



Public Document Pack

North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

K. Miles
Chief Executive.

HARBOUR BOARD

A meeting of the Harbour Board will be held as a Virtual - Online meeting on **TUESDAY, 2ND FEBRUARY, 2021 at 2.00 pm.**

Members of the Harbour Board

Councillor Fowler (Chair)
Councillor Wilkinson (Vice-Chair)

Councillors Campbell and Turton

Co-opted Members:

Mr Cleary, Mr Gear and Mr Gibbs + one vacancy

AGENDA

1. Virtual meetings procedure - briefing and etiquette
Chair to report.
2. Apologies for Absence
3. To approve as a correct record the minutes of the meetings held on: (Pages 5 - 22)
 - 11th August 2020 (attached)
 - 17th November 2020 (attached)
4. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency
5. Declarations of Interest
(Please telephone Corporate and Community Services to prepare a form for your signature before the meeting) Items must be re-declared when the item is called, and Councillors must leave the meeting if necessary)
6. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

PART 'A'

7. **Designated Person Port Marine Safety Code Report - Ilfracombe and Lynmouth Harbours** (Pages 23 - 26)
Report by Health and Safety Manager (attached)

8. **Harbour Standard Operating Procedure -Bunkering** (Pages 27 - 48)
Report by the Harbour Master (attached)
9. **Lynmouth Harbour Marine Safety Management System report** (Pages 49 - 68)
Report by Lynmouth Town Clerk (attached)
10. **Harbour Standard Operating Procedures - Diving** (Pages 69 - 82)
Report by Harbour Master (attached)
11. **Marine Safety Plan** (Pages 83 - 90)
Report by the Harbour Master (attached)
12. **Aids to Navigation Update**
Harbour Master to report
13. **Harbour Security Update**
Harbour Master to report
14. **Infrastructure Update**
Harbour Master to report
15. **Future Projects**
Harbour Master to report

PART 'B'

Nil

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

25.01.21



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1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
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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:

Martin Cleary and Tim 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.

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NORTH DEVON COUNCIL

Minutes of a meeting of Harbour Board held at Virtual - Online meeting on Tuesday, 17th November, 2020 at 2.00 pm

PRESENT: Members:

Councillor Fowler (Chair)

Councillors Wilkinson

Co-optees:

Martin Cleary, Bert Gear and Tim Gibbs

Officers:

Ilfracombe Harbour Master and Head of Resources/Designated Person

Also Present:

Chair of the Ilfracombe Harbour Community Forum

65. VIRTUAL MEETINGS PROCEDURE - BRIEFING AND ETIQUETTE

The Corporate and Community Services Officer confirmed who was in attendance and outlined the virtual meeting procedure and etiquette to the Committee and Attendees.

66. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Campbell.

67. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 11TH AUGUST 2020

There were not enough members present at this meeting to vote for the minutes of the meeting held in August 2020.

RESOLVED to consider the minutes of the meeting held on 11th August 2020 at the next meeting of the Harbour Board.

68. DECLARATIONS OF INTEREST

The following declarations of interest were announced:

Councillor Fowler

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

Mr B Gear

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

69. **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:

Ilfracombe Harbour

- The aid to navigation lights had passed the Trinity House audit which meant that the solar powered lighting project was not so urgent
- The new location of the gig club storage unit, meant a survey of works was not required as it was no longer planned to go below the cliff face
- The top rail on the safety barrier for the Waste Shark hoist had been lowered
- The rusty gates on the steps to the second landing had been removed
- Self-closing devices had been fitted on the end gates, harbour-side, at the steps to the loading and unloading area

Internal Risk Management – Ilfracombe

- the findings of the three areas audited were:
 - (i) Incident Reporting and Investigation – which found no non-conformity or non-compliance
 - (ii) Competency and Training – no non-conformity or non-compliance
 - (iii) Drink and Drugs – One non-conformity found which was no reference to drink or drugs procedures in the Marine Safety Management System. In the event of the Harbour Master suspecting a mariner to be under the influence of a substance there were no references to the procedures to be followed, the version being audited against was v2.2, (v3 would include reference to procedures when published after adoption at the next Board meeting)
- the boats out had completed successfully over 7th and 8th November 2020
- works still outstanding, but ongoing, were the fender works at the first landing, the electrical conduits and the removal of the top chains along Quay wall
- Examination and testing quotes were being sought for the mooring equipment and bollards on the Quay. This was quite complex as there were four different types and no confirmation from the Maritime and Coastguard Agency on testing criteria
- The Environment Agency had completed repointing works on the Harbour wall by the Royal Britannia Public House

Lynmouth

- The Environment Agency had completed their remedial works to the stone work to the flood area
- The hole left by the removal of the mooring ring needed filling or replacing
- White lines had been repainted along the edges of the slipway but were already degrading. A more permanent solution had to be found
- The rusted barrier below the Rhenish tower had been made good

Internal Risk Management – Lynmouth

- The findings of the three areas audited were:
 - (i) Incident Reporting and Investigation – no non-compliance or non-conformity
 - (ii) Competency and Training – one possible non-conformity as no specific training had been undertaken by anyone except the Mayor of Lynton and Lynmouth. Whether this needed to be addressed depended on the outcome of the legal review of the status of Lynmouth Harbour that was underway
 - (iii) Drink and Drugs – possible non-conformity as there was no policy. Will await the outcome of the legal status review as to whether one was needed
- An outstanding replacement hand rail was needed where a hand rail had been removed by the steps (opposite the Rising Sun Public House) off the slipway down to the Harbour
- Ownership of the railings on the bridge still had not been established

In response to a question about the railings posing a health and safety risk. The Designated person confirmed that part of the middle section of the railings were showing signs of rusting but that there was no health and safety risk posed at this time.

70. ILFRACOMBE HARBOUR - CHARGES REVIEW 2021 - 2022

The Board considered the Ilfracombe Harbour Charges Review 2021 – 2022 report (circulated previously) by the Harbour Master.

The Harbour Master highlighted that the increase of 2% was on all charges.

RESOLVED that the Ilfracombe Harbour Charges review 2021-2022 be adopted.

71. ILFRACOMBE HARBOUR - ENFORCEMENT AND PROSECUTION POLICY

The Board considered the Ilfracombe Harbour – Enforcement and Prosecution Policy report (circulated previously) by the Harbour Master.

RESOLVED that the Ilfracombe Harbour – Enforcement and Prosecution Policy report be adopted.

72. ILFRACOMBE HARBOUR - MARINE SAFETY MANAGEMENT

SYSTEM

The Board considered the Ilfracombe Harbour – Marine Safety Management System report (circulated previously) by the Harbour Master.

RESOLVED that the Ilfracombe Harbour – Marine Safety Management System review be adopted.

73. ILFRACOMBE HARBOUR - (DANGEROUS GOODS) STANDARD OPERATING PROCEDURES

The Board considered the Ilfracombe Harbour (Dangerous Goods) Standard Operating Procedures (circulated previously) by the Harbour Master.

RESOLVED that the Ilfracombe Harbour (Dangerous Goods) Standard Operating Procedures be adopted.

74. ILFRACOMBE HARBOUR - TRAINING POLICY

The Board considered the Ilfracombe Harbour Training Policy report (circulated previously) by the Harbour Master.

The Harbour Master gave the following update:

- The Harbour Master had attended a three day specialised training course for Harbour Masters, held in Southampton, which was attended by Harbour Masters from across the country. It was a very good opportunity to network as well as being a very informative course. It was hoped that the deputy Harbour Master would be able to attend the same course in the future.

RESOLVED that the Ilfracombe Harbour Training Policy be adopted.

75. RECRUITMENT PROCESS TO APPOINT INDEPENDENT MEMBER TO HARBOUR BOARD

The Board members considered a report in relation to the Recruitment process to appoint an Independent Member to the Harbour Board (circulated previously).

RESOLVED that the recruitment of an independent member of the Harbour Board be carried out.

76. AIDS TO NAVIGATION UPDATE

The Harbour Master update the Board members in relation to aids to navigation as follows:

- As Ilfracombe harbour was now classed as a Statutory Harbour Authority (SHA) the two yearly records audit would now not be needed instead this would be five yearly

77. HARBOUR SECURITY UPDATE

The Harbour Master gave Board members an update on Harbour Security as follows:

- The funding bid to the European Maritime and Fisheries Fund (EMFF) had been accepted and if successful would contribute to the cost of the CCTV upgrade
- A second Port Security committee meeting was due to take place, at which no incidents were to be reported

In response to a question on when the harbour would hear about the EMFF application the Harbour Master advised the closing date for applications was 29th November 2020 and it was expected to hear very quickly after closing date.

78. INFRASTRUCTURE UPDATE

The Harbour Master gave Board members an update in relation to Infrastructure as follows:

- A substantial bulge in the wall at stone bench was being monitored. A further bulge near the fuel berth that was not impinging on the fuel berth was also being monitored

79. ILFRACOMBE HARBOUR COMMUNITY FORUM

The Board considered the Ilfracombe Harbour Community Forum report (circulated previously) by the Chair of the Forum.

The Chair of the Community Forum for Ilfracombe gave the Board the following update:

- No formal meetings had taken place but regular emails were sent to members of the Forum

Quay Road Congestion

- Issues with the increased numbers of visitors and obstructions along Quay Road to the carpark had caused problems for pedestrians and businesses. The increase in footfall was a positive for the local economy, however, the gridlock caused by traffic traversing along Quay Road was off putting for families visiting. It was hoped solutions could be found and put in place ahead of the next busy season but it was disappointing that there was no action to be seen to have happened as yet

The Head of Resources confirmed that this was a Highways issue under the remit of Devon County Council. The Local Authority had no jurisdiction over street parking, and that the carpark access could not be closed off as the loss of revenue would be detrimental to the authority.

The Harbour Master advised that an onsite meeting had taken place with Devon County Council but that local Businesses needed to agree on a course of action as a way of moving forward.

Recycling provision

- In anticipation of increased visitor numbers the recycling capacity needed to be increased. The overflow of waste from the current receptacles gave a negative perception to visitors

The Harbour Master confirmed finding a solution was costly as the waste needed to be separated out for the waste and recycling teams to be able to remove the waste. Sponsorship of recycling bins may be the best route to take. Due to the limited spacing along Quay Road the bins had to be a specialised size. The Harbour Master wanted to take this opportunity to thank the dedicated waste and recycling teams who had done an outstanding job over the summer months especially with the increased amounts of waste to be collected.

The Head of Resources advised that the rounds were due to be remodelled, taking into account the increased loads during peak times. The Teams had worked very closely with the local communities.

Pier Gates Development Proposal

- The Forum hoped the development was still going ahead as would be perceived as forward thinking and would provide pedestrian friendly access to the pier

The Harbour Master advised the Board that it was hoped the project would be completed by March 2021. As soon as the relocation site had funding works could begin on the Pier.

Water Sports Centre

- The Community Forum were seeking an update on the latest position of the Water Sports Centre

The Head of Resources advised that the list of funding conditions that had to be met, as set out by the Local Enterprise Partnership, were nearing completion and that as soon as funding was confirmed, and in place, tenders would be invited.

Pier Toilets

- The use of the pier toilets was part of the visitor experience and with increased usage this facility was struggling to cope. The restriction of use of one cubicle in the men's toilet (due to Covid-19 safeguarding the shared urinals were closed) had caused huge queues. Ideas were being shared with the Waste and Recycling manager on how best to provide a good visitor experience and peace of mind that the facilities were being cleaned regularly

The Head of Resources reassured the Board members that a review of public facilities was due to be carried out and the Waste and Recycling Service Manager would be looking to increase efficiencies.

80. FUTURE PROJECTS

The Board members received the following update from the Harbour Master in relation to future projects:

- Works would be kept to a minimum with just maintenance jobs undertaken as and when required
- Two self-closing gates would be installed one at the second landing and the other at stone bench
- The British Ports Association membership was due for renewal the cost of which was £900. The Harbour Master proposed not renewing this membership but instead arranging duty holder training at a time convenient to members
- Five new oil spill responders were to have their training the cost of which the Harbour Master was requesting to use the Harbour budget to cover
- Board members would be invited to attend the training session which was due to take place at Castle Quay, Barnstaple. The Harbour Master would send out email invites with further details

RESOLVED:

- That Harbour Master not renew the British Ports Association membership
- That the Harbour budget be used to cover the cost of training the emergency responders

81. CONSIDER DATES OF FUTURE MEETINGS OF THE HARBOUR BOARD 2021/2022

The following future dates of the Harbour Board were noted:

- Tuesday 4th May 2021 at 2 pm
- Tuesday 10th August 2021 at 2 pm
- Tuesday 16th November 2021 at 2 pm
- Tuesday 1st February 2022 at 2 pm

Chair

The meeting ended at 3.40 pm

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

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HARBOUR BOARD MEETING: 2nd February 2021

Quarterly Designated Person Port Marine Safety Code Audit Report – Ilfracombe & Lynmouth Harbours

**Ilfracombe - 5th January 2021- Captain Georgina Carlo-Paat (Harbour Master)
Ric Simpson (Deputy Harbour Master)
Jon Triggs, (Designated Person)
Mark Roberts (Engineer),
Pamela Charles (H&S Adviser)**

**Lynmouth - 5th January 2021 - Kevin Harris (Town Clerk),
Captain Georgina Carlo-Paat (Harbour Master),
Jon Triggs, (Designated Person)
Mark Roberts (Engineer),
Pamela Charles (H&S Adviser),**

1. PURPOSE OF REPORT

- 1.1 To advise Members of the Harbour Board of the outcome of the quarterly audits.
- 1.2 The quarterly audits are carried out to fulfil the responsibility placed upon the Designated Person (DP) to ensure the Marine Safety Management System is working correctly in compliance of the Port Marine Safety Code.
- 1.3 The audits were carried out virtually due to Covid-19 Lockdown restrictions.

2. ACTIONS COMPLETED FROM PREVIOUS INSPECTIONS- ILFRACOMBE

- 2.1 Document Audit: Drink and Drugs. Non-conformity- Procedures now referenced in version 3 of the Marine Safety Management System.
- 2.2 Boats out safely as planned.
- 2.3 The Environment Agency has completed the required repointing work on the Harbour wall by the Royal Britannia public house.
- 2.4 New Tie Rails have been fitted to the East end of First Landing and Second Landing
- 2.5 New top gates have been fitted.

3. RISK MANAGEMENT- ILFRACOMBE

- 3.1 An internal audit of the following topics was carried out this quarter.
 - (i) Piloting, Towing and Bunkering - Minor Non Conformity: Bunkering Standard Operating Procedure (SOP) requires formal acceptance by the Harbour Board and then to be made available on North Devon Council's /Harbour website
 - (ii) Licensing (Works, Tugs, Craft), Permitting (Diving and Hot Works) – Minor Non Conformity: Standard Operating procedure for Diving not available on the NDC/Harbour Website.

Agenda Item 7

(iii) Auditing: Internal and External, Plans and Reporting- Non Conformity – No performance assessment of the MSMS or Benchmarking is carried out.

(iv) Dangerous Vessels and Dangerous Substances.

3.2 Inner steps on Old Quay Head- work is still outstanding regarding the new handrail. This is due to difficulties in finding the correct type of composite and a company that can do the work.

3.3 Installation of remaining three new electrical conduits on Old Quay Head, work is on hold until Maritime and Fisheries Funding becomes available.

3.4 Examination and testing of all mooring equipment and bollards. The legislation is still not clear, so this is not currently deemed a critical health and safety issue but a quote has been obtained and it is planned to carry out the work in 2022.

3.5 Work will begin on the Fender works on the First Landing on 11th January 2021 and should be completed by the end of January.

3.6 The work to remove the top and bottom chains along Quay Wall will commence 11th Jan 2021 and should be completed by the following day.

3.7 New self-closing gates to close off Stone Bench and Second Landing to be fitted in February, to prevent unauthorised access to the public.

4. ACTIONS COMPLETED FROM PREVIOUS INSPECTIONS- LYNMOUTH

4.1 The Marine Safety Management System has been amended to address the non-compliances and non-conformities of highlighted by the external audit by APBmer.

5. RISK MANAGEMENT – LYNMOUTH

5.1 An internal audit of the following topics was carried out this quarter:

- (i) Piloting, Towage and Bunkering
- (ii) Licensing (Works, Tugs, Craft), Permitting (Diving and Hot Works)
- (iii) Auditing: Internal and External, Plans and Reporting
- (iv) Dangerous Vessels and Dangerous Substances- Non conformity- No information available to visiting boats with regards to vessel traffic movement.

It should be noted that due to the current status of Lynmouth with no statutory responsibilities, powers or limits of jurisdiction the most of the audit matters do not apply

5.2 A galvanised hand rail will be fitted to the wall by the steps (opposite The Rising Sun), off the slipway down into harbour week beginning 4th January 2021.

5.3 Remedial works to the lower steps (opposite The Rising Sun) off the slipway down into harbour are still pending. There has been no opportunity (weather/tides) to carry out any work this winter.

5.4 Remedial works required to the quoins along the top edge of the slip way wall are still pending. (No opportunity as for item 5.3), although it is noted that their condition had not worsened.

Agenda Item 7

- 5.5 Costings need to be obtained for repairs to the end of the Causeway and future maintenance work to be planned.
- 5.6 With regards to establishing the ownership of the railings on bridge, Devon County Council (DCC) have been carrying out testing and structural safety work on three bridges, so it is assumed that the bridges are DCC responsibility. Kevin will keep a record of any visits to or work carried out on the bridges by DCC.

6. CONCLUSIONS

- 6.1 Health and Safety at Ilfracombe Harbour continues to be proactively managed by the Harbour Master. A number of matters have been resolved since the last audit.
- 6.2 Health & Safety at Lynmouth is being proactively managed by the Town Clerk. Matters have been dealt with since the last audit. It remains difficult to audit the harbour whilst its legal status is still under review.
- 6.3 Due to the complexities encountered whilst undertaking the legal review of Lynmouth Harbour's powers a proposal has been put forward as to how to overcome these issues and a decision will be made by NDC on the way to proceed.

Pamela Charles
H&S Adviser
Jan 2020

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NORTH DEVON COUNCIL

Open for publication

REPORT TO: THE HARBOUR BOARD

Date: 2nd February 2021

TOPIC: HARBOUR STANDARD OPERATING PROCEDURES - BUNKERING

REPORT BY: HARBOUR MASTER

1 INTRODUCTION

- 1.1 Under the Port Marine Safety Code (PMSC) it is a requirement for compliance that this code as implemented by Ilfracombe Harbour undergoes a 3 yearly External Audit.
- 1.2 This external audit was undertaken this year and the audit findings were published in July 2020.
- 1.3 An Observation was raised within the audit report to the lack of concise Standard Operating Procedures (SOP) in relation to bunkering that is the fuelling of vessels.
- 1.4 It has been recommended that a SOP be developed to collate the practices already in place into a clear and practical operating procedure and that this be adopted to show best practice

2 RECOMMENDATIONS

- 2.1 That the board adopts the Bunkering SOP presented.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To show that Ilfracombe Harbour is following industry best practice.

4 REPORT

- 4.1 Since the implementation of the PMSC in 2000 following the lessons learnt from the grounding of the Sea Empress in 1996 Statutory Harbour Authorities who comply with the code are required to undertake a 3 yearly external audit to show how the PMSC is being implemented within their own jurisdictions.
- 4.2 The recent external audit showed that Ilfracombe Harbour was in compliance with the PMSC with no non-conformities and 82 'Satisfactory' findings this

being a system component that meets or exceeds the requirement of the Code. However the audit also found 35 Observations with recommendation suggestions on how best to rectify these control weaknesses.

4.3 As Harbour Master I have approved that these observations are valid and as such SOP's are being developed on the subjects above to demonstrate the Harbours commitment to comply with the PMSC and maintain industries best practice.

4.4 A SOP has been developed that being for Bunkering that now requires a final review at board level before being adopted.

4.5 There are no other options to be considered.

4.6 There are no risks in adopting the recommendation.

4.7 I have concluded that the above document has been developed in line with industries best practice and have collated all respective current operating procedures into one SOP and are in line with current accepted guidance and uphold the current legislative regulations.

4.8 There is no impact on the community in adopting the recommendation.

5 RESOURCE IMPLICATIONS

5.1 There are no financial or manpower implications contained within the documents.

6 EQUALITIES ASSESSMENT

6.1 There are not any equalities implications anticipated as a result of this report.

7 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Appendix 5 6(a)	Delegated

8 STATEMENT OF CONFIDENTIALITY

8.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9 BACKGROUND PAPERS

9.1 The following background papers were used in the preparation of this report:

- Port Marine Safety Code and accompanying Guide to Good Practice
- Ilfracombe Harbour external PMSC audit report

The background papers are available for inspection and kept by the author of the report.

10 STATEMENT OF INTERNAL ADVICE

10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

Author: Capt. Georgina Carlo-Paat Date: 15 January 2021
Reference: Document5

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ILFRACOMBE HARBOUR

BUNKERING

STANDARD OPERATING PROCEDURE # 05

NORTH DEVON COUNCIL
AUTHORED BY: HARBOUR MASTER

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1.0 Document Control

This SOP is subject to a Triennial, 3 yearly, review and periodic amendment as required.

Major changes will be issued as a new version with all minor amendments to that version annotated by a decimal point e.g. V2 will become V2.1, V2.2 etc.

DATE	Review(R) Amendment(A)	Description of changes

2.0 Foreword

Soon after its introduction into the industrialized world as a source of power, steam quickly became a dominant force in both land (locomotives) and sea transport (steamships). Steamships used the power of steam to travel and steam was generated by feeding coal into the furnaces on board the ship. The storage containers for coal was known as a bunker. Since coal was the original fuel for steamships, the term bunker became synonymous with fuel and therefore Bunker is simply nothing but fuel used in ships.

Bunkering is the supplying of fuel of any kind for use by Maritime Ships/ Vessels for propulsion.

3.0 Introduction

This SOP has been developed to ensure that Bunkering Operations are conducted in a safe manner to reduce and minimize risks to personnel and the environment and applies to all parties involved within the Harbours Estates. There are three accepted methods of bunkering within the Harbours Estates;

1. Road Tanker
2. Fuel berth
3. Approved Portable Petrol Containers (APPC)

4.0 Legal Requirement

Under the Health and Safety at Work etc. Act 1974 (HSW Act), employers, people in control of premises, the self-employed and employees must ensure the health and safety of others and themselves so far as is reasonably practicable.

5.0 Definitions

Unless the context otherwise requires in this SOP:

- 5.1 "Bunker Supervisor" means the appropriately qualified person appointed by the Bunker Supplier to supervise the Bunkering Operations on behalf of the Bunker Supplier.
- 5.2 "Bunker Supplier" means the party supplying Bunkers to or receiving Bunkers from a vessel.
- 5.3 "Operator" means any person appointed by the vessels owner to supervise the Bunkering Operations.
- 5.4 "Bunkers" means petroleum in any form including petrol, fuel oil, sludge, oil refuse, refined products and any noxious liquid substance (as defined in MARPOL 73/78 Annex II Chapter 1 Regulation 1) and the residues thereof when carried on board vessels but not as freight-paying cargo.
- 5.5 "Bunkering Operations" means the transfer of Bunkers between vessels, road tankers, by approved fuel containers or shore facilities.
- 5.6 "Harbour Master" means the Harbour Master appointed by the Harbour Authority being North Devon Council (and includes their authorised deputies and assistants and any person so authorised by North Devon Council to act in that capacity).

- 5.7 "Officer in Charge" means the appropriately qualified officer appointed by the Ship's Master to oversee the Bunkering Operations.
- 5.8 "Vessel" means any vessel as defined under the Merchant Shipping Act 1995 as updated.
- 5.9 "SOPEP" means Ship Oil Pollution Emergency Plan or Shipboard Marine Pollution Emergency Plan as appropriate and applies to all vessels.
- 5.10 "Safety Checklist" means an appropriate Bunkering safety checklist relevant to the size of vessel being bunkered.
- 5.11 "ADR" stands for The European Agreement Concerning the International Carriage of Dangerous Goods by Road brought into force in the UK by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 as updated.
- 5.12 "PCR" stands for The Petroleum Consolidation Regulations 2014 as updated.
- 5.13 "APPC" stands for Approved Portable Petrol Containers, APPCs' can be hand carried or of a trailered bunded tank variety, whichever type is used they must be certified to comply with all current legislation.
- 5.14 In this SOP, unless the context otherwise requires, the singular includes the plural and vice versa.
- 5.15 Section headings are included for convenience only and do not affect their interpretation.

6.0 Responsibilities

- 6.1 This SOP does not relieve any person of the requirement to comply with any statutory Act, Order or Regulation that may apply to their vessel or operation.
- 6.2 Bunkering Operations must be performed diligently, safely and without deliberate or undue delay.
- 6.3 The registered owner of any vessel receiving Bunkers shall be required to have in place insurance or other financial security, such as the guarantee of a bank or similar financial institution, to cover the liability of the registered owner for pollution damage. Details of such insurance or financial security shall be made available to the Harbour Master upon demand.
- 6.4 The Board shall not be liable should it at any stage be established that the insurance obtained is inadequate or insufficient for any reason whatsoever, or should the relevant insurer for any reason refuse or be unable to meet its liabilities in terms of the said policy.
- 6.5 The Ships Master or Operator is responsible for the Bunkering Operations for their appointed vessel.
- 6.6 Any incidents or accidents arising out of the bunkering operations that may impact in any way on the environment shall be reported immediately to the Harbour Office by the Vessel and or Tanker Driver. The following information must, as a minimum, be provided:
- The location of the spill;
 - The type of oil spill;
 - The approximate quantity;
 - The immediate action taken;
 - Preventative measures put in place.

7.0 Oil Spill Response

All vessels involved in bunker transfers, by any means, within the Harbour Jurisdiction should maintain on board sufficient oil spill response equipment to respond effectively to the potential size of spill that could occur during bunkering operations. An adequate number of personnel to assist in deployment of emergency equipment must also be available during the bunker transfer and should by good practice have a SOPEP plan available onboard.

Spill response procedures outlined in the SOPEP should include:

- Method of raising the alarm.
- Responsibilities of personnel on board.
- Action to minimise or control the spill.
- Method of cleaning up the spill.
- Equipment to be used in controlling and cleaning up the spill.
- Method of informing appropriate personnel and agencies of the spill and subsequent action taken.

7.1 Ship Oil Spill Response Equipment

All ships and road tankers should maintain on board sufficient oil spill response equipment to respond effectively to the most likely types of spills that could occur during normal operations. An adequate number of personnel to assist in deployment of emergency equipment must also be available.

Oil spill dispersants cannot be used without prior approval from the MMO via the Harbour Master.

7.2 Reporting

The Master of a vessel /driver of a road tanker must report a discharge or probable discharge of any pollutant without delay to the Harbour Master on VHF 12, within working hours, or via phone on 07775 532606.

Notifications are to be followed by the completion of a POLREP (Pollution Report) form.

Road tankers are generally used for the bunkering of vessels unable to access the fuel berth e.g. The MS Oldenburg and to deliver Red Diesel to the Harbours fuel tank. There may be occasion i.e. if the fuel berth is not in operation that a road tanker unfamiliar with the Harbour will request access.

In all cases the following procedures shall apply;

8.1 Notice of Entry

Fuel oil deliveries by road tanker shall only be permitted entry to the Harbours jurisdiction if tanker operators have given the Harbour Office notice of entry of dangerous substances. Notice of entry shall be emailed to the Harbour Master on harbourmaster@northdevon.gov.uk not less than 24 hours in advance of the vehicle's intended arrival at the Harbour.

- The notice shall contain:
- The delivery Company's Name and contact details.
- Name of vessel receiving fuel/oil delivery.
- Type and quantity of fuel/oil.
- Vehicle Registration number and number of crew.
- Approximate ETA of delivery vehicle.

8.2 Documentation

Drivers of road tankers shall carry "instructions in writing" which set out the following:

- General Safety Instructions for Dangerous Goods.
- Class specific hazard characteristics.
- Minimum drivers' personal and safety equipment.

Drivers shall also carry a Transport Document which contains the following information:

- The UN number of the fuel/oil.
- The Proper Shipping Name.
- The class number of the fuel/oil.
- The Packing Group or Classification Code.
- The total quantity.
- The gross and net weights.
- The consignor and consignee details.
- Declaration signature.

8.3 Safety Equipment

Road Tankers operating within the Harbours Estate shall carry the following fire extinguishers as a minimum:

Vehicle (max permissible mass)	Minimum dry powder fire extinguisher provision
<3.5 tonne	2 kg (cab) plus 2 kg
>3.5 tonne <7.5 tonne	2 kg (cab) 8 kg total (at least 1 x 6 kg extinguisher)
>7.5 tonne	2 kg (cab) 12 kg total (at least 1 x 6 kg extinguisher)

They shall additionally carry the following equipment as a minimum;

- Eye wash solution
- 2 x self-standing warning triangles
- Wheel chock, suited to the size of tyre and weight of vehicle
- Plastic shovel and bucket
- Drain Seal
- Tanker Spill Response Kit compliant with the directives of the Federation of Petroleum Suppliers

8.4 Training Certificates

Road Tanker drivers entering the Harbours jurisdiction shall carry their training certificates. These may be in a standard “credit card” format with security features and include a photo of the holder. They shall have received general training plus an ADR Training certificate. The certificate should be endorsed for the relevant class of dangerous goods carried.

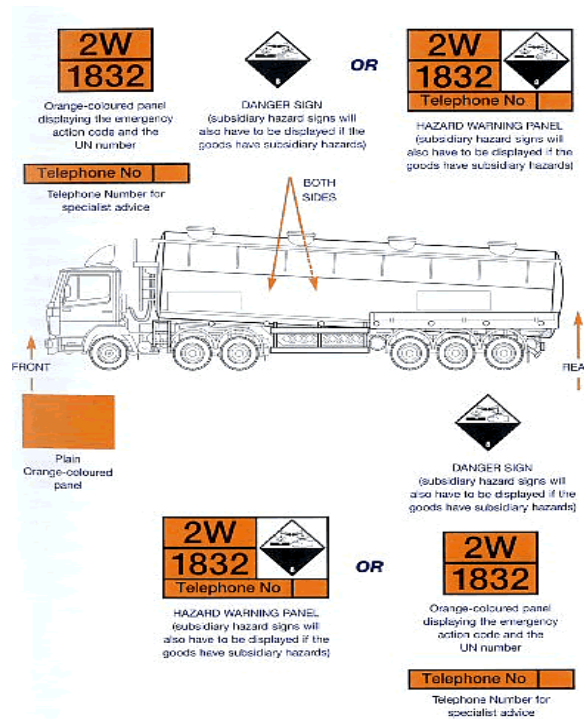
8.5 PPE

Road Tanker drivers shall carry the following PPE as a minimum:

- Protective gloves.
- Hard hat (to be worn if mooring operations are taking place).
- Lifejacket (to be worn if proceeding within 1 metre from quay edge)
- High visibility vest
- Torch (intrinsically safe)

8.6 Vehicle Markings

Road tankers shall be marked with the “Emergency Action Codes” (sometimes called Hazchem codes”), which include a telephone number for advice in the event of an emergency and a plain orange plate at the front of the vehicle.



8.7 Delivery Procedures

- 8.7.1. When on the Harbours Estate drivers shall comply with existing Road Traffic Legislation, observe the maximum speed limit of 10mph and obey all road signs.
- 8.7.2. Road Tankers should be regularly inspected and maintained to DVSA standards.
- 8.7.3. Only certified delivery hoses shall be used.
- 8.7.4. Appropriate PPE shall be worn at all times when engaged in fuel transfer operations.
- 8.7.5. At the delivery location the vehicle shall be positioned so as not to cause any obstruction and provide the best access for the delivery hose.
- 8.7.6. Transfers should take place during daylight hours. If undertaken during the hours of darkness the driver is responsible for ensuring the transfer area is well lit, if this is not possible the transfer should be postponed.
- 8.7.7. The driver should remain with his vehicle at all times.
- 8.7.8. After completion of fuel transfer the hoses should be stowed away and secured. The vehicle should be moved clear of the delivery location to allow for the area to be inspected to ensure it is left in a clean and tidy condition.
- 8.7.9. Additionally in the event of a spillage the driver shall:-
 - Shut the pump off together with the gun/valve.
 - Immobilise the vehicle.
 - Phone the Harbour Master on 07775 532606 and report the spillage.
 - Keep all personnel and ignition sources clear of the spillage area.
 - Use the onboard spill kit to contain the spill and commence clean-up operations.

8.8 Bunker Supplier

- 8.8.1. The Bunker Supplier shall have written safety, health, environment and quality programs (including a pollution emergency plan and/or SOPEP) in place at all times and shall make these available to the Harbour Master upon demand for inspection.
- 8.8.2. The Bunker Supplier shall undertake annual risk assessments of the bunkering services conducted within Ilfracombe Harbour and shall make these available to the Harbour Master upon demand for inspection.
- 8.8.3. The Bunker Supplier shall take out appropriate insurance with reputable market insurers in respect of third party liability risks (including but not limited to third-party liability, wreck removal, pollution and personal injuries) and for levels of cover as would be taken out normally by a prudent supplier of comparable services, and the Bunker Supplier shall provide the Harbour Master upon demand with documentary evidence of such insurance cover.
- 8.8.4. The Bunker Supplier shall have sufficient and appropriate drip containment and spill response equipment at the location of the Bunkering Operations which shall be readily available for deployment.
- 8.8.5. Bunker Suppliers shall be responsible for complying with and adhering to the appropriate practices and procedures laid down for their operations. The Bunker Supplier must appoint a Bunker Supervisor to liaise with the Officer in Charge on the Ship.

8.9 Receiving Vessel

- 8.9.1. The Ship's Master is responsible for the Bunkering Operations and must appoint an Officer in Charge
- 8.9.2. The Ships Master shall undertake annual risk assessments of the bunkering operations relevant to their vessel conducted within Ilfracombe Harbour and shall make these available to the Harbour Master upon demand for inspection.
- 8.9.3. Prior to Bunkering Operations commencing, the Officer in Charge and Bunker Supervisor must exchange a Bunkering Safety Check List [[Annex 1](#)]. Copies of the Bunkering Safety Check List must be retained by the Ship and Bunker Supplier for at least one month following completion of the Bunkering Operations and must be produced to the Harbour Master upon demand for inspection.
- 8.9.4. During Bunkering Operations, the Officer in Charge and Bunker Supervisor shall ensure that all necessary measures are taken to prevent the spillage of Bunkers into the waters of the Harbour or onto any quayside.
- 8.9.5. In the event that the Officer in Charge cannot identify or establish communications with the Bunker Supervisor, then Bunkering Operations should not commence or if they are under way they should cease immediately.
- 8.9.6. In the event that the Bunkering Supervisor cannot identify or establish communications with the Officer in Charge, then Bunkering Operations should not commence or if they are under way they should cease immediately.

8.10 Responsibilities for Vessel and Road Tanker

8.10.1. Prior to commencement of bunkering:

- A bunker checklist must be completed [[Annex 1](#)]
- Spill and emergency management procedures must be agreed upon.
- Ensure any cargo handling in progress will not hinder bunker operations.

8.10.2. Once bunkering has commenced:

- No smoking, naked flame or hot work is permitted.
- A constant visual watch is maintained throughout the entire transfer operation, especially during start up and topping off.
- Weather and sea conditions must be constantly monitored and moorings appropriately tended
- Sufficient absorbent spill material is available on site to deal with any accidental spillage.
- Action must be taken to stop or contain any spill and Port Control is immediately notified.
- Visual check of waters around ships/on quay to identify any spills.

8.11 Communication Arrangements

During transfer operations there should be regular communication maintained between the vessel and supplier. Once the method of communication is initially established, the following information should be exchanged:

1. Confirm transfer starting and stopping procedures.
2. Confirm transfer rates, pressures and quantities.
3. Confirm emergency stop procedures.
4. Confirm method of raising the alarm in the event of an emergency.

8.12 Emergency Procedures

Procedures for handling all emergencies may vary but should include as a minimum:

1. Method of emergency shutdown of fuel delivery.
2. Method of raising the alarm.
3. Responsibilities of key personnel.
4. Action taken by employees to ensure their own safety and the safety of those around them.
5. Action taken by employees to minimise the damage to property and environment.
6. Method of cleaning up a spill.
7. Method of informing Harbour Master, Government Agencies & Owners.

8.12 Harbour Fuel Tank Deliveries

The Harbour receives bunker deliveries from the Council approved bunker suppliers who are familiar with the workings of the Harbour fuel tank system and surrounds.

1. Harbour Master will ensure that the Harbour fuel tank is in good order and ready to receive the ordered quantity of fuel.
2. Bunkering Safety Checklist is to be completed.
3. That all the related and necessary steps outlined in this SOP are taken.
4. All bunker suppliers shall comply with sections 6.0 .7.0 and 8.0 of this SOP.

9.0 Fuel Berth Procedures

The Harbour provides the facility for fueling all vessels that operate on red diesel and are of a suitable size to access the fuel berth situated at on the South side of the Harbour at the entrance to the inner harbour on the Cove.

All vessels issued with a RFID fuel tag will adhere to sections 6.0 & 7.0 of this SOP as a minimum.

There are two ways to obtain fuel from the Harbours facility those being by self-service for commercial vessels or by direct service by the Harbour for all others.

9.1 Self-Service

To be able to make use of this service the commercial vessel owner is required to provide details as requested to the Harbour Master in order to be accepted onto the councils systems and once verified the owner will be issued with a unique RFID fuel tag linked to the Harbours fuel management system which will record all usage to that tag. Loss or damage of a fuel tag which results in a new tag being issued carries a £10 nonrefundable charge.

9.2 Self –Service Procedure

- 9.2.1. Every vessel must have a current, not more than 12months old, Risk Assessment available for inspection onboard at all times.
- 9.2.2. Ensure there is adequate Oil Spill Response equipment onboard and crew are trained in the use and it is readily available during bunkering operations.
- 9.2.3. Vessel to be securely moored alongside the fuel berth and enough time has been allowed on the tide to complete bunkering operations.
- 9.2.4. Commence Fuel Berth Bunkering Safety Checklist [[Annex 2](#)]. This can be laminated for easy reuse but must be retained in its completed format until the next bunkering operation.
- 9.2.5. Fuel tanks are made ready for receiving fuel and scuppers are blanked.
- 9.2.6. Activate the desired fuel pump either Pump 1 set to deliver 50 Litres per minute or Pump 2 set to deliver 70 Litres per minute [For step by step procedures see [Annex 4](#)].
- 9.2.7. During bunkering operations there must be a designated person in attendance at all times who is fully familiar with the emergency procedures detailed in 8.12.
- 9.2.8. On completion fully inspect surrounding area including over board to ensure no spillage has taken place.
- 9.2.9. Complete Fuel Berth Bunkering Safety Checklist.

9.3 Direct Service Procedure

Any vessel requiring bunkering, other than self –service, may request the direct service facility from the Harbour office during working hours, tide dependent, or by pre arranging this service with the Harbour Office for any out of hours bunkering.

9.3.1 Visiting Commercial Vessels

- 9.3.1.1. Any visiting commercial vessel will adhere to all relevant sections of this SOP and as a minimum to sections 6.0, 7.0, 9.2.1 to 9.2.4 & 9.2.7.
- 9.3.1.2. Harbour Team will provide the Bunkering Safety Checklist for completion [[Annex 3](#)]

9.3.2 Recreational Vessels

- 9.3.2.1. All recreational vessels will adhere to all appropriate sections of this SOP and as a minimum to sections 6.0, 7.0, 9.2.2 to 9.2.4 & 9.2.7.
- 9.3.2.2. Harbour Team will provide the Bunkering Safety Checklist for completion [[Annex 3](#)]

9.4 Portable Diesel Containers for Private Use

The carriage of diesel by private individuals in a vehicle where the fuel is intended for their personal use, including their leisure or sporting activities, is exempt from the general restrictions on the carriage of dangerous goods by road. However, where fuel is carried in refillable containers filled by or for a private individual, the total quantity transported must not exceed 240 litres at a time and each individual container must not contain more than 60 litres. In addition, the individual must take measures to prevent the containers from leaking.

Red Diesel obtained from the Harbour is for the use in Vessels only and may not by Law be used in own road vehicles.

10.0 Bunkering via Approved Portable Petrol Containers (APPC)

All vessels that require to be bunkered via APPCs' shall adhere to all relevant sections of this SOP and as a minimum to sections 6.0, 7.0 & 8.12.

10.1 Locations of Bunkering

Listed below are the allowable locations within the Harbours jurisdiction that vessels may be bunkered via APPCs' they are:

1. **Cove Wall** – However any berth and especially The Fuel Berth is not to be blocked for other users at any time.
2. **Alongside the central ladder on the South Pier.**
3. **On a mooring buoy.**
4. **Old Quay Head** – The Outer/ Inner steps are to be used for loading/unloading only and are not to be blocked for other users by bunkering whilst alongside the steps, vessels are to maneuver clear of the steps to a suitable space to facilitate the bunkering operation.

5. **Landings** – for operational purposes 1st/ 2nd and Stone Bench landings may be used for loading/unloading the containers only. The landings themselves are not to be blocked for other users by bunkering whilst alongside the landings, vessels are to manoeuvre clear of the landing to a vacant mooring buoy to facilitate the bunkering operation.
6. **Whilst Vessel is Dry** – Vessels may be bunkered whilst dried out on their moorings.

10.2 Commercial Bunkering Procedures

- 10.2.1. A risk assessment must be prepared prior to the initial bunkering operations commencing and kept under regular review, not more than annually, and should include all 4 allowable locations.
- 10.2.2. The operator will designate 1 member of their staff to be in charge of bunkering operations and ensure they are fully trained in the procedures specific to their vessel.
- 10.2.3. The staff member in charge is responsible for ensuring the vessel is in a safe & secure position to receive bunkers.
- 10.2.4. The staff member in charge is responsible for ensuring that the No Smoking requirements within the vicinity are met, for location #2 this is to include the area above on the Pier.
- 10.2.5. At no time are vessels to be rafted together to receive bunkers and at no time are the containers/hoses when full /charged to be passed over other vessels.
- 10.2.6. At times when the containers/hose are to be lowered to the receiving vessel a suitably sturdy line and connection must be used and at any time no more than 3 containers are to be lowered together.

10.3 Recreational Bunkering Procedures

- 10.3.1. All care should be taken when carrying / lifting and using any container within the Harbours jurisdiction and users must ensure that at all times an APPC is used.
- 10.3.2. At a minimum users must ensure they have adequate Oil Spill Response Equipment on board and are familiar with its use.
- 10.3.3. In the event of a spill users are to adhere to section 7.0, as best practicable, of this SOP.

11.0 Hand Carried APPC

The PCR 2014 define the standard for portable petrol storage containers under Schedule 3. Extract below;

“1. A portable petrol storage container must—

(a) Have a nominal capacity —

(i) No greater than 10 litres if made of plastic; and

(ii) No greater than 20 litres if made of metal;

(b) Have a total capacity between 10% and 15% more than the nominal capacity;

(c) Be made of either metal or plastic that is suitable and safe for the purpose and will not significantly degrade due to exposure to petrol or naturally occurring ultra-violet radiation;

(d) Be designed and constructed so that—

(i) It is reasonably robust and not liable to break under the normal conditions of use;

(ii) The escape of liquid or vapour is prevented;

(iii) Petrol can be poured safely from it; and

(iv) It is not unsteady when placed on a flat surface;

(e) Be marked or labelled in a legible and indelible form with—

(i) The words “PETROL” and “HIGHLY FLAMMABLE”;

(ii) An appropriate hazard warning sign;

(iii) The nominal capacity in litres; and

(iv) The manufacturer’s name and the date and month of manufacture.

11.2 Hazard Warning Signs



The above are examples of appropriate hazard warning signs.

12.0 Carriage and Storage of APPC

12.1 As Part of a Work Activity

A comprehensive Risk Assessment must be in place that covers all aspects of the carriage and storage of APPCs’ this should include the filling activity at the petrol filling station.

UN approved containers for petrol which have a larger capacity than laid out in PCR 2014 detailed in section 11.0 can be used provided the following requirements are met;

1. You have the prior agreement of the petrol filling station.
2. Comply with the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 for transportation by road.
3. Comply with the requirements that still apply when availing of a small load exemption (ADR1.1.3.6.2)

The petrol filling station, your workplace, and work activities involving the filling, storage and use of the UN Approved containers for petrol, continue to be covered by the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR), with the requirement to assess the risk from dangerous substances and minimise the risk.

12.1.2 Work Related Storage

It is best practice to only bring Petrol containers containing Petrol onto the Harbour when absolutely necessary. The delivery should be timed so that the minimum amount of time between arrival and bunkering is achieved. Full containers come under transport category 3, any empty, uncleaned containers having contained dangerous goods come under transport category 4 and as such the storage quantity is unlimited. However it is best practice to remove any empty containers from the Harbour at the earliest opportunity and it is best practice to remember, an empty container that previously held petrol may also be unsafe because of the fumes which can remain. Keep the cap of the container securely fastened, and follow the same advice as for storing petrol and ensure that the containers are well ventilated at all times.

12.1.2 Storage by Private Individuals

Separate provisions apply to the storage of petrol by private individuals in any motor vehicle, boat, aircraft or domestic garage. These are set out in the [Petroleum \(Consolidation\) Regulations 2014](#).

Care should always be taken when storing petrol and at the very least the following precautions should be taken:

- suitable containers must always be used
- never store petrol in the home itself
- ensure the storage area is well ventilated
- store away from sources of ignition or heat that could ignite the petrol or its vapours
- never decant petrol from one container to another

12.2 Exemptions

12.2.1 Carriage by Private Individuals

Under ADR 1.1.3.1(a) the provisions laid down in ADR do not apply to:

“The carriage of dangerous goods by private individuals where the goods in question are packaged for retail sale and are intended for their personal or domestic use or for their leisure or sporting activities provided that measures have been taken to prevent any leakage of contents in normal conditions of carriage. When these goods are flammable liquids carried in refillable receptacles filled by, or for, a private individual, the total quantity shall not exceed 60 litres per receptacle and 240 litres per transport unit. Dangerous goods in IBCs, large packaging or tanks are not considered to be packaged for retail sale.

Receptacle and transport unit are defined in ADR 1.2 as:

‘Receptacle’ means a containment vessel for receiving and holding substances or articles, including any means of closing. This definition does not apply to shells (see also ‘cryogenic receptacle’, ‘inner receptacle’, ‘pressure receptacle’, ‘rigid inner receptacle’ and ‘gas cartridge’);

'Transport unit' means a motor vehicle without an attached trailer, or a combination consisting of a motor vehicle and an attached trailer;

12.2.3 Work – Related Carriage

The ADR provisions for petrol (UN1203) for work –related carriage have a load threshold of 333 litres to qualify for exemptions from the CDG 2009 regulations and ADR (ADR 1.1.3.6). If more than 333 litres are being carried then the regulations apply in full.

13.0 Legislation and Guidance

13.1 [Dangerous Substances and Explosive Atmosphere Regulations 2002 \(DSEAR\)](#)

13.2 [DSEAR 2002 Approved Code of Practice](#)

This code of practice gives guidance and practical advice on how to comply with the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR).

13.3 [HSE Portable Petrol Storage Containers](#)

13.4 [ADR Carriage of Dangerous Goods by Road - A Guide for Business](#)

13.5 [CDG the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009, 2011 and 2019](#)

13.6 [Carriage by Private Individuals of Diesel, Petrol and Kerosene by Road](#)

13.7 [ADR European Agreement concerning the International Carriage of Dangerous Goods by Road](#)

Note: The ADR is for reference as this no longer applies to the UK after January 1st 2021 however The ADR EU directive is currently implemented in UK in three sets of regulations – the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (CDG) 2009, 2011 and 2019 – these Acts of parliament are legally binding until repealed

14.0 Appendices

1. Bunkering Safety Checklist for Tankers



Bunker safety
checklist Ver 1.0 Oct

2. Bunkering Safety Checklist for Self Service Fuel Berth



Self Service Bunker
safety checklist Ver 1

3. Bunkering Safety Checklist for Direct Service Fuel Berth



Direct Service
Bunker safety check

4. Self Service Fuel Pump Operations



Self Service Fuel
Pump Operations.pdf



NORTH DEVON COUNCIL

Open for publication

REPORT TO: THE HARBOUR BOARD

Date: 2 February 2021

**TOPIC: LYNMOUTH HARBOUR PORT MARINE SAFETY CODE
AUDIT REPORT**

**REPORT BY: TOWN CLERK, LYNTON & LYNMOUTH TOWN
COUNCIL**

1 INTRODUCTION

- 1.1 As a commercial and community facility Lynmouth Harbour was advised under the Port Marine Safety Code (PMSC) to commission an external audit to inspect the 10 main elements of the PMSC against the Harbours own Marine Safety Management System (MSMS), see at Appendix A.
- 1.2 An audit was undertaken in summer 2020 by Monty Smedley, Principal Maritime Consultant working for ABPmer, a marine consultancy and survey company.

2 RECOMMENDATIONS

- 2.1 That the board accepts the findings of the audit report and actively works towards rectifying the 11 observations found.
- 2.2 That the board includes at least one statutory position for a representative of Lynmouth Harbour management to be included in strategic management of the facility.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To show the audit findings have been duly accepted and that the Harbours MSMS reflects this industry's best practice.
- 3.2 To demonstrate inclusivity and acknowledge Lynmouth Harbour in the strategic risk management of North Devon Council maritime assets.

4 REPORT

- 4.1 Since implementation of the PMSC in 2000 Statutory Harbour Authorities must undertake a 3 yearly external audit to inspect the 10 main elements of the

(PMSC) to comply with the Code. It is expected non-statutory harbours also will be subject to audit, demonstrating good faith with PSMC, highlight any non-compliance, give observations where necessary to bring the MSMS up to industry best practice and report all satisfactory elements found.

- 4.2 This inaugural audit report shows Lynmouth harbour is working toward full compliance with requirements of the PMSC and shows satisfactory elements are in place.
- 4.3 However, there are 11 observations on non-compliance relating to improvement opportunities for management consideration which will further enhance the MSMS and show the Harbour managers continued commitment to comply with the PMSC. Significant in the 11 areas is record keeping, precise wording and policy matters hitherto not part of the harbour management regime.
- 4.4 Local managers are achieving compliance through written amendments to PMSC, refined definitions of statutory posts and professional guidance and mentoring from The Harbour Master.
- 4.5 There are no risks in adopting the recommendation.
- 4.6 There is no impact on the community in adopting the recommendation.

5 RESOURCE IMPLICATIONS

- 5.1 There are no financial or manpower implications contained within the documents.
- 5.2 There may be financial implications for these recommendations dependant wholly on clarification of the 'legal' status of Lynmouth Harbour currently under investigation by solicitors acting on behalf NDC.

6 EQUALITIES ASSESSMENT

- 6.1 There are no equalities implications anticipated as a result of this report.

7 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Part 3, Annexe 1 (6)	Delegated

8 STATEMENT OF CONFIDENTIALITY

- 8.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9 BACKGROUND PAPERS

9.1 The following background papers were used in the preparation of this report:

9.2 The following background papers were used in the preparation of this report:

- Port Marine Safety Code and accompanying Guide to Good Practice
- External Audit report for Lynmouth Harbour

The background papers are available for inspection and kept by the author of the report.

10 STATEMENT OF INTERNAL ADVICE

10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

Author: Kevin A Harris – Town Clerk

Date: 20 January 2021

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LYNMOUTH HARBOUR

MARINE SAFETY MANAGEMENT
SYSTEM

Date: July 2020

Review Date: Harbour Board Review: February 2021

Commented [GC1]: Amend to show actual date might be an idea to put in an amendments page as adopted in 2018 but dated May 2019?? If this is version 3 it needs to state that and then go for re approval.

Version	Date	Author	Rationale
1.0	October 2016	Kevin A Harris - Town Clerk	For inspection of Harbour by Maritime and Coastguard Agency
2.0	March 2017	Kevin A Harris - Town Clerk	Following MCA inspection
3.0	May 2019	Kevin A Harris - Town Clerk	
4.0	June 2019	Kevin A Harris - Town Clerk	Following Harbour Board adoption
5.0	July 2019	Kevin A Harris - Town Clerk	Change in NDC CEO personnel
6.0	July 2020	Kevin A Harris - Town Clerk	Following PMSC Audit
7.0			

Commented [MS2]: Do you mean Maritime and Coastguard Agency (MCA) ??

Commented [MS3]: As above

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Commented [MS4]: Suggest removing this section (or renaming, you are only a 'Competent' harbour authority, if you offer Pilotage services).

1.0 SAFE MARINE OPERATIONS POLICY

North Devon Council (NDC) is the owner and operator of Lynmouth Harbour located on the northern edge of Exmoor. The harbour is managed as part of the 'Lynton Agency Agreement' by Lynton and Lynmouth Town Council (LTC).

Lynton and Lynmouth Town Council, as Agents for North Devon District Council, are cognisant of their responsibility for the management and running of the harbour plus its environs in relation to marine operations and port undertakings within its control.

Commented [MS5]: Remove accountability. The Duty Holder (NDC) cannot delegate accountability.

LTC understands its statutory and common law duties which include an obligation to conserve and facilitate the safe use of the harbour and an express duty to take such action it considers necessary for the maintenance, operation, improvement and conservancy of the harbour.

LTC is committed to the management of marine operations in a way that safeguards the harbour, its users and the public. Consultations will take place with persons who use the harbour to ensure they are fully engaged and involved in the preparation of safety policies and procedures.

Full and comprehensive risk assessments are undertaken in respect of all activities and facilities within the harbour leading to the development of a comprehensive Risk Assessment and Marine Safety Management System for marine operations.

The Council acknowledges its role in protecting the marine environment from the risk of pollution, excessive disturbance or misuse, by adherence to relevant legislation, safe working practices and diligent monitoring of operations.

LTC is committed to the continuous improvement of safety within Lynmouth Harbour by the implementation of appropriate policies and procedures of management.

This Marine Safety Management System will be reviewed annually and updated as regularly as deemed necessary.

Agreed and Adopted by the Harbour Board: February 2021

2.0 Introduction

The Port Marine Safety Code (PMSC) is based on the principle that Harbour Authorities and marine facility owners/operators will formulate plans, policies and procedures relating to port marine operations on a formal safety assessment of the hazards and risks encountered.

Under the requirements of the Code, all 'Organisations' are required to maintain a formal Marine Safety Management System (MSMS) developed from the risk assessment process.

The purpose of this document is to illustrate how risks are reduced to a point that is considered to be 'as low as reasonably practical' (ALARP) through the identification and implementation of supporting plans, policies and procedures within the overall structure of a MSMS.

3.0 Overview of Harbour Operations

The harbour is located at the mouth of the River Lyn, down-river of the confluence of the East Lyn and West Lyn rivers. The harbour is accessed through a narrow channel which is scoured and maintained by river flow. A low-lying causeway, which also acts as a training wall, borders the channel and was historically used as a low water berthing area. The navigation channel is marked with wooden pile-markers, the entrance to the harbour's berthing area is marked with port and starboard posts with navigation lights. Given the open nature of the harbour mouth, at high water, swell waves can penetrate up-river and into the harbour's berthing area.

The harbour itself is comprised of a stone pier on the west side, which is also the location of the 'Rhenish Tower' a reconstruction of an historic landmark and Aid to Navigation. To the east, the harbour is bounded by a harbour arm forming a semi-enclosed harbour. The harbour arm also serves to separate the harbour berthing area from the River Lyn. The harbour dries at low water and is accessible approximately two hours either side of high water (depending on the tidal state and vessel draught).

Lynmouth Harbour's primary activity is as a safe haven for privately owned and operated pleasure craft, the harbour accommodates approximately 30 to 40 vessels. As the harbour dries, the vessels must be able to safely take the bottom.

The harbour offers moorings for the local community (12 mile radius) and a very small number of commercial fishing or tourism boats. Catches are landed in the harbour or at nearby ports on the Bristol Channel.

A small but increasing number of visiting boats are using the harbour in season.

The harbour has two slipways, one at its landward end and one running along the inner side of the Pier. These slipways provide access for tenders and trailer

Commented [MS6]: Is this correct? During the audit we said no catch was landed.

launched craft. Navigation up-river is restricted by the air-draught of the footbridge connecting the east and west sides of Lynmouth.

4.0 Authority, Responsibility & Organisation

4.1 Harbour Board

Overall strategy of the harbour is managed via the North Devon District Council Harbour Board. Lynton and Lynmouth Town Council, via a sub-committee known as The Harbour Users Group, locally manage the facility under delegated authority from North Devon Council.

This Harbour Users Group Committee consists of two elected councillors and independent community members. The Board meets at least two times per year.

4.3 Duty Holder

The role of Duty Holder as defined in the Port Marine Safety Code is **North Devon District Council**. The Duty Holder for Lynmouth Harbour is responsible under the Code for the following:

- o Being aware of the organisation's powers and duties under the Code;
- o Ensuring that this MSMS is in place and up to date;
- o Appointing a Designated Person to monitor and report on the effectiveness of the MSMS;
- o Appointing competent people to manage marine safety;
- o Ensuring the management of marine safety continuously improves by publishing a 'Lynmouth Harbour Marine Safety Plan' and reporting performance against the objectives and targets set; and
- o Report compliance with the Code to the Maritime and Coastguard Agency (MCA) on behalf of Lynmouth Harbour every three years.

4.4 Designated Person

The role of Designated Person as defined in the Port Marine Safety Code is **the Head of Resources, North Devon District Council**. The Designated Person for Lynmouth Harbour is responsible under the Code for:

- o Determining through evaluation of Audit information if the MSMS is being effectively applied at the Harbour; this is achieved by:
 - o Monitoring the Internal PMSC Audits on a quarterly basis; and
 - o Monitoring External PMSC Audits;
- o Attending Harbour Board meetings; and
- o Reporting the status of the Harbour to the Duty Holder.

Commented [MS7]: Is this the 'Ilfracombe Harbour Board' ?

At the moment, the wording seems to refer to the 'Harbour User Group' which I understand to be a local forum.

Would suggest Section 4.2 is updated to match the current arrangement.

Commented [GC8]: Board not aware of this I think, will raise at next board meeting on June 4th. There is no standing agenda item relating to Lynmouth at present. Please remove until confirmed.

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4.4 Marine Advisor

A marine advisor is appointed by NDC to assist the Organisation's Officers with matters of Marine Safety. The role of the Marine Advisor is to:

- Act as the Suitably Qualified and Experienced Person (SQEP) for marine safety, marine navigation and port operations; and
- Provide advice to the Organisations officers on the discharge of the Council's responsibilities as a Marine Asset Owner under the Port Marine Safety Code.

4.5 The Organisations Officers

There is no locally employed Harbour Master. The responsibility for implementation of plans, policies and procedures in Lynmouth Harbour rests with the Town Clerk, the Council Works Foreman and their staff. The delegation of responsibilities is in accordance with the detailed job description held for each officer. The following provides marine safety responsibilities.

4.5.1 Town Clerk

The Town Clerk is accountable to the Duty Holder for the discharge of the role in accordance with the standard of the Code. The appointee is responsible for delivering the Marine Safety Policy (See Section 1). The Town Clerk's duties in respect of marine safety include:

- Monitor all matters related to marine safety.
- Manage and update the Marine Safety Management System (MSMS). Ensure all MSMS documentation and certification is controlled, up-dated and distributed.
- Bring to the attention of the Duty Holder any resources and support required to maintain standards of marine safety. Subsequently, identify areas where extra resourced are required and bid for funding. Where support is lacking, bring the situation to the attention of the Designated Person.
- Ensure marine risk assessments are in-date and reviewed in line with industry best practice.
- The recording and proportionate investigation of marine incidents/accidents.
- Ensure that all staff with marine safety responsibilities and duties are trained in accordance with the safety training and familiarisation procedures, using accredited competence standards where appropriate.
- Comply with the directions from the General Lighthouse Authorities (Trinity House) and supply information and returns as required.
- Undertaking Pier and Harbour Arm safety inspections, including the checking of Aids to Navigation.
- Ensure the effective maintenance, repair and replacement of Aids to Navigation.

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- Programme hydrographic surveys and dredging in consultation with the operational requirements.
- Carry out formal and informal liaison with harbour users.

4.5.2 Council Works Foreman and Staff

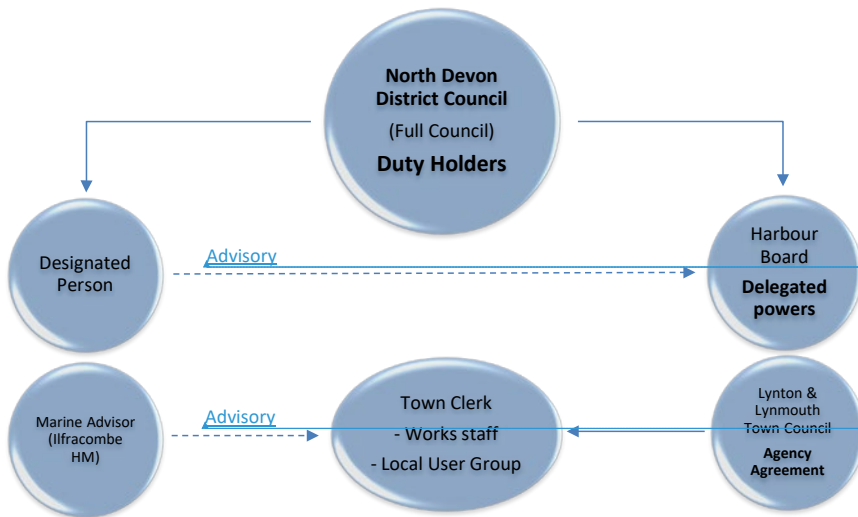
Other officers of the organisation with marine safety responsibilities including Council Operatives have particular responsible for:

- Identifying and proposing solutions to any hazard to safe berthing and safety in the workplace.
- The reporting of any harbour or marine incidents/accidents.
- Participation in Oil Spill Response & Emergency Response (including exercises).
- Undertaking maintenance of equipment/machinery in accordance with published schedules. Where relevant arranging for external maintenance to be conducted.
- Contributing towards maintaining overall marine safety awareness.

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4.5.3 Organogram



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4.6 Training

The standard of port services the harbour delivers is influenced by the quality of its personnel. The harbour authorities are committed to providing training and development opportunities for all personnel as necessary. [The following provides a training matrix for Council staff with harbour related duties.](#)

Qualification / Course / Experience	Duty Holder	Marine Advisor	Town Clerk	Ferryman	Council Works Staff
MCA Level 2 – Oil Spill Sorbents & Equipment Responder	▲	O	E	E	E
GMDSS Short Range Certificate (SRC) Very High Frequency (VHF) Operator's Licence	▲	E	E	E	O
Harbour Master training (options include): <ul style="list-style-type: none"> ○ IDG Maritime Harbour Master Training ○ International Diploma for Harbour Masters ○ Cert. of Competence UK Harbour Masters' Association 	▲	E	O		
Marine Risk Assessment training	▲	E	E	O	
PMSC Duty Holder Training	E	E	O		

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Key

E Essential

O Optional (depending on role)

* The Marine Advisor is the Council's Ilfracombe Harbour Master

~~A voluntary Visitors Log detailing particulars of each boats arrival is maintained by the Town Clerk via a local business on the Harbourside.~~

4.6 Data Protection

Details of all persons and their vessels using Lynmouth Harbour will be maintained and managed by Lynton and Lynmouth Town Council. No personal data will be shared unless specifically authorised by the individual.

A voluntary Visitors Log detailing particulars of each boats arrival is maintained by the Town Clerk via a local business on the Harbourside.

5.0 Health & Safety at Work

The harbour authority is committed to ensuring the health, safety and welfare of its employees.

The harbour authority accepts its responsibilities for other persons not in their employment who may be affected by the harbour authority's activities by ensuring they are not exposed to undue risks to their health and safety.

Life-saving and buoyancy appliances are provided and placed in locations on the quayside. Regular inspections of these appliances are maintained and logged with a formal check of all appliances being made on a monthly basis

Where any damage or faults to the harbours infrastructure or equipment are observed, these are logged and promptly addressed.

Operating procedures, systems of work and general guidance notes to staff are contained as appendices in the folder holding this document. Any amendments or additions to the procedures outlined in this document are brought to the attention of harbour staff prior to implementation.

Staff safety briefings, at which each member of staff is given the opportunity to raise any safety related issue of concern, are held at regular intervals.

6.0 Conservancy

6.1 Navigational Aids

The navigational lights in the approach to Lynmouth Harbour are owned by the Harbour Authority and inspected by Trinity House.

Wooden channel markers in the approach to the Harbour are owned by the Harbour Authority and maintained by the Agency.

6.2 Wrecks

In the event of a vessel becoming a wreck in or near the approaches to Lynmouth Harbour the MCA will be immediately notified. The vessel owner will sought to salvage or remove the vessel. harbour authority will mark the wreck and if necessary exercise powers to remove it.

Commented [MS9]: You can only do this if you are a Harbour Authority. Suggest removing this statement.

In this respect a Risk Assessment will be undertaken to evaluate the danger to navigation that the wreck presents.

6.3 Admiralty Charts

Admiralty chart [AC1160-1 and AC1165-0] includes Lynmouth Harbour and its approaches.

6.4 Hydrography

Records of harbour berths are maintained and kept at Lynton Town Hall Council Office.

Regular visual inspections of the harbour basin, specifically in areas subject to high silt build-up and high use, are undertaken by the Town Clerk and Works Foreman.

6.5 Dredging

Maintenance dredging of berths, causeway and harbour access is undertaken annually in Spring and more often if required.

6.6 Notices to Mariners

Notices to Mariners are issued by the Town Clerk as and when required. Copies of these notices are sent to relevant people & organisations that regularly use the harbour.

7.0 Marine Environmental Protection

Hazardous or dangerous cargoes are not currently handled at Lynmouth Harbour.

8.0 Pilotage Operations

No Pilotage service is available at Lynmouth Harbour.

9.0 Port Security

Lynmouth Harbour has no official Port Security Plan in force.

The Lynmouth Harbour Users Group meet at least twice per year or at any other time as and when required and address security issues as they arise.

Boats calling at Lynmouth Harbour notify the Council of all relevant security information on their arrival. These notification sheets are maintained in the Town Hall.

10.0 Enforcement & Prosecution

The Harbour has no statutory powers to regulate conduct of vessels, harbour users, commercial operators and visitors within its designated area of jurisdiction. The ~~harbour authority~~ Council however will take firm action, including legal action where appropriate, against people or organisations who flout the law or act irresponsibly.

The ~~harbour authority~~ Council will carry out enforcement and prosecution in a fair, equitable and consistent manner and will liaise with other enforcement bodies as appropriate.

A 24-hour mobile telephone is maintained by the Town Council to respond to any emergency situations.

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11.0 Emergency Contingency Planning

The Merchant Shipping (Oil Pollution Preparedness Response and Co-operation Convention) Regulations, 1998 requires an Oil Pollution Preparedness, Response and Co-operation Plan (OPRC Plan) to be in place for all facilities that meet the definition with the regulations.

The OPRC Plan must be approved by the A-Maritime and Coastguard Agency (MCA) and renewed on a five-yearly basis.

The plan must be in place for any Statutory Harbour Authority with a turnover of £1 Million, or facilities handling ships of 400 Gross Tonnes or Oil Tankers of over 150 Gross Tonnes, or a facility that in the Secretary of States opinion has a significant risk of discharging over 10 tonnes of oil. Or any harbour or oil handling facility that the Secretary of State has served notice stating that their maritime activities are located in a significant environmentally sensitive area and where a discharge of oil or other substances could cause significant economic damage. It is the Council's view that Lynmouth Harbour does not meet any of these conditions, and therefore an OPRC Plan approved Oil Spill Contingency Plan is not in place.

The harbour however, has access to a basic stock of oil pollution equipment including absorbent material and personal protective equipment located at the nearby HM Coastguard office. This is facilitated through local arrangement. [via Coastguard nearby]

12.0 Incident Reporting & Investigation

The ~~Harbour Manager~~ [Town Clerk] will maintain a log of any incident or accident reported. If the incident is reportable this will be carried out under the RIDDOR regulations (to the HSE) or to the MAIB following Marine Guidance Note 564 'Marine casualty and marine incident reporting'. For guidance on reportable incidents, the Marine Advisor or Council Health and Safety Advisor will be contacted.

Where appropriate an investigation into the causes of an accident will be carried out. Photographic or physical evidence together with written statements will be collected as necessary. Where necessary the Marine Accident Investigation Branch and Health and Safety Executive will be informed.

The Police will take primacy in any investigation involving death or crime. In the event someone dies at or in the harbour, a number of organisations will be informed. The Police will be called, and the Council will assist as directed. A police investigation may also be necessary to establish if other criminal offences have been committed. The Council maintains close liaison with local police contacts.

13.0 Audit & Review

The Harbour Authority acknowledges the process of port marine safety assessment is continuous and on-going. New hazards and changing risks should be identified promptly and addressed.

Independent audits of the Lynmouth Harbour [MSMS Safety Management System](#) and level of compliance with the Port Marine Safety Code are carried out.

Internal audits by the Council's Health and Safety Advisor of the [MSMS Safety Management Systems](#) and compliance with Health and Safety standards are carried out.

The Lynmouth Harbour User Group, which meets at least twice per year, are routinely updated on any matters pertaining to safe port marine operations and the harbour's compliance with the PMSC.

A bi-annual review of the operational procedures and the effectiveness of this [Safety Management System MSMS](#) is undertaken by the Harbour Manager.

Harbour staff, fishermen and harbour users are encouraged to immediately report any health & safety related issue to the Chair of the Harbour Users Group or the Town Clerk as Harbour Manager.

Additional checks and reviews of Port Marine Safety Code requirements are conducted by the Chief Executive, North Devon District Council.

An annual review is undertaken by Zurich, the current Insurance underwriters for the Harbour.

Environmental Management: Natural England / Marine Management Organisation.

14.0 Risk Assessment

The Town Clerk, supported by the Harbour User Group, create and review risk assessments for Lynmouth Harbour. A 'Lynmouth Harbour Risk Register' is maintained which details the risk assessments and control measures.

The process of assessment is continuous and reflective, so that new hazards to navigation and marine operations are identified and properly addressed. Central to the risk management process is the concept of reducing risk to a level which is considered to be 'As Low As Reasonably Practical' (ALARP).

Lynmouth Harbour's risk assessments are either reviewed as new risks emerge or identified; or following an incident in which our assessments have proven to be sub-optimal, or annually, whichever is the most frequent.

4.1. Dynamic Risk Assessment

All activities undertaken by the Council are conducted with an ethos of continual dynamic risk assessment. Before carrying out a task in response to a new or urgent situation, an assessment of the potential outcome is taken by the individual. The fundamental understanding of dynamic risk assessments is that any activity may be stopped at any time if a hazard is perceived as:

- o Unexpected and not accounted for;
- o Makes the activity more difficult than expected due to surrounding influences;
- o Changes the purpose or goal of the activity; and
- o Increases the time required to complete the task beyond the expected period.

The experience from dynamic risk assessments is used in the risk review process, with new assessments created in Lynmouth Harbour Risk Register for ongoing hazards.

15.0 Consultation

The Code requires organisations to maintain consensus with users and stakeholder regarding marine operations. To fulfil this requirement the Council consults with harbour users and other interested stakeholders. Most of this will be carried out as ad hoc, informal liaison. The following organisations and individuals are regularly contacted:

- o The Lynmouth Harbour User Group;
- o The HM Coastguards Lynmouth; and
- o Local nature conservation groups.

The Council has a notice board for the display of Local Notice to Mariners.

164.0 Supporting Documents

This document provides an overview of procedures in place to manage safety within the harbour. Other supporting documents include:

- o Lynmouth Harbour Risk Register
- o Lynmouth Harbour Risk Assessments
- o A Guide to Good Practice on Port Marine Operations (prepared in conjunction with the Port Marine Safety Code). Published by the Department for Transport
- o Approved Code of Practice (ACOP) 'Safety in Docks'. Published by the Health and Safety Executive
- o Safe Harbour Operations Manual
- o SIP021 – Guidance on Safe Access to Fishing Vessels and Small Craft in Ports

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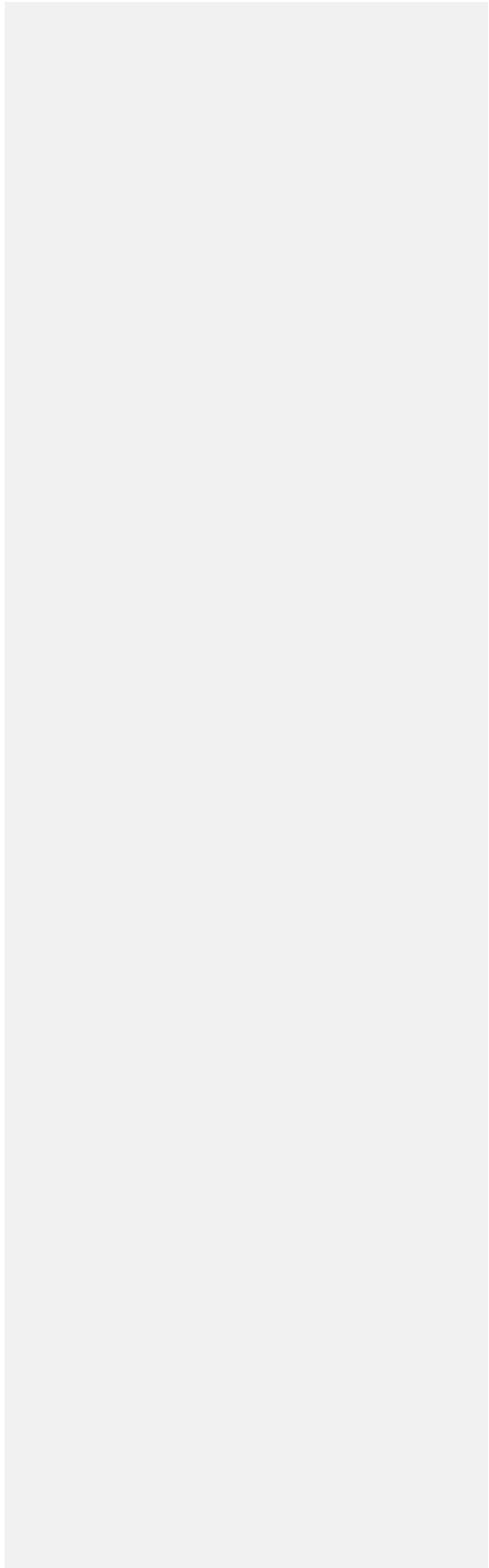
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NORTH DEVON COUNCIL

Open for publication

REPORT TO: THE HARBOUR BOARD

Date: 2nd February 2021

TOPIC: HARBOUR STANDARD OPERATING PROCEDURES – DIVING OPERATIONS

REPORT BY: HARBOUR MASTER

1 INTRODUCTION

- 1.1 Under the Port Marine Safety Code (PMSC) it is a requirement for compliance that this code as implemented by Ilfracombe Harbour undergoes a 3 yearly External Audit.
- 1.2 This external audit was undertaken this year and the audit findings were published in July 2020.
- 1.3 An Observation was raised within the audit report to the lack of concise Standard Operating Procedures (SOP) in relation to Diving Operations both Commercial and recreational
- 1.4 It has been recommended that an SOP be developed to collate the practices already in place into a clear and practical operating procedure and that this be adopted to show best practice

2 RECOMMENDATIONS

- 2.1 That the board adopts the Diving Operations SOP presented.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To show that Ilfracombe Harbour is following industry best practice.

4 REPORT

- 4.1 Since the implementation of the PMSC in 2000 following the lessons learnt from the grounding of the Sea Empress in 1996 Statutory Harbour Authorities who comply with the code are required to undertake a 3 yearly external audit to show how the PMSC is being implemented within their own jurisdictions.
- 4.2 The recent external audit showed that Ilfracombe Harbour was in compliance with the PMSC with no non-conformities and 82 'Satisfactory' findings this

being a system component that meets or exceeds the requirement of the Code. However the audit also found 35 Observations with recommendation suggestions on how best to rectify these control weaknesses.

4.3 As Harbour Master I have approved that these observations are valid and as such SOPs are being developed on the subjects above to demonstrate the Harbours commitment to comply with the PMSC and maintain industries best practice.

4.4 A SOP has been developed that being for Diving Operations that now requires a final review at board level before being adopted.

4.5 There are no other options to be considered.

4.6 There are no risks in adopting the recommendation.

4.7 I have concluded that the above document has been developed in line with industries best practice and have collated all respective current operating procedures into one SOP and are in line with current accepted guidance and uphold the current legislative regulations.

4.8 There is no impact on the community in adopting the recommendation.

5 RESOURCE IMPLICATIONS

5.1 There are no financial or manpower implications contained within the documents.

6 EQUALITIES ASSESSMENT

6.1 There are not any equalities implications anticipated as a result of this report.

7 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Part 3, Annexe 1, 6(2)	Delegated

8 STATEMENT OF CONFIDENTIALITY

8.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9 BACKGROUND PAPERS

9.1 The following background papers were used in the preparation of this report:

- Port Marine Safety Code and accompanying Guide to Good Practice
- Ilfracombe Harbour external PMSC audit report

The background papers are available for inspection and kept by the author of the report.

10 STATEMENT OF INTERNAL ADVICE

10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

Author: Capt. Georgina Carlo-Paat Date: 15 January 2021
Reference: Document5

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ILFRACOMBE HARBOUR

DIVING OPERATIONS

STANDARD OPERATING PROCEDURE # 04

NORTH DEVON COUNCIL

AUTHORED BY: HARBOUR MASTER

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 4.2 A BRIEF GUIDE TO COMPLYING WITH HEALTH AND SAFETY LAW 3

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7.0 RECREATIONAL DIVING..... 6

 7.1 DIVE PERMISSION: TERMS & CONDITIONS 6

8.0 PERMITTED DIVE LOCATIONS FOR RECREATIONAL DIVING..... 7

1.0 Document Control

This SOP is subject to a 2 yearly review and periodic amendment as required.

Major changes will be issued as a new version with all minor amendments to that version annotated by a decimal point e.g. V2 will become V2.1, V2.2 etc.

DATE	Review(R) Amendment(A)	Description of changes

Diving in any situation can be a dangerous activity. Divers are exposed to the possibility of drowning but also to hazards associated with pressure, the environmental conditions, the dive location, the work task being carried out and the equipment being used. However, with proper planning and appropriate safety precautions in place, diving can be carried out safely.

In compliance with the Port Marine Safety Code and the Guide to Good Practice section 6.7.3 and Ilfracombe Harbours Marine Safety Management Plan section 7.2

This Standard Operating Procedure (SOP) has been developed to give guidance to the requirements for diving activities within the Harbours jurisdiction for both commercial and recreational projects.

3.0 Permission to Dive

No person/s shall undertake any underwater or diving activities of any kind within the Harbour jurisdiction without valid permission to dive being granted from the Harbour Master or their representative.

Dive request forms can be obtained from the Harbour Office or downloaded from the Ilfracombe Harbour website here <https://www.northdevon.gov.uk/business/ilfracombe-harbour> and should be submitted as stated within this SOP to the Harbour Office and authorisation granted prior to any activity taking place.

The Diving Regulations apply when at least one diver taking part is at work. They do not apply when there are no divers at work. Therefore, recreational diving will generally only fall within these Regulations when an instructor is being employed to dive in order to teach students, or where an appropriately qualified diver is employed to guide a dive party.

HSE Guidance can be downloaded here:

4.1 HSE Diving at Work Regulations 1997

<https://www.legislation.gov.uk/ukxi/1997/2776/contents/made>

4.2 A brief guide to complying with health and safety law

<https://www.hse.gov.uk/pubns/indg266.htm>

Further guidance can be found here:

4.3 Commercial diving projects inland/inshore

Diving at Work Regulations 1997. Approved Code of Practice and guidance

<https://www.hse.gov.uk/pubns/books/l104.htm>

4.4 Recreational diving projects

Diving at Work Regulations 1997. Approved Code of Practice and guidance

<https://www.hse.gov.uk/pubns/books/l105.htm>

4.5 Media diving projects

Diving at Work Regulations 1997. Approved Code of Practice and guidance

<https://www.hse.gov.uk/pubns/books/l106.htm>

4.6 Scientific and archaeological diving projects

Diving at Work Regulations 1997. Approved Code of Practice and guidance

<https://www.hse.gov.uk/pubns/books/l107.htm>

4.7 Marine licensing guidance for recreational divers

<https://www.gov.uk/government/publications/marine-licensing-guidance-for-recreational-divers>

- 5.1 *Diver* means a person at work who dives; for the purposes of this Code a person 'dives' if (a) they enter (i) water or any other liquid; or (ii) a chamber in which he is subject to pressure greater than 100 millibars above atmospheric pressure; and (b) in order to survive in such an environment, they breath in air or other gas at a pressure greater than atmospheric pressure.
- 5.2 *At work* means as an employee or as a self-employed person. The phrase covers divers who dive as part of their duties as an employee and divers who are in business on their own account during the time that they devote themselves to work as a self-employed diver. Diving does not have to be the main work activity of the employee or the self-employed person.
- 5.3 *Competent person* means, that a person, having regard to the task (diving and/or working while diving) he or she is required to perform, and taking account of the size or hazards (or both of them) of the undertaking in which he or she embarks, possesses sufficient training, qualifications, experience and knowledge appropriate to the nature of the work and diving method to be undertaken. Evidence of past experience in organising a diving project in a safe and effective manner and appropriate qualifications would be ways of demonstrating competence. The person selected will also need the authority and resources effectively to discharge those duties. The duties will remain with the employer, who should be satisfied that the person selected will be able to perform the duties on their behalf without risk to that person or the dive team.
- 5.4 *Diving operation* is the portion of a diving project identified in the diving project plan that can be safely supervised by one diving supervisor. An operation can be made up of either a number of dives or just a single dive. It will normally be clear what this portion of work is, but factors such as the task, the site conditions and the diving methods and techniques to be used contribute to making the decision. For example, a 28-day diving project might be made up of 40 diving operations. Members of a dive team are engaged in a diving operation from the time that they start preparing plant, equipment or personnel for diving until any associated routine decompression is completed.
- 5.5 *Diving project* is the term used for the overall diving job, regardless of its duration. Depending on the size of the diving project, it can be made up of one or more diving operations. The diving project does not necessarily finish once the last diver has returned to atmospheric pressure. Many decompression procedures require the diver to remain in the close vicinity of a compression chamber for a specified time in case there is need for the treatment of symptoms of decompression illness. The diving project is only completed once that time period has expired.
- 5.6 *Reasonably practicable*, in relation to the duties of an employer, means that an employer has exercised all due care by putting in place the necessary protective and preventive measures, having identified the hazards and assessed the risks to safety and health likely to result in accidents or injury to health at the place of work concerned, and where the putting in place of any further measures is grossly disproportionate having regard to the unusual, unforeseeable and exceptional nature of any circumstance or occurrence that may result in an accident at work or injury to health at that place of work.

Appendix A

Commercial Diving Operations carried out within the jurisdiction of Ilfracombe Harbour are conducted in strict compliance with the “Diving at Work Regulations 1997” (DWR) and Approved Code of Practice for Commercial Diving Projects Inland/ Inshore L104 (Second edition).

Diving Contractors and the clients of commercial divers are reminded that under Regulation 4 of the DWR 1997, Harbour Authorities have a general responsibility to take reasonable measures to ensure that commercial diving operations within their jurisdiction are undertaken safely and in accordance with the regulations;

‘Every person who to any extent is responsible for, has control over or is engaged in a diving project or whose acts or omissions could adversely affect the health and safety of persons engaged in such a project, shall take such measures as it is reasonable for a person in his position to take to ensure that these Regulations are complied with.’

Under Regulation 8 of the 1997 regulations, the diving contractor is responsible for ensuring that a risk assessment is carried out and a diving project plan is prepared. The risk assessments must identify and address site specific hazards and their risks. During this process the Diving Contractor will determine the appropriate diving methods and equipment to be used.

When planning a dive project within the Harbour the Diving Contractor must consult with the Harbour Master, and if applicable, the representative of any other organisation having temporary control of the site, before permission to dive can be granted.

The consultation must be undertaken no less than 2-days prior to commencement of the planned dive project to allow sufficient time for the Harbour Master, and where applicable, any other organisation’s representative to review the documentation and advise on any procedures or arrangements that must be complied with and where appropriate agree any additional measures deemed necessary, such as publishing a Notice to Mariners.

In order to comply with the DWR, all commercial diving operations within the harbour jurisdiction must have the appropriate “Permission to Dive” issued by the representative of the organisation having control of the site prior to commencing any dive operation. In most instances this will be the Harbour Master.

The Dive Contractor also requires the permission of the harbour office before any diving commences and they must also be informed when diving is concluded.

In more urgent circumstances where harbour diving services are required and there is insufficient time to contact the Harbour Master, the deputy Harbour Master must be consulted and it is their responsibility to review the required documentation prior to issue of a “Permission to Dive”.

Within 48-hours of the dive project commencing the persons seeking the permission to dive shall forward copies of the documentation to the Harbour Master by email to harbourmaster@northdevon.gov.uk for the information and attention of the Harbour Master. In all instances the person issuing the dive permission shall retain copies of the Dive Plan, Risk Assessment and Dive Permission

Dive Contractors are reminded that Harbour Authorities are required to report instances of non-compliance of the Regulations initially to the client of the Diving Contractor and ultimately, to the Health & Safety Executive.

Health & Safety legislation does not extend to the private individual diving for recreational purposes however, recreational diving will generally only fall within the DWR 1997 when an instructor is being employed to dive in order to teach students, or where an appropriately qualified diver is employed to guide a dive party.

As such all recreational diving being undertaken by a dive club or dive business for recreational purposes must have permission to dive prior to the dive activity taking place. If permission to dive is granted a Diving Permit will be issued.

The Dive permit is subject to the terms and conditions as set out below.

The Harbour Authority accepts no liability whatsoever in respect to recreational diving and reminds divers, dive operators and diving organisations of their responsibilities to assess the risks and conduct all operations in accordance with the appropriate procedures at all times.

7.1 Dive Permission: Terms & Conditions

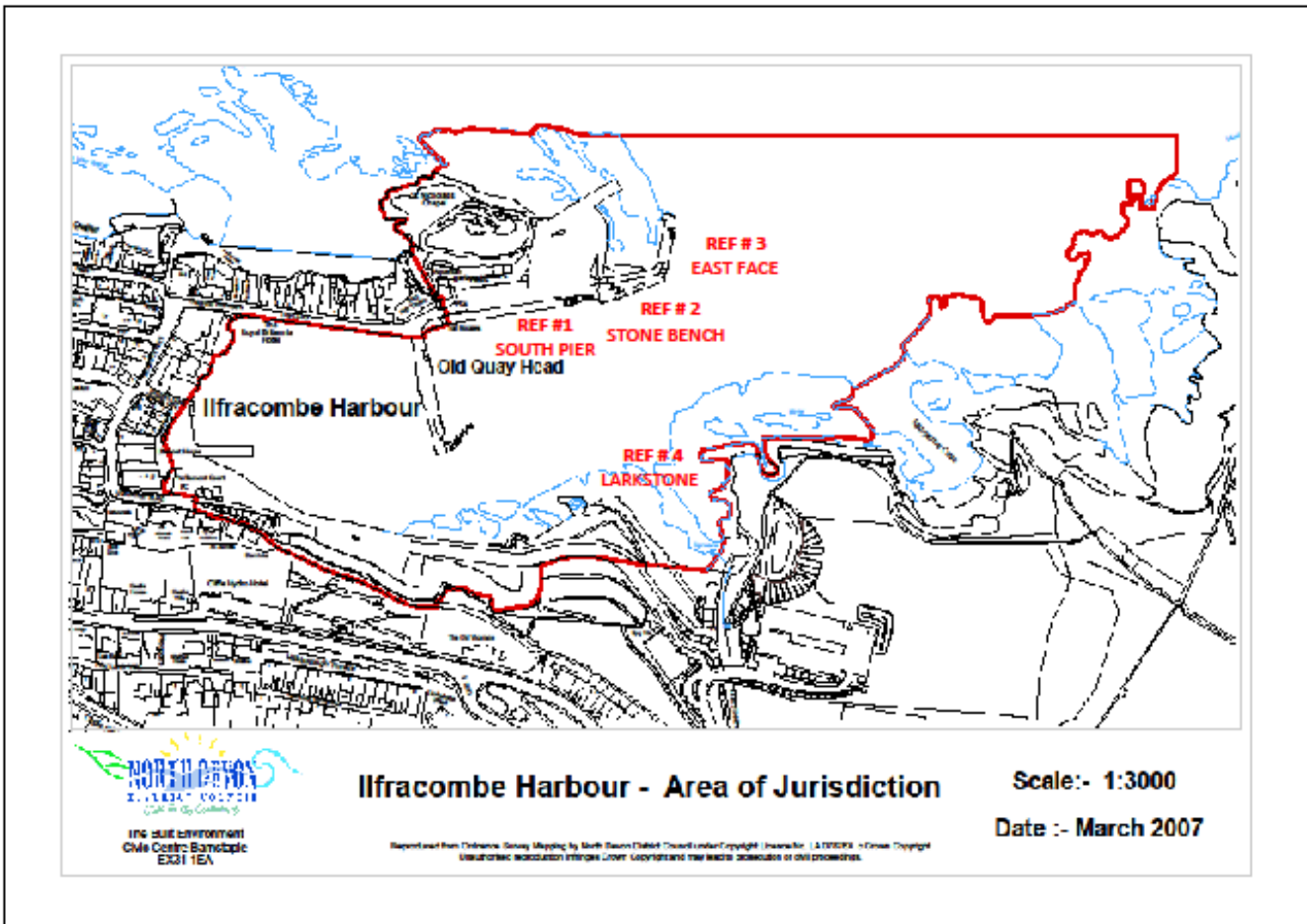
1. The permission to dive request form is to be submitted no later than 24 hours in advance of the activity with associated risk assessments and other documents as stated in 4.0 on the request to dive form for the attention of the Harbour Master by email to harbourmaster@northdevon.gov.uk
2. Permission to dive is valid only for the periods specified on the request form.
3. The Harbour Office is to be informed prior to the divers entering the water and on completion of the dive when all participants of the activity are clear of the water;
During Office hours: VHF Ch. 12 or by Phone/text to 07775 532606
Out of Office hours: Phone /text to 07775 532606
4. Notwithstanding anything in these Terms and Conditions any person diving within the Harbour jurisdiction shall immediately comply with any Directions given by the Harbour Master or their representative.
5. Dive permission will only be granted to members of the Clubs or Associations listed below and/or the clubs and Associations listed below for the benefit of its members
 - British Sub-Aqua Club.
 - A registered Club of the Sub-Aqua Association.
 - A Professional Association of Diving Instructors registered Diving School.

All members of the above Clubs and Associations are required to comply with “the Divers Code of Conduct” and associated safety guidance published by the British Sub Aqua Club.

<https://www.bsac.com/safety/safe-diving-guide/the-divers-code-of-conduct/>

6. All persons involved in a dive must possess insurance that provides Third Party Liability cover of minimum amount of £5,000,000.
7. The dive craft/ safety boat, if used, shall be equipped with VHF radio and shall maintain a continuous watch on Channel 12. Whilst divers are in the water the International Code of Signals flag “A” shall be exhibited.
8. If diving without boat cover then a surface marker buoy must be used.
9. The dive permit may be rescinded by the Harbour Master or their representative without notice at any time.
10. A copy of the Dive Permit, if granted, together with the Terms & Conditions is to be made available and shall be brought to the attention of every person involved in a diving operation. It shall be made readily available to the Harbour Master or their representative on demand.
11. Any breach of these terms and conditions may result in the permit being withdrawn and/or criminal proceedings.

8.0 Permitted Dive Locations for Recreational Diving



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NORTH DEVON COUNCIL

Open for publication

REPORT TO: THE HARBOUR BOARD

Date: 2nd February 2021

TOPIC: MARINE SAFETY PLAN

REPORT BY: HARBOUR MASTER

1 INTRODUCTION

- 1.1 Under the Port Marine Safety Code (PMSC) it is a requirement for compliance that the Harbours produce and publish a Marine Safety Plan laying out an overview of safety management and objectives for a 3-year period.
- 1.2 Historically this safety plan has been included within the Ilfracombe Harbour Business plan which is reviewed annually.
- 1.3 It is industry best practice to keep the Marine Safety Plan as a separate document.

2 RECOMMENDATIONS

- 2.1 That the board adopts the Marine Safety Plan presented.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To show that Ilfracombe Harbour is following industry best practice.

4 REPORT

- 4.1 Since the implementation of the PMSC in 2000 following the lessons learnt from the grounding of the Sea Empress in 1996 Statutory Harbour Authorities who comply with the code are required to produce and publish a Marine Safety Plan for a period of 3 years.
- 4.2 With the safety plan being historically incorporated within the Harbour business plan this has resulted with a mix of Marine and Non-Marine objectives which does not follow industry best practice.
- 4.3 To continue to bring Ilfracombe Harbour more in line with best practice a separate Marine Safety Plan with Marine management objectives only has now been produced.
- 4.4 There are no other options to be considered.

4.5 There are no risks in adopting the recommendation.

4.6 I have concluded that the above document has been developed in line with industries best practice.

4.7 There is no impact on the community in adopting the recommendation.

5 RESOURCE IMPLICATIONS

5.1 There are no financial or manpower implications contained within the documents.

6 EQUALITIES ASSESSMENT

6.1 There are not any equalities implications anticipated as a result of this report.

7 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Appendix 5 6(a)	Delegated

8 STATEMENT OF CONFIDENTIALITY

8.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9 BACKGROUND PAPERS

9.1 The following background papers were used in the preparation of this report:

- Port Marine Safety Code and accompanying Guide to Good Practice

The background papers are available for inspection and kept by the author of the report.

10 STATEMENT OF INTERNAL ADVICE

10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

Author: Capt. Georgina Carlo-Paat Date: 22 January 2021
Reference: Document5



ILFRACOMBE HARBOUR MARINE SAFETY PLAN

Version 1.0

Adopted by Harbour Board *DRAFT*

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7.0 MANAGEMENT TARGETS.....	4
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7.2 PERIOD TARGETS	4

1.0 DOCUMENT CONTROL

This plan is subject to a triannual (3 yearly) review and periodic amendment as required

Major changes will be issued as a new version with all minor amendments to that version annotated by a decimal point e.g. V2 will become V2.1, V2.2 etc.

Amendment proposals should be sent to the Harbour Master using the following means:

Email: harbourmaster@northdevon.gov.uk

Phone: 01271 862108

Post: Harbour Masters Office, The Quay, The Pier, Ilfracombe EX34 9EQ

1.1 RECORD OF REVIEWS & AMENDMENTS

<i>Review (R) Amendment (A)</i>	Date	Description of changes

2.0 LEGAL REQUIREMENT

Under the Health and Safety at Work etc. Act 1974 (HSW Act), employers, people in control of premises, the self-employed and employees must ensure the health and safety of others and themselves so far as is reasonably practicable.

3.0 INTRODUCTION

In compliance with the requirements of the Port Marine Safety Code (PMSC), The Harbour Board as a committee of North Devon District Council (NDDC) who are the Statutory Harbour Authority and Duty Holders for Ilfracombe harbour, publishes the following Marine Safety Plan for Marine Operations.

This plan is for the period 2021 -2023.

In order to conduct marine operations in a safe and effective manner the Harbour Board has in place a more comprehensive overview of the structure and management of Ilfracombe Harbour contained within the Marine Safety Management System (MSMS) through the application of a range of Marine Policies and Procedures.

4.0 MARINE POLICIES & PROCEDURES

The Harbour Board have adopted several Policies and Procedures in support of the MSMS and to ensure compliance with the PMSC. These documents are then submitted to NDDC for approval as Duty Holders. All such documents are reviewed regularly, following any changes to operations or following post incident investigation.

A full list of these Policies and Procedures can be obtained on request for the Harbour Office.

5.0 MANAGEMENT OF MARINE OPERATIONS

This Marine Safety Plan in conjunction with the Safety Policy commits NDDC and therefore the Harbour Board to undertaking the management and regulation of marine operations within the scope of its powers and authority in a way that safeguards the harbours infrastructure, users of the Harbour, the public and the environment.

Safety is paramount and in managing marine navigation and operations the Harbour Board will undertake its role and responsibilities to ensure that, whenever possible, they provide efficient and effective services to both commercial and leisure vessel movements in the Harbour.

6.0 MARINE SAFETY PLAN OBJECTIVES

The following objectives have been set for the three year period ending January 2024.

- To keep under review the powers and duties in order to ensure the harbour can best regulate and conserve safe navigation within its area of jurisdiction.
- The MSMS will be maintained on the basis of a comprehensive risk analysis process following the ALARP (As Low As Reasonably Practicable) principle and a framework for continuous improvement of safety performance.
- Detailed risk assessments both proactive and reactive of new and existing marine operations and services as required and kept under the review schedule.
- The audit schedule as contained within the MSMS by the Designated Person is maintained.
- All audit findings will, in a timely manner, correct any deficiencies and implement any safety enhancements identified.
- All Aids to Navigation are maintained to meet the standards required as set by International Association Lighthouse Authority (IALA) and administered by Trinity House.
- Maintain training and continuing professional development for marine staff.
- Maintain and exercise the Marine Emergency plan and procedures including the Oil Spill Contingency Plan ,Harbours Security Plan and Business Continuity Plan
- The investigation of all reported marine incidents
- Maintain liaison and consultation with the Harbour Forum and other Harbour users.

7.0 MANAGEMENT TARGETS

7.1 STANDING TARGETS

No.	Service Provision/Activity	Target
1	Navigational and Marine Incidents	Through reporting, investigation and analysis ensure all risk assessments, procedures and guidelines are appropriate to prevent any major navigation or pollution incident. All Marine Incident Report investigations to be completed within one month.
2	Conservancy & Hydrographic Surveys	<u>Aids to Navigation</u> Meet the availability targets of IALA <u>Hydrographic Surveys</u> Complete monthly NAABSA (Not Always Afloat but Safely Aground) Berth surveys within 10% of due date.
3	Audit MSMS	Ensure Audit schedule is maintained and any deficiencies are rectified in a timely manner or reasons for delay to be reported to the Board on a quarterly basis.
4	Liaison & Consultation with stakeholders	Ensure good communications on Marine safety matters with Harbour user groups Minimum 75% attendance at Harbour Forum meetings to be achieved.

7.2 PERIOD TARGETS

No.	Project /Activity	Target
1	CCTV Upgrade installation	June 2021
2	Investigate and compile a standard operating procedure for the management of safe navigation within the Harbour Jurisdiction to include the addition of the proposed water sports Centre in Larkstone Cove.	March 2022
3	Review, update and achieve MCA approval of Oil Spill Contingency Plan	May 2022
4	Prepare and implement Incident Management Exercise for Oil Spill Response	March 2022

