

Decision Notice

Decision No:	LD04
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Subject:	APPOINTMENTS TO SANDWICH PORT AND HAVEN COMMISSION
Notification Date:	14 February 2019
Implementation Date:	20 February 2019
Decision taken by:	Leader of the Council
Authority:	By virtue of Section 9(E) of the Local Government Act 2000
Decision Type:	Executive Non-Key Decision
Call-In to Apply?	Yes (the deadline for call-in will expire at 10.00am on 20 January 2019)
Classification:	Unrestricted

Reason for the Decision:	The last appointees' terms of office expired on 31 January 2019. Under the Sandwich Port and Haven Commissioners (Revision) Order 1976, the Council is required to appoint eight commissioners to the Sandwich Port and Haven Commission.
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Decision:	That the following be appointed to serve as Sandwich Port and Haven Commissioners for terms of three years: <ul style="list-style-type: none">(i) Mr John Clandillon-Baker, Mr Harvey Cole, Mr Nicholas Gray and Mr Russ Pullen as independent commissioners.(ii) Mr James Blackmore and Mr Robert Holden as Dover District Council's nominated commissioners.
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1. **Consideration and Alternatives (if applicable)**

- 1.1 The Sandwich Port and Haven Commissioners (Revision) Order 1976 requires the Council to appoint eight commissioners to the Sandwich Port and Haven Commission. At least two of the commissioners must be from Sandwich Town Council and at least four must be independent commissioners. The remaining two positions may be filled by Dover District Council or offered to Sandwich Town Council or the independent commissioners. The individuals appointed to represent Dover District Council do not have to be Councillors, but may be members of the community with an interest in the Sandwich Port and Haven and/or relevant expertise.
- 1.2 The last appointees' terms of office expired on 31 January 2019. A recruitment process was undertaken to fill the four independent commissioner positions which were advertised in the East Kent Mercury and on the Council's website. Interviews were conducted on 24 January 2019.
- 1.3 Sandwich Town Council is not in a position to nominate representatives at this time. At its meeting held on 28 January 2019, the Council deferred nomination of its representatives in order to seek further information from the Commission on commissioners' liabilities.

- 1.4 The Department for Transport's Modernising Trust Ports Guidance contains a number of principles for reappointments, including that each board member may be exceptionally appointed for a maximum of three terms. However, whilst the Guidance seeks to limit the number of terms that can be served, it goes on to state that 'The Department recognises the wide range of ports within the sector and that some parts of this guidance would not necessarily be appropriate for, in particular, smaller ports. The Department nevertheless expects all trust ports in England and Wales to take steps either to comply with the guidance or to state openly where and why they have decided not to.' In the light of this statement, it would appear that there is scope to deviate from the Guidance, providing there are sound reasons for doing so and these are explicitly stated.
- 1.5 Mr Blackmore was first appointed in 2010 and has served three full terms. However, his skills and knowledge are crucial to the trust in a number of areas and particularly in respect of projects/work that are currently underway. The interview panel therefore considered that his reappointment for a fourth term was justified. This was also the case for Mr Holden, the current chairman, who was first appointed in 2012 and has served one partial and two full terms. Mr Clandillon-Baker and Mr Cole have served one full term and one partial term respectively. Mr Gray and Mr Pullen are new appointees, identified through the open recruitment process.
2. **Any Conflicts of Interest Declared?**
- 2.1 None.
3. **Supporting Information (as applicable)**
- 3.1 None.