those representing local Councils. Such approval shall not be unreasonably withheld.
- 3.6 Although the representatives on the HUG may have a remit from those they represent and a responsibility to protect their interests, members also have a responsibility to understand and consider the overall interests of the harbour.
- 3.7 A member shall hold office for a term of 3 years from the date of appointment and at the end of a term shall be eligible for re-appointment for a further term of 3 years, except that no member, including the chair and vice-chair, shall be re-appointed more than twice without a break of at least one year other than in exceptional circumstances.
- 3.8 A member of the HUG may, in exceptional circumstances and on giving notice in writing to the chair, send a substitute to any meeting.
- 3.9 The chair and vice-chair shall be elected or re-elected by the members when an incumbent has held the position for a term of 3 years or has resigned. The vice-chair may deputise for the chair in any capacity.
- 3.10 Members will not be required to register interests but will be expected to declare an interest, if appropriate, before joining the discussion.
- 3.11 The Harbour Master, Chief Executive and one other commissioner shall attend meetings to make reports and act in an advisory capacity, and from time to time the HUG may request a particular commissioner to attend their meeting to discuss matters related to their responsibilities.
- 3.12 The chair of the HUG shall be invited to attend Part 1 of the monthly Harbour Board meeting at which the provisional financial performance for the preceding quarter is discussed, and any other Part 1 meetings as the Board from time to time feels necessary.

4 MEETINGS

- 4.1 The HUG shall hold 4 scheduled meetings per year (usually in March, June, September and December) plus special meetings as necessary to deal with urgent matters, for example, but not limited to, consultation on a proposed direction. One of these meetings (usually December) shall be a joint meeting with the Board.
- 4.2 A quorum shall comprise 5 members.
- 4.3 Except in exceptional circumstances, not less than 21 days' notice of any meeting shall be given to all participants. A written agenda and accompanying papers shall be distributed not less than 7 days prior to the date of the meeting.
- 4.4 Members will be entitled to:
 - (a) send agenda items to the Chief Executive not less than 14 days prior to the date of the meeting;
 - (b) raise urgent matters, not appearing on the agenda, provided that the chair agrees.
- 4.5 FHC shall provide a suitable venue and secretarial support for meetings.

5 MATTERS FOR DISCUSSION

5.1 The chair of a meeting may permit discussion of any subject consistent with the aims of the HUG, including but not limited to:

- Plans for introducing, amending or revoking General or Harbour Directions;
- Reports relating to the experiences of harbour users;
- Proposals for initiatives to establish and monitor stakeholder opinion;
- Appropriate targets to measure the effectiveness of FHC;
- Identification of conflicts between different sectors of harbour users;
- Providing anecdotal feedback relating to FHC and the public perception of the management of the harbour;
- Recommendations as to non-statutory consultation procedures for FHC proposals;
- Delivery of FHC strategy or plans;
- Stakeholder communications including the annual public meeting;
- Review of the constitution and membership of the HUG.

5.2 The joint meeting with the Board shall identify joint activities for the coming year.

6 DISPUTE RESOLUTION

6.1 Arrangements for resolving disputes involving proposed General or Harbour Directions are set out in Article [21] of the Falmouth Harbour Revision Order 202[4] and the Code of Conduct on Harbour Directions respectively.

6.2 With regard to all other matters, responsibility for the management, maintenance, improvement, conservation, protection or regulation of Falmouth Harbour rests solely with the Commissioners. However, where possible but without imposing a requirement on the Commissioners, the reasoning behind all substantial decisions shall be communicated to the HUG on request.

6.3 The Commissioners and the HUG should always endeavour to resolve issues through dialogue. In the event that the HUG still considers, after dialogue and a written complaint, that the Commissioners activities are unaccountable and not in accordance with statutory requirements , or the Guide to Good Governance for Trust Ports, then it has the right to bring the issue to the attention of the Secretary of State for Transport.

SCHEDULE 1 – STAKEHOLDER GROUPS

To be completed		