
Subject: APPOINTMENT OF SANDWICH PORT AND HAVEN COMMISSIONER

Meeting and Date: Cabinet – 5 March 2018

Report of: David Randall, Director of Governance

Portfolio Holder: Councillor Keith Morris, Leader of the Council

Decision Type: Non-Key

Classification: Unrestricted

Purpose of the report: To approve the commencement of the selection process for the appointment of a Sandwich Port and Haven Commissioner due to the resignation of one of the four independent members.

Recommendation: That Cabinet agrees:

(a) That a Selection Panel be established comprising a member of the Cabinet, a member of the Corporate Management Team and the Clerk to the Sandwich Port and Haven Commissioners (or, if deemed more appropriate, a member of the Sandwich Port and Haven Commission) to interview applicants for the vacant independent member position, and make recommendations for appointment.

(b) That the Chief Executive, in consultation with the Portfolio Holder for Access and Licensing, be authorised to make the final appointment for the vacant independent member position on the Sandwich Port and Haven Commission, having given consideration to the recommendation of the Selection Panel.

1. Summary

Mr Nigel Stokes, one of the four independent members of the Sandwich Port and Haven Commission appointed in January 2016, will be resigning with effect from 31 March 2018, leaving a casual vacancy for a Sandwich Port and Haven Commissioner. It is therefore necessary to commence the selection process in order for a new Commissioner to be appointed.

Introduction and Background

- 1.1 Along with three others, Mr Stokes was appointed as an independent member of the Sandwich Port and Haven Commission in January 2016 for 3 years. In accordance with the Department for Transport's Modernising Trust Ports Guidance, it is proposed to follow an open and competitive selection process in order to fill the vacancy, with the position being advertised on the Council's website and in the East Kent Mercury in March. Interviews are expected to take place in mid-April. The term of the new appointment will expire on 31 January 2019, this being the expiry date of Mr Stokes' term of office.

- 1.2 The Sandwich Port and Haven Commission's primary duty is to take such steps as it considers necessary or expedient for the improvement, maintenance and management of the Port of Sandwich. Commissioners are expected to have a substantial interest in the Sandwich Port and Haven, from either a commercial, employment, recreational or conservational viewpoint, and be familiar with the area served by the port.

2. Identification of Options

- 2.1 Option 1 – not to approve the commencement of the selection process for the appointment of a new Sandwich Port and Haven Commissioner.
- 2.2 Option 2 – to approve the commencement of the selection process.

3. Evaluation of Options

- 3.1 Option 1 is not recommended as the Sandwich Port and Haven Commissioners (Constitution) Revision Order 1976 requires that the Council appoints a Commissioner as soon as practicable after a casual vacancy arises (unless the vacancy occurs within 4 months of the end of the vacating Commissioner's term of office, in which case the vacancy may be left unfilled at the Council's discretion). In addition, the Modernising Trust Ports Guidance states that 'in line with good commercial practice, a trust port board should comprise between 8 and 12 members.' By carrying a 12-month vacancy, the Commission would not be complying with this guidance as it would have only 7 members.
- 3.2 Option 2 is the recommended option as it will enable a new Commissioner to be appointed, thus bringing the Commission up to its full complement of 8 Commissioners in accordance with legislation and guidance.

4. Resource Implications

- 4.1 The cost of placing an advertisement in the East Kent Mercury.

5. Corporate Implications

- 5.1 Comment from the Director of Finance (linked to the MTFP): Finance has been consulted and has no further comment to make (VB).
- 5.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has nothing further to add.
- 5.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications. However, in discharging their responsibilities, Members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 (<http://www.legislation.gov.uk/ukpga/2010/15>).
- 5.4 Other Officers (as appropriate): None.

6 Appendices

None.

7 Background Papers

None.

Contact Officer: Kate Batty-Smith (x 42303)