

NORTH DEVON COUNCIL

Minutes of a meeting of Harbour Board held at Virtual - Online meeting on Tuesday, 11th August, 2020 at 2.00 pm

PRESENT: Members:

Councillor Fowler (Chair)

Councillors Campbell and Turton

Co-optees:

Mr Cleary, Mr Gear and Mr Gibbs

Officers:

Ilfracombe Harbour Master, Designated Person/Head of Resources and Corporate and Community Services Officers (AD and GT)

Also Present:

Chair of the Ilfracombe Harbour Forum

49. VIRTUAL MEETINGS PROCEDURE - BRIEFING AND ETIQUETTE

The Chair outlined the virtual meeting procedure and etiquette to the Committee and attendees.

50. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Wilkinson.

51. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 4TH FEBRUARY 2020

RESOLVED that the minutes of the meeting held on 4th February 2020 (circulated previously), be approved as a correct record and signed by the Chair.

52. DECLARATIONS OF INTEREST

The following declarations of interest were announced:

Councillor Fowler

All items – personal interest as was a member of Ilfracombe Yacht Club and a boat owner

Councillor Campbell

All items – personal interest as worked for the Landmark Trust and on Lundy Island

Mr B Gear

All items – personal interest as was
a member of Ilfracombe Yacht Club

**53. DESIGNATED PERSON PORT MARINE SAFETY CODE AUDIT
REPORT- ILFRACOMBE AND LYNMOUTH HARBOURS**

The Board noted the Designated Person Port Marine Safety Code Audit Report – Ilfracombe and Lynmouth Harbours (circulated previously).

The Designated Person confirmed that the Marine Safety Management System was working effectively thus ensuring compliance with the Port Marine Safety Code.

The Designated Person gave the Board the following updates:

- The audit of both harbours was carried out on 22nd July 2020
- 124 actions had been completed since the last inspection, which was held in January 2020

Ilfracombe – actions completed

- Storm damage works had been carried out at Old Quay Head
- An electrical conduit had been installed at Old Quay Head
- Bin replacement had been made at Stone Bench area, replacing a weather damaged metal bin with a plastic bin
- New fenders and Yokohamas had been installed at South Pier to create a second landing point and helping to ease congestion, works had been carried out prior to the Covid-19 crisis
- New signage and posts had been provided for the Lifebuoy Ring housings at the Cove
- New chains had been fitted along Quay wall with the remaining replacement works to be carried out during the winter of 2020
- Three lampposts along the pier had had their tops removed as they were unsafe

Ilfracombe – Risk Management

- Minor non-conformities were found during the internal risk management audit on the following topics;
 - (i) Legislation, Acts, Harbour Revision Orders, Byelaws and Directions: the Marine Safety Management System needed to be amended to reflect that the Harbour Authority did not have the powers to make Harbour Directions or General Directions; or an application to the Secretary of State would have to be made by the Harbour Authority. To be applied for if required.
 - (ii) Environmental Duty: the Marine Safety Management System and the Environmental Management Plan gave no specific reference to the Natural Environment and Rural Communities Act 2006 or any reference to the regard of biodiversity. The Harbour Master would look at reviewing this.
 - (iii) Risk Assessments: no evidence found to show independent review of risk assessments were carried out by a Harbour User group or representatives. This was now a standing

item on the Harbour Forum agenda.

- ABP mer, an environmental consultant firm based in Southampton, had completed their external audit
- Hand rail works were still to be carried out at the inner steps on Old Quay Head
- Installation of three new electrical conduits on Old Quay Head were ongoing
- Ground chain works in the harbour to be carried out in the winter of 2020
- The Footpath from the Harbour to St. Nicolas's Chapel was cordoned off while works were carried out to the wall
- The Aid to Navigation lights were tripping out caused by a wiring fault. The recent preliminary inspection by NavMoor, an Aids to navigation Solutions Company, had indicated the wiring may need replacing. The use of solar powered lighting was being investigated by the Harbour Master
- The Waste Shark hoist had now been tested and certified in accordance with the Lifting Operations and Lifting Equipment Regulations 1998
- Rusted gates located half way down the steps to the Second Landing served no health and safety purpose and were to be removed

Lynmouth – actions completed

- The emergency access gates had been replaced with signage installed advising their use was purely for emergency access
- New ladders and handrails were now installed along the harbour wall

Lynmouth – Risk Management

- The internal audit of the following topics found the following;
 - (i) Legislation, Acts, Harbour Revision Orders, Byelaws and Directions: Until 2015 Lynmouth Harbour was considered to be a “haven” and no rules or regulations were considered. The recent APBmer audit had discovered that the Harbour Management and all it entailed was not within the Town Clerk's job description. A legal review was being carried out.
 - (ii) Environmental Duty: no separate Environmental Management Plan existed. No details of any environmental designated areas were included in the Marine Safety Management System. No reference to the Natural Environment and Rural Communities Act 2006 and no specific mention of regard to biodiversity
 - (iii) Risk Assessments: the reviewed document required a review date to be added. No evidence found of an independent review of the Risk Assessments by a Harbour User group or representatives
- ABP mer had concluded their external audit, the full report was still expected. The legal status of Lynmouth Harbour had been raised a power review had been commissioned by NDC with Ashford's LPP to determine this. The final report of which would be received once the Parliamentary archives were reopened
- The Environment Agency were to carry out stone work to the flood area during the third week of September 2020
- Remedial works still needed to be carried out on quoins along the upper edge of the slipway
- White lines were to be repainted along the steps and the slipway
- The hand rail brackets on the wall by the steps were rusted as well as the barrier at the bottom of the steps below the Rhenish tower

In response to a question about who would be carrying out the legal review of Lynmouth Harbour. The Harbour Master replied that the firm, Ashfords LLP, from Exeter were being used.

54. DESIGNATED PERSON ROLE

The Board considered the Designated Person Role report, (circulated previously), by the Harbour Master.

The following updates were received:

- A review of the designated person role carried out in November 2019 recommended that the Harbour Master at Minehead and Watchet, Somerset replaced our designated person. Since then legal advice had been sought which highlighted potential problems with this arrangement. The main one being that the part-time contracted position of the Minehead and Watchet Harbour Master would mean that a situation may arise whereby Ilfracombe and Lynmouth could be without a Designated Person if the Minehead and Watchet Harbour Master left their position. Seconding this role would be our Harbour Master taking her away from duties at the detriment of Ilfracombe and Lynmouth Harbours
- It had also since transpired that our procedures were working well and the current designated person was happy to continue in this role

Mr Cleary, Co-opted member of the Harbour Board stated that the current arrangements were very good and he was more than happy the situation was to remain the same.

RESOLVED that the Designated Person for Ilfracombe and Lynmouth Harbours remained as the currently appointed individual, that being the Head of Resources Mr Jon Triggs.

55. ILFRACOMBE HARBOUR ENVIRONMENTAL MANAGEMENT PLAN

The Board considered the Ilfracombe Harbour Environmental Management Plan report and Plan (circulated previously), by the Harbour Master.

The Harbour Master gave the Board the following update:

- This was a bi-annually (two yearly), reviewed plan and the only change made to it was deemed as a minor amendment
- The minor amendment was the addition of reference to biodiversity

In response to a question about whether the Environment Act 1990 should be specifically mentioned in the introduction. The Harbour Master replied that it was stated that the list of legislation and Acts used was not exhaustive but that this would be picked up at the next review.

RESOLVED that the Ilfracombe Harbour Environmental Management Plan be adopted.

56. ILFRACOMBE HARBOUR MARINE EMERGENCY PLAN

The Board considered the Ilfracombe Harbour Marine Emergency Plan (circulated previously), by the Harbour Master.

The Harbour Master gave the Board the following update:

- This was an annual update and was necessary to fulfil the requirement of periodic reviews to Harbour Policies and Plans under the Port Marine Safety Code and accompanying Guide to Good Practice
- This plan had not changed since its last review
- Audit had picked up on the lack of any emergency drill carried out but that it was hoped to be enacted with guidance from the Emergency Planning Officer

RESOLVED that the Ilfracombe Harbour Marine Emergency Plan be adopted.

57. ILFRACOMBE HARBOUR EDGE PROTECTION POLICY

The Board considered the Ilfracombe Harbour Edge Protection Policy (circulated previously), by the Harbour Master.

The Harbour Master gave the Board the following updates:

- A public safety full risk assessment had taken place
- The Policy is still covered by current legislative regulations and in line with accepted good guidance practice
- The Harbour is a working harbour with pedestrianisation markings in place
- A subsidence review of the cliffs behind the Fishermen's stores was to be carried out

RESOLVED that the Ilfracombe Harbour Edge Protection Policy and Plans be adopted.

58. THREE MONTH WAIVER OF HARBOUR FEES 2021-2022

The Board considered the Three Month Waiver of Mooring Harbour Fees 2021/22 (circulated previously), by the Harbour Master.

The Harbour Master gave the Board the following update:

- The Harbour was shut down from 24th March 2020 due to the Covid-19 pandemic. This closure was shortly before the annual lifting in of boats who had been stored over winter on the hard standing around the Harbour.
- In April 2020 the Board agreed a course of action aimed at alleviating some of the financial burden experienced by recreational mooring holders loss of water time and businesses whose income had been lost as a result of the closure of the Harbour

The Head of Resources gave the Board the following update:

- The cost implication would impact the Council budget next financial year 2021/22 but that an early ratification of this decision was needed in readiness for the budget setting that took place in the autumn. The loss of income to the Council as a result of this waiver would be £11,750 but was seen as a good will gesture to help ease the financial impact on Harbour users
- Income from visiting boats was down by 43%
- The Government was to reimburse 75% of lost fees and charges to the Council but it was not known yet when this was to be received.

The Chair re-declared his personal interest in this item as abstained from any vote.

RECOMMENDED that the waiver of three months harbour mooring fees for the year 2021/22 be adopted by Council.

59. AIDS TO NAVIGATION UPDATE

The Harbour Master provided the Board with an update on Aids to Navigation as follows:

- The first inspection had been carried out by NavMoor and the final report was expected shortly but nothing unusual or unexpected was discovered
- The investigation into the use of solar powered lighting for the Harbour guiding lights would mean the Harbour Master could download an application and be notified as soon as there was a problem with the lighting. This would avoid any delay or reliance on external reports of any failures of the lighting
- The use of solar powered lighting was being used at Stornoway and on the South coast of Devon, they seemed to be robust, had a self-cleaning film painted onto them and in the long run would be cheaper to run
- The current wiring had lasted for 20 years and it was not known if replacement wiring would have the same lifespan

The Head of Resources advised the Board that this project would be seen as an 'invest to save' opportunity. Although the initial set up costs would be high this would be offset by lower running costs over the longer term.

60. HARBOUR SECURITY UPDATE

The Harbour Master gave the Board an update on Harbour Security.

The Board received the following updates:

- The six monthly Port security committee meeting had been completed virtually
- It was confirmed the Harbour would only be fully International Ship and Port Security (ISPS) compliant when cruise ships visited. With no Cruise ships currently operating we were not currently an ISPS status Harbour

61. INFRASTRUCTURE UPDATE

The Harbour Master gave the Board an Infrastructure update.

The Board received the following updates:

- On the South Pier the new Fendering and slipway works were complete
- The fuel tank was to be fully inspected. The nozzles and hoses in the fuel dispensing unit were replaced. The high grade marine replacement would extend their lifespan.

62. ILFRACOMBE HARBOUR COMMUNITY FORUM

The Board noted the update from the Ilfracombe Harbour Community Forum (circulated previously), report by the Chairman of the Community Forum.

The Chairman of the Ilfracombe Harbour Community Forum gave the Board an update as follows:

- Due to the Covid-19 crisis there had been a loss of continuity with regards regular meetings of the Harbour Forum
- Members had been communicated with via email and were asked to raise any issues of concern
- The situation of restricted pedestrian access along Quay Road, due to parked vehicles, was of great concern and long term solutions to rectify this were being looked at
- The Forum were seeking assurances from North Devon Council that the works to remove the old Toll Booths was still scheduled to be carried out
- The Forum were keen to improve recycling around the Harbour
- Toilet issues were ongoing and to help reassure visitors that cleaning was carried out regularly it was hoped to be able to share the work schedules
- Bin provision needed to be looked at as there was a lot of take away businesses locally and sale of their food was generating a lot of waste which was quickly filling up bins. The removal of this waste was not adequately frequent enough and was an environmental hazard which did not put Ilfracombe in a good light

The Chair updated the Board that a meeting between North Devon Council and Devon County Council regarding highways issues along Quay Road was happening that day and an update would be passed along to members.

Mr Gear added that Ilfracombe Town Council had agreed to allocate monies to help with the Quay Road parking situation.

The Harbour Master confirmed to the Board that the works on the old Toll Booths was on hold due to the Covid-19 crisis but that it was still planned to move them to Victoria Pleasure ground.

The Head of Resources advised the Board that the North Devon Council carpark was to remain open.

63. EXTERNAL PORT MARINE SAFETY CODE AUDIT REPORT

The Board noted the External Port Marine Safety Code Audit report (circulated previously).

The Harbour Master gave the Board the following updates:

- There had been 82 satisfactory observations which meant a system that met or exceeded the requirement of the Port Marine Safety Code
- There were no 'Non-compliance' observations made
- 35 'observations' had been made this was where a weakness had been identified and required action to remedy
- The updates on work completed would be reported as and when completed but it was hoped that by the November 2020 meeting of the Board all works would be finished

In response to a question on why there was no mention of boat lifts. The Harbour Master advised the Board that this was a stand-alone document and was up-to-date.

64. FUTURE PROJECTS

The Harbour Master gave the Board an update on Future Projects as follows:

- A business case was being drawn up to go to the Local Enterprise Partnership for additional funding towards the new Water Sports Centre
- There was an opportunity to apply for further funding to go towards this project. The deadline for applications was end of August 2020, an additional £1.5 million was being applied for
- Any operational challenges would be worked on once the outcome of the funding bid was known
- A funding application was ready to be made to the Maritime and Fisheries Fund (MFF) once the scheme was reopened. This funding bid was to help replace safety ladders, landing cranes, and mooring facilities for the fishermen on the Harbour
- It had become apparent recently, with an increased number of enquiries from the Police, that the CCTV system was no longer fit for purpose and needed replacing. Funding for a replacement system could be made from the European Maritime Fisheries Fund. The Fishing Association along with the Harbour Master would be working together to put in the bid for this funding

The Head of Resources outlined to the Board the enormous amount of work that had been undertaken by the Harbour Master over the last few months to enable the Harbour to re-open safely; with regular ongoing dialogue with the operators to ensure their risk assessments were in place and they were fully aware and updated of government guidance. The Head of Resources and the Board passed on their

thanks and appreciation to the Harbour Master and her assistant for the excellent work they had both done to have the Harbour up and running so effectively.

Chair

The meeting ended at 3.38 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Board.