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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 in the Ilfracombe Centre - Ilfracombe on **TUESDAY, 3RD MAY, 2022 at 2.00 pm.**

Members of the Harbour Board

Councillor Fowler (Chair)

Councillors Campbell and Turton

Co-opted Members:

Martin Cleary, Bert Gear, Tim Gibbs and Nigel Thomas

### **AGENDA**

1. Apologies for Absence
2. To approve as a correct record the minutes of the meeting held on 1 February 2022 (Pages 5 - 10)  
(attached).
3. Items brought forward which in the opinion of the Chair, should be considered by the meeting as a matter of urgency
4. Declarations of Interest  
(Please complete the form provided at the meeting or 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 room if necessary)
5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

### **PART 'A'**

6. **Quarterly Designated Person Port Marine Safety Code Audit Report Ilfracombe and Lynmouth Harbours** (Pages 11 - 14)  
Report by Health and Safety Manager (attached).
7. **Crabbing Boxes**  
Harbour Master to report.

8. **Appointment of Independent Representative to the Harbour Board** (Pages 15 - 16)  
Report by Corporate and Community Services Officer, (attached).
9. **Marine Safety Plan**  
Harbour Master to report.
10. **Aids to Navigation**  
Harbour Master to report.
11. **Infrastructure Update**  
Harbour Master to report.
  - (a) Environmental Consideration Update  
Harbour Master to report.
12. **Future Projects**  
Harbour Master to report.
13. **Harbour Community Forum update**  
Harbour Master to report.

**PART 'B'**

Nil.

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

22.04.22



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The rules that the Council will apply are:

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.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

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**NORTH DEVON COUNCIL**

Minutes of a meeting of Harbour Board held at the Ilfracombe Centre - Ilfracombe on Tuesday, 1st February, 2022 at 2.00 pm

PRESENT: Members:

Councillor Fowler (Chair)

Councillors Campbell and Turton

Co-optees:

Martin Cleary, Bert Gear, Tim Gibbs and Nigel Thomas

Officers:

Ilfracombe Harbour Master and Corporate and Community Services Officer

**44. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Wilkinson.

**45. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 16 NOVEMBER 2021 (ATTACHED)**

RESOLVED that the minutes of the meeting held on 16 November 2021 (circulated previously) be approved with the correction to the decision on Minute 35 to replace RESOLVED with "RECOMMENDED" and the addition of the wording, "and signed by the Chair".

**46. DECLARATIONS OF INTEREST**

The following declarations of interest were announced:

Councillor Fowler                      Personal interest in all items, as well as a financial interest in Item 9.

Councillor Campbell                  Personal interest in all items as on occasion worked for the Landmark Trust and Lundy Island.

**47. QUARTERLY DESIGNATED PERSON PORT MARINE SAFETY CODE AUDIT REPORT ILFRACOMBE & LYNMOUTH HARBOURS**

The Board considered the Quarterly Designated Person Port Marine Safety Code Audit report (circulated previously), by the Health and Safety Manager.

The Designated Person who was unable to attend the meeting gave his apologies. The Harbour Master confirmed that the quarterly audit found the Marine Safety

Management System was working effectively and thus was in compliance with the Port Marine Safety Code.

The Board received the following update:

- The wear plates had arrived on 22 December 2021 but there were no fixings enclosed.
- A plumbing regulator valve was on order to complete the new Fishermen's toilets.
- The New Year Day swim raised over £1000 for the RNLI, as it was so well attended there were plans to do the same next year. The Harbour Master was also in talks with the triathlon group.
- All Marine Safety Management System document had been updated to reflect that risk assessments were now stored on the North Devon Council's Corporate drive.
- A structural engineer had carried out an assessment on 28 January 2022. His initial conclusions were that the crack along the East Face was due to the original pour and was not considered unstable and just required monitoring. Confirmation of how often monitoring was required was being sought.
- Stone bench will require remedial works carried out which would have to be scheduled to take place ahead of boats going back in the harbour at the end of March 2022. The Harbour Master was waiting on the final report with the recommendations of the works to be carried out.
- The Parliamentary archives were to be investigated in the ongoing status review of Lynmouth.

The Board noted the findings in the report.

**48. ILFRACOMBE AND LYNMOUTH HARBOUR'S BUDGET TRADING ACCOUNTS 2021 TO 2022**

The Board considered the Ilfracombe and Lynmouth Harbour's Budget Trading Accounts 2021 to 2022, (circulated previously), report by the Accounts Manager.

The Harbour Master, in the absence of the Director of Resources, provided the Board with the following updates:

- The report showed actual figures for the first three quarters of the financial year 2021 along with forecast figures for the end of year.
- The overall total was in line with the budget for the year.
- The higher levels of expenditure in quarter three and predicted for quarter four were expected due to being off season and the best time to carry out maintenance works.
- There were no areas for concern within the accounts.

The Board noted the account figures.

**49. MOBILE FOOD VENDOR PITCH**

The Harbour Master gave the Board the following information in respect of a Mobile Food Vendor pitch request:

- A request had been received to place a mobile food outlet at a position on the North end of the Pier car park.
- This request was also to be discussed at the next Ilfracombe Regeneration Board meeting scheduled to be held 2<sup>nd</sup> February 2022.
- It would not be possible to assign this to one individual operator. The process of going out to tender would have to be followed.
- It would be prudent to have a regular change in operators at the site as it was such a prestigious location.

Members of the Board discussed the merits and pitfalls of allowing such a request to go ahead. It was proposed that now was not the right time to go to tender, inviting bids to operate in the carpark. If, however, the use of the Pier car park changed then the option of Mobile food vendors would be revisited.

RESOLVED that the Harbour Master not allow mobile food vendors to pitch on the Harbour.

**50. CHARGES REVIEW CONSULTATION FEEDBACK**

The Chair re-declared his financial interest in this item as he was a boat owner and Trustee of the Ilfracombe Yacht Club. He left the room during the consideration of this item.

RESOLVED that Councillor Campbell be appointed temporary Chair for this item.

The Board considered the Charges Review Consultation feedback and report, (circulated previously) by the Harbour Master.

The Harbour Master gave the Board the following update:

- There had been 98 positive responses to the proposed increase.
- Two responses received were not happy about the proposed increase on fuel charge.
- One company had suggested that a 2% late payment fee be introduced to encourage prompt payment of invoices.
- North Devon Council invoices already stipulated that there would be a late payment fee charged if an invoice was not paid within 21 days.
- North Devon Council had a fuel contract with a local company which the Harbour was obligated to use for fuel purchases.
- The refuelling of the Harbour tank was not considered a high priority by this Company which had led to a delay in deliveries of fuel.
- The Harbour Master had agreed with one local trawler company that they could bring in their own tanker to refuel and instructed that the Bunkering Procedures had to be adhered to at all times.
- The Harbour Master had requested with the legal department whether it was possible for the Harbour to pull out of the fuel contract. This would allow the

Harbour Master the ability to be able to purchase fuel at the best possible price for its users.

RECOMMENDED that;

- (a) all mooring dues and relevant miscellaneous charges be increased by 2.2%, and;
- (b) fuel charges be increased by 8% for all commercial operators and that the dual level percentage for pleasure craft be incorporated into a single price per litre.

**51. MARINE SAFETY PLAN**

The Harbour Master had no update to give on the Marine Safety Plan.

**52. AIDS TO NAVIGATION**

The Harbour Master provided the Board with an update on Aids to Navigation.

The Board heard the following update:

- The cost of replacing 200 metres of wiring and replacing two sets of lights was compared with quotes from two companies specialising in Solar powered lights.
- The lights could be run for 20 to 30 days without direct sunlight recharging the Solar panels.
- As Old Quay Head sat in the shadow of the opposite hill, there were concerns that there wouldn't be enough sunlight to power solar panels in this location. The hard-wired lights at Stone Bench would be moved to Old Quay Head.
- Monitoring systems for the lights could be purchased, which would notify the Harbour Master when lights were not working.
- A costings and budget plan would be presented to the Board at a future date if members considered this a worthwhile direction to take.

Members considered the use of UV powered solar panel lights to be in keeping with the environmental objectives of the Council.

RESOLVED that the Harbour Master draft a report with recommendations on the replacing of hard wired navigation lights with solar powered lights for consideration at a future Harbour Board meeting.

**53. INFRASTRUCTURE UPDATE**

The Harbour Master gave the Board an update in respect of Infrastructure.

The Board received the following update:

- Works at the Cove were progressing.
- There had been no submissions for the removal of the old tollbooths.
- Other options would be investigated.

(a) **Environmental Consideration**

There was no update given.

**54. FUTURE PROJECTS**

The Harbour Master updated the Board in respect of Future Projects.

The Board heard the following updates:

- The Larkstone Hub support Officer Position had been filled, which would assist the Harbour Master with the additional duties as a result of the Water Sports Centre.
- The successful candidate was a retired fireman and had worked in some large fire stations in London, as well as teaching in schools on fire safety issues.
- The café space was being advertised through a commercial estate agent.
- The recruitment of a Police Community Safety Officer Maritime (PCSO) had been successful. The candidate was a retired CID officer who had experience of working in prisons and at airports.
- The Harbour Master has requested two additional powers for the PCSO Maritime role to make the role meaningful for the Harbour Authority.
- There was a possible cruise ship visit in June, coinciding with the Queens Platinum Jubilee bank holiday weekend.
- The Harbour Master had researched the possibility of a petrol storage tank on the harbour. The cost of this was estimated at £150,000.

The Board discussed the merits and pitfalls of placing an above ground petrol tank on the Harbour.

RESOLVED that the Harbour Master not pursue the placement of a petrol tank on the Harbour.

**55. HARBOUR COMMUNITY FORUM**

The Harbour Master updated the Board in respect of the Harbour Community Forum.

The Board received the following update:

- The Community Forum were not currently meeting.
- The Community Forum was an important means of communication with the harbour authority.
- The Harbour Master felt the current Forum should be dissolved and the constitution re-drafted.
- A Community Forum could be set up at Lynmouth at the same time.

Chair

The meeting ended at 3.50 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: 3<sup>rd</sup> May 2022

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

**Ilfracombe - 12<sup>th</sup> April 2022**     **Captain Georgina Carlo-Paat (Harbour Master)**  
**Eric Simpson (Deputy Harbour Master)**  
**Jon Triggs Director of Resources & Deputy Chief Executive**  
**Pamela Charles (H&S Adviser)**

**Lynmouth - 13<sup>th</sup> Jan 2022**     **Captain Georgina Carlo-Paat (Harbour Master)**  
**Jon Triggs Director of Resources & Deputy Chief Executive**  
**Phil Holsgrove (Lynton & Lynmouth Town Council, Maintenance)**  
**Pamela Charles (H&S Adviser)**

**John Andrews, Kevin Harris, (Lynton & Lynmouth Town Council) and Alistair Thomas, (Senior Building Surveyor) were unable to attend the audit meeting.**

#### **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.

#### **2. ACTIONS COMPLETED FROM PREVIOUS INSPECTIONS- ILFRACOMBE**

- 2.1 The Polymarine Wearplates were in the process of being fitted to the fenders between the Fuel Berth to the end of the Trawler berths and the fenders were being re installed.
- 2.2 An Oil Spill Incident Management Exercise was carried out at the harbour on 9<sup>th</sup> March, to test the functionality of the Harbour Oil Spill Contingency Plan (OSCP), and to meet the three yearly requirement for the exercise. Overall, the exercise was found to be of great value and demonstrated that:
  - (i) NDC have resilience to incidents arising from an oil spill within Ilfracombe Harbour, with a strongly embedded framework for emergency management enabling for cross-departmental working and the bolstering of resources immediately available within the harbour.
  - (ii) The Harbour Management team showed capability to effectively and efficiently co-ordinate the response to a Tier 2 oil spill incident through the application of the Ilfracombe Harbour OSCP, mobilising assistance from other NDC departments and Ambipar Response, at the strategic, tactical and operational levels, in order to support their Tier 1 capability.
  - (iii) The exercise particularly highlighted the expanded Tier 1 capability that the recent acquisition of Harbo T6 Multi-Use Boom cartridges has brought to Ilfracombe Harbour. The exercise did equally highlight that some further adaptations/additions to the Ilfracombe Harbour OSCP and interfacing

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procedures could strengthen Ilfracombe Harbour's resilience to an oil spill incident of all tier classifications.

The main actions for improvement identified during the exercise were:

- (i) To delegate the responsibility to notify stakeholders from the Harbour Master to the Emergency Planning Officer (EPO);
- (ii) To test the capability of the waste shark to safely and effectively deploy the Harbo T6 Multi-Use Boom and absorbent boom in the place of a vessel;
- (iii) To revise the OSCP to include additional action charts and increase the number of notifications to be made, such as the inclusion of a notice to mariners;
- (iv) To include the mobilisation of the NDC Comms team to site in a Tier 2 incident within the OSCP;
- (v) To replace the existing Pollution Report (POLREP), within the OSCP and ensure there is an electronic fillable version readily available; and,
- (vi) To ensure template risk assessments and safety briefing documents are incorporated into the OSCP.

2.3 The old concrete booths have been removed from the entrance to the Pier area.

2.4 Toilet facilities have been provided in the Fisherman's Stores compound for use by the fishermen.

2.5 An initial assessment, by a Structural Engineer of the condition of the wall and pointing on Stone Bench and the crack along East Bench was carried out on 28<sup>th</sup> January 2022. Stone Bench requires catchment netting to be fitted, whilst the crack in East Bench was deemed to be a pouring fault, but the wall is structurally capable of being used as a retaining wall.

2.6 Electrical Conduit on the Pier was replaced due to the old one failing.

2.7 Boats were returned safely to the water on 26<sup>th</sup> & 27<sup>th</sup> March.

### **3. RISK MANAGEMENT- ILFRACOMBE**

3.1 An internal audit of the following topics was carried out this quarter: No non-conformities of applicable aspects were found during the audit.

- (i) Ilfracombe Harbour Port Facility Security Plan
- (ii) Drink/Drugs
- (iii) Piloting, Towage and Bunkering
- (iv) Licensing (Works, Tugs, Craft),
- (v) Permitting (Diving and Hot Works)
- (vi) Auditing Internal /External
- (vii) Dangerous Vessels and Dangerous Substances, Vessel Traffic Management
- (viii) Open Port Duty and Setting Dues.(website to be updated with 2022/23 fees)
- (ix) Consultation & Consensus
- (x) Enforcement

3.2 The new composite handrail is still to be fitted to steps on end of Old Quay Head, Harbour Master will obtain a quote for replacement of this handrail, handrail on RNLI steps and hand rails at Lynmouth Harbour.

3.4 Work is still outstanding on the installation of one remaining new electrical conduits on Cove.

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- 3.5 Work to the top rails along the wall on Quay Road and installation of new mooring rings for visiting boats to use is still outstanding.
- 3.6 Fencing is to be installed along Marine Drive below the cliff face, to prevent public access close to the cliff face.
- 3.7 Ambipar have been commissioned to rewrite the Oil Spill Contingency Plan

## **4. ACTIONS COMPLETED FROM PREVIOUS INSPECTIONS- LYNMOUTH**

- 4.1 Sonar Surveys were completed, using the Remotely Operated Vehicle Drone. The report on the findings has not yet been received.
- 4.2 The ground chains have been inspected and no defects were found.
- 4.3 Remedial works to the lower steps (opposite The Rising Sun) off the slipway down into harbour have been carried out.
- 4.4 Repainting of the worn white line at the top of the slipway and step edges had been completed.
- 4.5 Following concerns raised by the Town Council of risks to health and safety caused by the Harbour User group lighting up Rhenish Tower in a non-professional manner it was determined that any future lighting would need to be organised with the permission of and installed at the direction of the Town Council, to meet health and safety requirements

## **RISK MANAGEMENT – LYNMOUTH**

- 5.1 An internal audit of the following topics was carried out this quarter, although many do not apply and no non conformities were therefore found, given the current non statutory status of the harbour.
  - (i) Drink/Drugs
  - (ii) Piloting, Towage and Bunkering
  - (iii) Licensing (Works, Tugs, Craft),
  - (iv) Permitting (Diving and Hot Works)
  - (v) Auditing Internal /External
  - (vi) Dangerous Vessels and Dangerous Substances, Vessel Traffic Management
  - (vii) Open Port Duty and Setting Dues.
  - (viii) Consultation & Consensus
  - (ix) Enforcement
- 5.2 NDC Senior Engineer to attend and inspect the quoins along the top edge of the slip way wall and the quoins on the inside wall of the Harbour Arm, with a view to determining what remedial works are required. It was noted that the condition of the quoins had not worsened since the last audit.
- 5.6 Installation of additional mooring rings on the Harbour Arm was discussed and it was agreed that these were no longer required now boats were not being seen to be moored to any railings on that side of the harbour.
- 5.7 Removal of some of the mooring rings on the road side of the harbour was agreed to be carried out as ropes from some boats were currently being tied to mooring rings in such a way that the ropes were passing over the access ladders, and in some cases ropes were being tied or wrapped around the ladders themselves creating a trip

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hazard to ladder users. It was agreed that some mooring rings would be removed and some relocated to prevent ropes being tied across the access ladders.

- 5.8 The barrier preventing access up the damaged steps on the left hand side of the slipway had been damaged and could be easily climbed over. It was agreed that the steps would be blocked up more permanently to prevent access.
- 5.9 New composite hand rails would in time be fitted to replace existing hand rails pending quotes obtained by the Harbour Master, (para 3.2)
- 6.0 Concerns were raised regarding the condition and responsibility of the mooring chains off the ground chains and did the Mooring Licence specify that all but the ground chains were the responsibility of the boat owners? Kevin Harris to check the licence wording and clarify.

## 5. **CONCLUSIONS**

- 6.1 Health and Safety at Ilfracombe Harbour continues to be proactively managed by the Harbour Master.
- 6.2 Kevin Harris the Town Clerk is now on a phased return to work with John Andrews covering as required and Phil Hosgrove undertaking work as and where he can to ensure the safety of the harbour area.
- 6.3 It remains difficult to audit Lynmouth harbour whilst its status as a Statutory Harbour Authority is still not formal.

Pamela Charles  
H&S Adviser  
April 2022



## North Devon Council

Report Date: 3 May 2022

Topic: Appointment of Independent Representative to the harbour Board

Report by: Corporate and Community Services Officer

### 1. INTRODUCTION

1.1. This report details the selection process for the appointment of one Independent Representative to the Harbour Board.

### 2. RECOMMENDATIONS

2.1. That Mr Martin Cleary be appointed as an Independent representative to the Harbour Board for a second four year term beginning on 25 July 2022 until 24 July 2026.

### 3. REASONS FOR RECOMMENDATIONS

3.1. To recommend the appointment of Mr Martin Cleary for a further four year period as an Independent Member of the Harbour Board.

### 4. REPORT

4.1. An Independent Representative Vacancy will arise on 25 July 2022 due to Mr Cleary's first term reaching the end of its four-year period.

4.2. In accordance with Part 3 of North Devon Council's Constitution, appointments may be renewed at the discretion of the Council for maximum of two four-year terms after which any further service on the Board can only be achieved following a competitive appointments process.

4.3. Mr Cleary was notified on 20 April 2022, via email, about the end of his first term and requested to confirm whether he wished to be re-appointed to the Board to serve a further four year period.

4.4. Mr Cleary confirmed, via return email on 21 April 2022, that he wished to be re-appointed to the Board to serve a further four-year period. Therefore, the Board can consider recommending to Council that Mr Cleary is appointed for a further four year period.

### 5. RESOURCE IMPLICATIONS

5.1. There are none as Mr Cleary will remain in post for a further four years.

### 6. EQUALITIES ASSESSMENT

6.1. Please detail if there are/are not any equalities implications anticipated as a result of this report. If so, please complete the Equality Impact Assessment (EIA) Summary form available on Insite and email to the Corporate and Community Services Team at [equality@northdevon.gov.uk](mailto:equality@northdevon.gov.uk).



## 7. ENVIRONMENTAL ASSESSMENT

7.1. Please undertake an Environmental Assessment and complete the checklist (EAC) form available on Insite. If there are no environmental implications arising from your proposals please state that there are none. If after completion of the assessment there are environmental implications please provide a brief summary. If you require any further information please contact the Sustainability and Climate Change Officer. Email completed EACs to [donna.sibley@torridge.gov.uk](mailto:donna.sibley@torridge.gov.uk)

## 8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

- 8.1.1. The commercialisation agenda: neutral
- 8.1.2. Improving customer focus and/or
- 8.1.3. Regeneration or economic development

## 9. CONSTITUTIONAL CONTEXT

- 9.1. Article of Part 3 Annexe 1 paragraph:
- 9.2. Referred or delegated power? Delegated

## 10. STATEMENT OF CONFIDENTIALITY

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

## 11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

North Devon Constitution May 2019

## 12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: A. Dunbrook, Corporate and Community Services Officer.