

Newport Harbour Commissioners Advisory Body

Constitution

*This Constitution has been drawn up jointly by the Newport Harbour Commissioners and the Advisory Body to establish and record the agreed relationship between the two parties. Except where it follows the provisions of the Harbour Revision Order, denoted by *, the Constitution is not legally binding on the Commissioners.*

Newport Harbour Commissioners

1. *In accordance with Article 12 of the Newport (South Wales) Harbour Revision Order 2003, Newport Harbour Commissioners shall establish the Newport Harbour Advisory Body, which they shall consult on all matters substantially affecting the management, improvement, conservation, protection or regulation of the Harbour and its navigation.
2. *The Commissioners shall take into consideration any matter, recommendation or representation which may from time to time be referred or made to them by the Advisory Body whether or not the Advisory Body has been consulted by the Commissioners on the matter, recommendation or representation so referred or made.
3. The Commissioners will refer to the Advisory Body all issues which might reasonably be judged to warrant consultation. Such issues shall include, but not be limited to, strategy and long term plans, particular projects, environmental issues, marine safety, conservancy, dredging, pilotage, management of navigation, management of recreational and leisure activities and the practical consequences of implementing legislation.
4. The Commissioners will not be required to consult the Advisory Body on matters relating to the day to day management of the Harbour, matters relating to named individuals and matters that are commercially sensitive, such as contracts for the supply of goods or services to the Commissioners by a third party.
5. The Commissioners annual report and the annual accounts will be supplied to the Advisory Body. The accounts will be explained if so requested. The Advisory Body will be informed of matters of policy or principle directly affecting stakeholders. It would not be appropriate for the Advisory Body to be consulted on financial decisions made by the Commissioners in accordance with their statutory financial duties.
6. The views offered by the Advisory Body will be treated on their merits. The Commissioners undertake to make a reasoned assessment of the work of the Advisory Body, which will be recorded in the minutes of Commissioners meetings.

The Commissioners decision will be explained to the Advisory Body if it is at variance with the views it offered.

7. The Advisory Body should act as the recognised channel for discussion between the Commissioners and those who benefit from the use of the harbour.

Membership

8. *Appointments to the Advisory Body shall be made by the Commissioners from the various bodies and organisations using, operating within, or having an interest in Newport Harbour.
9. *The Advisory Body itself shall appoint its Chairman and Vice Chairman from among the members appointed by the Commissioners. The Chairman and Vice-Chairman shall be appointed annually.
10. It shall be for appointed members to decide how to represent the interests of other bodies within their area of interest about matters to be discussed by the Advisory Body.
11. *Members so appointed shall hold office for three years from the date of appointment after which period they shall be eligible for reappointment.
12. Members will not be paid nor will they have any entitlement to recover travel and subsistence expenses from the Commissioners.
13. *A member may resign at any time by giving notice in writing to the Chairman of the Commissioners.
14. *An individual member of the Advisory Body may, on giving notice in writing to the Chairman of the Advisory Body, send a substitute to a meeting of the Advisory Body.
15. The Chairman of the Advisory Body, having consulted the other members of the Advisory Body, may request the Commissioners to terminate the appointment of a member who has not attended at least half the meetings in a 12 month period whether or not he has sent a substitute on those occasions. The Commissioners may then seek to appoint another person to fill the role.
16. The Commissioners may terminate the appointment of a member of the Advisory Body if it appears to them that he or she no longer represents the area of interest for which he or she was appointed, or if it is otherwise represented to them by the Chairman of the Advisory Body, having consulted other members, that the person is no longer suitable as a member of the Advisory Body.

Declaration of Pecuniary Interest

17. If a member of the Advisory Body has any direct pecuniary interest in any contract, proposed contract or other matter and is present at a meeting of the Advisory Body at which the contract or other matter is the subject of consideration, the member shall at the meeting disclose the fact and shall not take part in the consideration or discussion of contract or other matter or vote on any question with respect to it.

Frequency of Meetings

18. *The Commissioners shall make arrangements for the Advisory Body to meet not less than twice a year.

19. The Advisory Body may decide to meet more frequently if they so wish.

20. If the Commissioners have urgent decisions to take, on which they wish for the views of the Advisory Body, the Chairman of the Commissioners may ask the Chairman of the Advisory Body to convene such a meeting. Such a request shall not be unreasonably refused.

Meeting Procedure

21. The quorum of the Advisory Body shall be five or more members or their substitutes.

22. The Chairman, or in his absence the Vice-Chairman, will chair all meetings of the Advisory Body. If both are absent, the Advisory Body shall appoint a Chairman from amongst those present at the meeting to chair the meeting.

23. Each member of the Advisory Body will be entitled to one vote and all voting will be by a show of hands. A simple majority of those present at the meeting in favour will carry a proposition. In the event of an equality of votes, the Chairman will have a casting vote. However, a two-thirds majority in favour will be required for changes to procedures.

24. Every proposition put to the meeting shall be moved and seconded before being voted upon. Any amendment to a proposition shall be moved and seconded and dealt with before the original proposition and any further amendment is considered. If carried, the amendment becomes the proposition, to which further amendments may be moved.

Minutes of Commissioners' Meetings

25. Members of the Advisory Body will not receive copies of the minutes of Commissioners' meetings. However, subject to sensitivity or confidentiality, the Advisory Body will be informed of the subjects discussed by Commissioners in the Chairman's written report.

Minutes of Advisory Body meetings

26. The Chairman of the Advisory Body will present a balanced account of the views of Advisory Body meetings to the Commissioners in writing in the form of the minutes of the meeting or otherwise, within the two weeks of the meeting.

Advisory Body member's attendance at Commissioners' meetings.

27. A representative of the Advisory Body may, on request and at the discretion of the Chairman of the Commissioners, attend Commissioner's meetings as an observer.

Commissioner's attendance at Advisory Body meetings

28. The Advisory Body may invite the Chairman of Commissioners, or any other Commissioner, to attend Advisory Body meetings for the purpose of presenting a written report detailing key matters currently under consideration and issues which might reasonably be judged to warrant consultation [as per paragraph 3 above] and to observe the proceedings.

29. An officer of the Commissioners will not normally attend meetings of the Advisory Body, but arrangements may be made, with mutual consent, for one to do so for specific items on the agenda.

Attendance of others at Advisory Body meetings

30. Normally the public and press will not be invited to meetings of the Advisory Body.

31. Bona fide representatives of stakeholders with an interest in Newport Harbour may attend meetings of the Advisory Body at the discretion of the Advisory Body's Chairman. The names and affiliations of those attending shall be declared and recorded in the minutes.

Administrative Support

32. Administrative support relating to meetings of the Advisory Body will be provided by the Commissioners in accordance with Paragraph 5.7 of the Newport Harbour Commissioners Strategy, Management and Policy Review for the Port and Harbour of Newport, South Wales. [November 2003]

33. In circumstances in which the Commissioners request the views of the Advisory Body on a specific issue which, in the opinion of the Chairman of the Advisory Body, does not warrant a full meeting of the Advisory Body, the Commissioners will arrange for The Clerk to the Commissioners, or in his or her absence, one of its other officers to circulate to members, without undue delay, all necessary correspondence relating to the issue and to collate their responses.

Notification of Meetings

- 34. Members of the Advisory Body will receive at least four weeks' notice of the date, time and venue of an Advisory Body meeting. Exceptionally, if a meeting has to be called at short notice, members shall be given at least four days' notice.
- 35. The agenda shall be decided by the Chairman of the Advisory Body in consultation with members. The agenda and papers shall be sent to all members normally at least one week before the meeting.
- 36. A copy of all agendas and papers for the Advisory Body shall be supplied to the Chairman of Commissioners at the same time as they are sent to members.

Amendments to this Constitution

- 37. This constitution may be amended at any time by agreement between the Advisory Body and the Commissioners. Items based on the Harbour Revision Order (marked*) cannot be amended, except by an amending Order.

Signed for and on behalf of the
Advisory Body:

Signed for and on behalf of
Newport Harbour Commissioners:

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Trevor Auld, Chairman

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Ian Roberts, Chairman

22 March 2004
Date.....

24 March 2004
Date.....