



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 in the Ilfracombe Centre - Ilfracombe on **TUESDAY, 8TH AUGUST, 2023 at 2.00 pm.**

Members of the Harbour Board

Councillor Wilkinson (Chair)

Councillors Turton, Williams and Wilson

Co-opted Members:

Bert Gear, Martin Cleary, Tim Gibbs and Nigel Thomas

AGENDA

1. Apologies for Absence
2. To approve as a correct record the minutes of the meeting held on 7 February 2023 (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 Advisor (attached).
7. **Ilfracombe and Lynmouth Harbour's Budget Trading Accounts** (Pages 15 - 18)
Report by Account Manager (attached)

8. **Appointment of two Independent Representatives to the Harbour Board**
(Pages 19 - 20)
Report by Harbour Master (attached).
9. **Harbour Plans Review** (Pages 21 - 102)
Report by the Harbour Master (attached)
10. **Ifracombe Harbour Consultative Forum** (Pages 103 - 110)
Report by the Harbour Master (attached)
11. **Marine Safety Plan**
Harbour Master to report.
12. **Aids to Navigation**
Harbour Master to report.
13. **Infrastructure Update**
Harbour Master to report.

(a) Environmental Consideration
Harbour Master to report.
14. **Future Projects**
Harbour Master to report.
15. **Harbour Community Forum**
Town Clerk from Lynton and Lynmouth Town Council to report on the Harbour Sub-Committee.

PART 'B'

Nil.

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

31.07.23



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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.
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.
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NORTH DEVON COUNCIL

Minutes of a meeting of Harbour Board held at the Ilfracombe Centre - Ilfracombe on Tuesday, 7th February 2023 at 2.00 pm

PRESENT: Members:

Councillor Fowler (Chair)

Councillor Turton

Independent Members:

Martin Cleary, Bert Gear, Tim Gibbs and Nigel Thomas

Officers:

Director of Resources and Deputy Chief Executive and Deputy Ilfracombe Harbour Master

43. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Campbell and Wilkinson.

44. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 15 NOVEMBER 2022

RESOLVED that the minutes of the meeting held on 15 November 2022 (circulated previously) be approved as a correct record and signed by the Chair.

45. DECLARATIONS OF INTEREST

Councillor Fowler declared a personal interest in all items as he was a Trustee of Ilfracombe Yacht Club and he was a boat owner.

46. QUARTERLY DESIGNATED PERSON PORT MARINE SAFETY CODE AUDIT REPORT - ILFRACOMBE AND LYNMOUTH HARBOURS

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

The Designated person gave the Board the following highlights:

- The quarterly audits were carried out at Ilfracombe and Lynmouth Harbours on 17 January 2023.

- The quarterly audit was carried out to fulfil the responsibility placed upon the Designated Person to ensure the Marine Safety Management System was working correctly in compliance of the Port Marine Safety Code.

Ifracombe – Actions Completed

- The Senior Engineer had now received a quote for the remedial works to be carried out to the building stonework on Stone Bench.
- A contractor was yet to be appointed to carry out the repair works to the vertical crack in the end wall of Old Quay Head.
- A consultation exercise run by the Harbour Master with local residents regarding the Water Sports Centre had taken place and the Harbour Master had been able to address all concerns that had been raised.

Ifracombe - Risk Management

- An internal audit of the following topics had been carried out, with one non-conformity of applicable aspects as follows:
 - Environmental Duty.
 - Plans and Reporting, Consensus and Monitoring compliance – Harbour Forum meetings had lapsed since the Covid-19 pandemic. The Harbour Master would address this issue.
 - Incident Reporting and Investigation.
 - Risk Assessment.
 - Harbour owned/operated craft.
- New composite handrails were due to be fitted along the RNLI steps after April 2023.
- New electrical conduit on the Cove works were still outstanding awaiting completion.
- Work to the top rails along the wall on Quay Road and the installation of new Mooring rings for visiting boats was still outstanding. Funding from the Marine Management Organisation (MMO) had been awarded for these works and the items had been ordered. A permit had been issued by the Environment Agency allowing the works to be carried out.
- On 31 March 2023 the Merchant Shipping (Watercraft) Order 2023 will come into effect. This follows a consultation on Strengthening Enforcement of the Dangerous Use of Recreational Personal Watercraft. The Merchant Shipping (Watercraft) Order 2023 was laid before Parliament on 18 January 2023. This Order provided for certain provisions of the Merchant Shipping Act 1995 and of the Harbours Act 1964. As they apply in relation to ships, to apply, in some cases with modifications, in relation to all watercraft, the Harbour Master had applied for a new Harbour Revision Order, which would give the Harbour Authority powers of General Directions, and included Jet Skies under the definition of “vessels”.
- The Warp Shed on Stone Bench required maintenance by the Council. Owing to vandalism, the cladding and doors were to be replaced. Repositioning the doors would enable better access to the shed.

- Duty Holder training would be provided, virtually, to all newly elected Members after 4 May 2023. The training would be run by ABPmer and was a mandatory half-day session.
- The three yearly external harbour audit was due in 2023 and would be carried out by ABPmer.

Lynmouth – Actions Completed

- Remedial work to the quoins along the top edge of the slipway had been completed and signed off by the Senior Engineer.
- The Harbour Master had reviewed the Lynmouth Marine Safety Management System in line with the Ilfracombe Marine Facility.
- The new composite rail for the steps had now been fitted.
- Western Power had reviewed the electrics within the Rhenish Tower and would be renewing them. Western Power had given authorisation to fit a safe socket externally for harbour users to be able to access power without the need for internal access to the Rhenish Tower.

Lynmouth – Risk Management

- An internal audit of the following topics had been carried out, although many do not apply, given the current non-statutory status of Lynmouth harbour:
 - Environmental Duty – no Environmental Management Plan.
 - Plans and Reporting, Consensus and monitoring compliance – Safety Plan with measurable objectives required.
 - Incident Reporting and Investigation.
 - Risk Assessment.
 - Harbour owned/operated craft.
- Two mooring balls on the Harbour Arm still required painting white to highlight their positions.
- Batteries for the new Aid to Navigation lights and the lights were on order. The refit of the lights would require a 12 week run in time as the National Grid were the only ones able to work on the sealed units.
- There was an issue regarding moving the Sea Defence boulders, Devon County Council had determined that the works had little priority so would not be looking to carry out the works imminently. The repositioning of the boulders was important as they protected the Rhenish Tower.
- The three yearly external harbour audit was due in 2023 to be carried out by ABPmer.
- Devon County Council had accepted responsibility for the May bridge in Lynmouth along with Oakley Bridge and two at Barbrook.

The Designated person assured the Board that Health and Safety at Ilfracombe and Lynmouth Harbours continued to be proactively managed by the Harbour Master.

The Board noted the findings of the Quarterly Designated Person Port Marine Safety Code Audit Report – Ilfracombe and Lynmouth Harbours.

47. ILFRACOMBE AND LYNMOUTH HARBOUR'S BUDGET TRADING ACCOUNTS

The Board considered the Ilfracombe and Lynmouth Harbour's Budget Trading accounts (circulated previously).

The Director of Resources and Deputy Chief Executive highlighted the following:

- Ilfracombe harbour
- The income was up on budget by £18,000.
- Monies had been returned for the cost of the Police Community Special Officer, who had left post early.
- There had been a small reduction in operating costs.
- If a harbour reserve account was created any surplus could be placed in this reserve for future projects.
- Lynmouth harbour
- Lynmouth harbour hoped to be self-funding within two years.

The Board noted the financial situation of both harbours.

48. LYNMOUTH HARBOUR MARINE SAFETY MANAGEMENT SYSTEM (MSMS) REVIEW

The Board considered a report by the Lynton and Lynmouth Town Clerk and Harbour Manager (circulated previously) regarding the Lynmouth Harbour Marine Safety Management System (MSMS) Review.

The Lynton and Lynmouth Town Clerk and Lynmouth Harbour Manager highlighted the following:

- Although currently classed, as a Haven the harbour at Lynmouth still required a Safety Management Plan, as there was a duty of care to the users of the harbour.
- It had been highlighted in a previous external audit of the Harbour as a necessary document to have in place. The next three yearly external audit was due during 2023.
- Very grateful to the Ilfracombe Harbour Master for her help with setting up the document.
- The Harbour functions were listed within the Appendix starting on page 36 of the agenda.

RESOLVED that the internal annual review findings of the Lynmouth Harbour Marine Safety Management System be adopted.

49. LYNMOUTH HARBOUR MARINE SAFETY PLAN

The Board considered a report by the Lynton and Lynmouth Town Clerk and Harbour Manager (circulated previously) regarding the Lynmouth Harbour Marine Safety Plan.

The Lynton and Lynmouth Town Clerk and Lynmouth Harbour Manager highlighted the following:

- The Key Performance Indicators had been updated and were included within Appendix A and could be seen starting on page 54 of the agenda.

RESOLVED that the Lynmouth Harbour Safety Plan be adopted.

50. MARINE SAFETY PLAN

The Deputy Harbour Master provided the following Marine Safety Plan updates:

- ABPmer would be carrying out its three yearly external audit in April 2023.
- A Half day training would be given as a mandatory course to all Duty Holders after the May 2023 district elections.
- There was one target left to meet for the Standard Operating Procedure due in April 2023, which was on target to be met.

51. AIDS TO NAVIGATION

The Board received an update regarding Aids to Navigation.

The Deputy Harbour Master highlighted the following:

- Trinity House's Providers Aids to Navigation Availability Reporting database had shown no down time.
- The new solar lights were on order and would be fitted as soon as received.

52. INFRASTRUCTURE UPDATE

The Board received an update regarding Infrastructure.

The Deputy Harbour Master highlighted the following:

- The crane had been ordered and the Marine Management Organisation had uplifted their funding to meet the revised quote for the larger crane.
- The works for tarmacking on the Cove were due to be carried out 17 April 2023.
- In light of the new Merchant Shipping (Watercraft) Order 2023 and Jet Skies now being classified as vessels a special direction would be issued in the interim to become a General Direction when the Harbour Revision Order came into force.

In response to a question, the Deputy Harbour Master advised the Board that the issue of water pooling on Marine Drive would be addressed when the resurfacing was carried out.

53. ENVIRONMENTAL CONSIDERATION

There was no update on Environmental consideration.

54. FUTURE PROJECTS

The Board received an update on Future Projects from the Deputy Harbour Master.

The Deputy Harbour Master highlighted the following:

- A recognition request had been submitted to the Royal Yachting Association (RYA) which, once granted would allow the training courses to proceed. The Harbour Master's waiting room would be used as the hub.
- All the building materials required for the building of the sea wall and slipway at the Water Sports Centre were on site. Digging for the slipway foundations would take 6-8 weeks. A soft opening of the Water Sports Centre was still being planned for the end of March beginning of April 2023.
- Plans to renovate the old Lime Kiln next to the Water Sports Centre creating a viewing platform linked to the Centre with storage space on the ground floor were progressing with a funding bid submitted.
- The Verity Pool project had been placed on the North Devon Council portal seeking contractors interested in creating this tidal pool.
- A planning application had been submitted for the 'Mushroom' at Marine Drive carpark to create space for storage containers and two changing room pods. Dedicated parking space for vans with trailers to be created would complement commercial operators running courses at the Water Sports Centre. The 'Mushroom' itself would be clad in display info-screens. There would be CCTV coverage at the carpark.

55. HARBOUR COMMUNITY FORUM

There was no update on the Harbour Community Forum.

The Director of Resources and Deputy Chief Executive informed the Board that the Harbour Forum in its current form needed to come to a close to allow a new Community Forum to be formed. A new Community Forum would incorporate users of the Water Sports Centre.

Chair

The meeting ended at 2.55 pm

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

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HARBOUR BOARD MEETING: 8th August 2023

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

Ilfracombe - 4th July 2023

**Captain Georgina Carlo-Paat (Harbour Master)
Jon Triggs (Director of Resources & Deputy Chief
Executive)
Tara Jenkins (Senior Engineer)
Pamela Charles (Contract/Temporary H&S Adviser)**

Lynmouth - 4th July 2023

**Captain Georgina Carlo-Paat (Harbour Master)
Jon Triggs (Director of Resources & Deputy Chief
Executive)
Kevin Harris (Lynton & Lynmouth Town Council,
Town Clerk)
Tara Jenkins (Senior Engineer)
Pamela Charles (Contract/Temporary - 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.

2. ACTIONS COMPLETED FROM PREVIOUS INSPECTIONS- ILFRACOMBE

- 2.1 Work to replace all the electrical conduits on the Cove has been completed.
- 2.2 A Contractor has now been appointed to carry out the work on the vertical crack on Old Quay Head. The work is likely to commence in September 2023.
- 2.3 The Merchant Shipping (Watercraft) Order 2023 came in to force on 31st March 2023 and Harbour Revision Order now gives the Harbour Authority powers of General Directions to include Jet Skis under the definition of “vessels”
- 2.4 Whilst it is agreed that maintenance of the Warp Shed on Stone Bench will be carried out by the Council, there is no work currently required for health and safety purposes.
- 2.5 Duty Holder Training for Members has been held with twenty two Members attending. Those who were unable to attend the session are expected to watch the available recording of the session to ensure they undertake the training.
- 2.6 The three yearly external harbour audit was carried out by ABPmer in June 2023. The final report has not yet been received but the auditor indicated that there were no non-compliances or non-conformities recorded.
- 2.7 Speed ramps have been installed to slow down vehicles as they enter the Pier Cark.

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- 2.8 The Cove area has been resurfaced and the pedestrian walkway re-laid in a different coloured, recycled material which will not fade or wear out. The white line demarking the unprotected working quayside has been repainted.

3. RISK MANAGEMENT- ILFRACOMBE

- 3.1 An internal audit of the following topics was carried out this quarter. There were no non compliances and the only non conformities were that some of the policy and procedure documents were not available on the website as they have been removed for Accessibility Checking.
- (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
 - (vii) Vessel Traffic Management
 - (viii) Open Port Duty and Setting Dues
 - (ix) Consultation & Consensus
 - (x) Enforcement
 - (xi) Marine Safety Management System
 - (xii) Marine Emergency Plan Emergency Planning (OPRC/Site Emergency
 - (xiii) AtoN and Wrecks
- 3.2 New composite handrails still to be fitted along RNLI steps. Quotes are being obtained, and the work will be extended to include hand rails to the old Slipway and the Watersports Centre Slipway.
- 3.3 Work to the top rails along the wall and new mooring rings and ladders on Quay Road has begun with one new ladder installed so far.
- 3.4 A drone will be used on 6th July 2023 to provide a baseline assessment of the state of the surface of the Pier Car Park as there are many uneven areas and potholes which give rise to trip hazards.
- 3.5 Members have approved the use of the area at the end of the Pier as a Sea Pool. Due to safety concerns being raised by Council Officers, the opening of the pool has been delayed until such time as a full risk assessment can be carried out and mitigation measures identified and implemented to ensure the safety of users.
- 3.6 The joints between the concrete landings and the slabs on the steps on East Face Quay and Old Head Quay are sinking below the level of the steps and will give rise to trip hazards if remedial work is not carried out.
- 3.8 The wall at Stone Bench has bulged out slightly further but the catchment netting is working to limit movement.
- 3.9 The concrete beam between the First Landing and the Pier above is showing signs of cracks, in the section above the steps. The Senior Engineer advises that intrusive testing or preferably scanning of the area should be carried out to establish the integrity of the beam, before any remedial work is carried out. Works required would be high pressure jetting, then spraying and sealing.

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- 3.10 Edge Protection risks have been under consideration following a recent fatality at another Harbour. The Ilfracombe Harbour Edge Protection Policy V.4 is due for review in July 2023. Ilfracombe Harbour has edge protection along most of the open edges, except for along the Cove as this is a working quayside and it would be impractical to fence along this edge. There is signage and a painted white line along the quayside to highlight that this is a working area with an unprotected edge. The other area of concern is at the end of Old Quay Head, which is strictly speaking also a work area, and there is signage to advise the public that this is the case, however it needs to be established if this is also a Public Right of Way. It would be prudent to increase the size of the signage to make it more noticeable to the public and if this is not a Public Right of Way, provide a chain across the entrance to the area that has unguarded edges, so that it is only accessed by those who need to for work purposes.

4. ACTIONS COMPLETED FROM PREVIOUS INSPECTIONS- LYNMOUTH

- 4.1 Two mooring balls on the Harbour Arm had been painted yellow to highlight their positions and prevent trip hazards.
- 4.2 The three yearly external harbour audit was carried out by ABPmer in June 2023. The final report has not yet been received but the auditor indicated that given the current status of the harbour i.e. not a Statutory Harbour Authority, there were no non-compliances or non-conformities recorded

5. RISK MANAGEMENT – LYNMOUTH

- 5.1 An internal audit of the following topics was carried out this quarter, although many do not apply, given the current non-statutory status of the harbour
- 5.2
- (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
 - (vii) Vessel Traffic Management
 - (viii) Open Port Duty and Setting Dues
 - (ix) Consultation & Consensus
 - (x) Enforcement
 - (xi) Marine Safety Management System
 - (xii) Marine Emergency Plan Emergency Planning (OPRC/Site Emergency
 - (xiii) AtoN and Wrecks
- 5.3 The Ilfracombe Harbour Master has reviewed the Lynmouth Marine Safety Management System and this version needs to be made available on the website. (V.7 Feb 2023) With regard to the legal status of Lynmouth as a harbour, the council is go out to public consultation in July for a Harbour Empowerment Order, which will confirm North Devon Council as the Statutory Harbour Authority for Lynmouth
- 5.4 The new Solar Aid to Navigation lights are now ready to install. It is hoped that they will be installed on the new pole within the next few weeks, This can be done independently of when the National Grid come out to disconnect the electrical supply. A Notice will be issued to Mariners to advise of the works and the Harbour

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Master will inform the UK Hydrographic Office (UKHO) and Trinity House once the works are completed.

Once the new AToNs are installed, these will be signed up to the Local Aids to Navigation Reporting System (LARS), under Ilfracombe, to enable Lynmouth to fulfil the responsibility to maintain records of aids to navigation availability. The

- 5.5 The issue regarding the movement of the Sea Defence Boulders is currently under dispute with Devon County Council, but this will need to be resolved, due to the flooding risk.

6. CONCLUSIONS

- 6.1 Health and Safety at Ilfracombe Harbour continues to be proactively managed by the Harbour Master, with some works now completed, some on going and some new ones arising since the last audit in January.
- 6.2 As the status of Lynmouth Harbour as a Statutory Harbour Authority is still under consultation there are still aspects of the Port Marine Safety Code which do not apply. Much work has been carried out in Lynmouth and no new risks were identified on this audit.

Pamela Charles
Contract/Temporary H&S Adviser
July 2023

Ilfracombe Harbour

Budget	Quarter 1 - Actual	Quarter 2 - Actual	Quarter 3 - Forecast	Full Year Actual
Operating Income	(98,750)	(63,043)	(29,025)	(628,894)
Operating Expenditure & Maintenance	218,737	40129.7	57,874	798,607
Overheads	39,250	9812.5	9812.5	35752.83
	<u>257,987</u>	<u>49,942</u>	<u>67,687</u>	<u>834,360</u>
Operating Deficit / (surplus)	159,237	-13100.62	38661	205466
Contribution to reserves				
Bad Debt movements				
Interest				
	<u>159237</u>	<u>-13100.62</u>	<u>38661</u>	<u>205466</u>
Net Deficit / (Surplus)	<u>159237</u>	<u>-13100.62</u>	<u>38661</u>	<u>205466</u>

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Lynton & Lynmouth Harbour

Budget	Quarter 1 - Actual	Quarter 2 - Actual	Quarter 3 - Forecast	Full Year Actual
Operating Income	(4,418)	(3,922)	0	-3922
Operating Expenditure & Maintenance	7233	1048	192	11667
Overheads	24393	6059	6119	24528
	<u>31626</u>	<u>7107</u>	<u>6311</u>	<u>36195</u>
Operating Deficit/ (Surplus)	27,208	3185	6311	32273
Net Deficit / (Surplus)	<u>27208</u>	<u>3185</u>	<u>6311</u>	<u>32273</u>

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Ilfracombe Harbour

Budget	Quarter 1 - Actual	Quarter 2 - Forecast	Quarter 3 - Forecast	Quarter 4 - Forecast
Operating Income	(104,070)	(130,582)	26,512	26,512
Operating Expenditure & Maintenance	221,320	122160.56	33,053	33,053
Overheads	32,100	8025	8025	8025
	253,420	130,186	41,078	41,078
Operating Deficit / (surplus)		-396.6	0	0
Contribution to reserves				
Bad Debt movements				
Interest				
	0	-396.6	0	0
Net Deficit / (Surplus)	0	-396.6	0	0

Lynton & Lynmouth Harbour

Budget	Quarter 1 - Actual	Quarter 2 - Actual	Quarter 3 - Forecast	Quarter 4 - Forecast
Operating Income	(4,640)	(3,767)		
Operating Expenditure & Maintenance	7269	-1634		
Overheads	25939	6360		
	33208	4726	0	0
Operating Deficit/ (Surplus)	28,568	959	0	0
Net Deficit / (Surplus)	28568	959	0	0

Full Year Actual

0
0

0
0

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Full Year Actual

0

0

0



North Devon Council

Report Date: Tuesday, 8 August 2023

Topic: Appointment of two Independent Representatives to the Harbour Board

Report by: Aurienna Dunbrook, Corporate and Community Services Officer

1. INTRODUCTION

1.1. This report details the selection process for the appointment of two Independent representatives to the Harbour Board.

2. RECOMMENDATIONS

2.1. That Mr Bert Gear and Mr Tim Gibbs be appointed as Independent Representatives to the Harbour Board for a second four-year term both beginning on 25 November 2023 until 24 November 2027.

3. REASONS FOR RECOMMENDATIONS

3.1. To recommend the appointments of Mr Bert Gear and Mr Tim Gibbs for a second four-year period as Independent Members of the Harbour Board.

4. REPORT

4.1. Two Independent Representative Vacancies will arise on the Harbour Board on 24 November 2023 due to Mr Tim Gibbs and Mr Bert Gear reaching the end of their first four-year term.

4.2. Mr Gear and Mr Gibbs have confirmed they are in agreement to take on a second 4 year term as Independent members on the Board, therefore an external recruitment exercise is not required.

4.3. That full Council consider the recommendation of the Harbour Board on 28 September 2023.

5. RESOURCE IMPLICATIONS

5.1. There are none as both Mr Gear and Mr Gibbs have confirmed they are happy to take on a second term as Independent members.

6. EQUALITIES ASSESSMENT

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

7. ENVIRONMENTAL ASSESSMENT

There are no environmental implications arising from this proposal.

7.1. CORPORATE PRIORITIES

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

7.2.1. The commercialisation agenda: No impact

7.2.2. Improving customer focus and/or: No impact

7.2.3. Regeneration or economic development: No impact



8. CONSTITUTIONAL CONTEXT

8.1. Part 3 Annexe 1 paragraph 6

8.2. Referred or delegated power? Referred

9. STATEMENT OF CONFIDENTIALITY

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

10. 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).

11. STATEMENT OF INTERNAL ADVICE

The report author confirms that advice has been taken from all appropriate Officers: Capt. Georgina Carlo-Paat MBE, Harbour Master, Jon Triggs, Director of Resources and Deputy Chief Executive. Independent members Mr Gear and Mr Gibbs



North Devon Council

Report Date: Tuesday, 8 August 2023

Topic: Harbour Plans Review

Report by: Ilfracombe Harbour Master

1. INTRODUCTION

1.1. As a Statutory Harbour, Ilfracombe Harbour is obliged to have certain policies and plans in place under the Port Marine Safety Code (PMSC) and the accompanying guide to good practice. These policies and plans are subject to periodic reviews and amendments. From time to time when deemed necessary for Harbour management a new policy or plan will be put in place.

2. RECOMMENDATIONS

2.1. That the board accepts the review of the following documents presented at the three appendices attached to this report.

3. REASONS FOR RECOMMENDATIONS

3.1. To fulfil the requirement of periodic review and to fulfil the requirement under the Marine Safety Management System to implement policies to aid in Harbour management.

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 committed to produce policies and plans covering a wide range of subjects and to review these documents on a regular timescales to ensure they continue to be fit for purpose.

4.2. The review of these documents take into account current legislative regulations and relevant guides to good practice

4.3. There is three, 3, documents that has been reviewed as per review schedule these being the Marine Safety Management System (annex A), the Marine Emergency Plan (annex B) and the Edge Protection policy (annex C). These now require a final review at board level before being adopted.

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 documents have been reviewed/ formulated and are in line with current accepted guidance and uphold the current legislative regulations.

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



5. RESOURCE IMPLICATIONS

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

6. EQUALITIES ASSESSMENT

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

7. ENVIRONMENTAL ASSESSMENT

7.1. Having undertaken the Environmental Assessment Checklist. There are no environmental implications arising from these reviews.

8. CORPORATE PRIORITIES

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

8.1.1. The commercialisation agenda: N/A

8.1.2. Improving customer focus and/or: Positive

8.1.3. Regeneration or economic development: N/A

9. CONSTITUTIONAL CONTEXT

9.1. Article of Part 3 Annexe 1 paragraph:

9.2. delegated power

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).

11.1 Port Marine Safety Code and accompanying Guide to Good Practice

11.2 Marine Safety Management Code

12. STATEMENT OF INTERNAL ADVICE

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

Capt. Georgina Carlo-Paat MBE, Ilfracombe Harbour Master



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ILFRACOMBE HARBOUR

MARINE SAFETY MANAGEMENT SYSTEM

(MSMS)

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This is a controlled document which is subject to annual review and amendment.

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 Pier, Ilfracombe EX34 9EQ

RECORD OF REVIEW/AMENDMENTS

Review (R) or Amendment (A)	Date	Page	Description of changes
01/19 (A)	02/08/19	20,35,40,44	Minor–Reference DP Audit July 2019
02/20 (A)	07/01/20	19	Minor - Duplication of points deleted 3.1.2
03/20	08/11/20		Major – inclusion of observations from ABPmer audit & DP audits – New Version 3.0 issued
04/21 (R&A)	16/09/21	7, 16, 21, 23,31	Minor – Part 1 Change of job Title for DP, 2.3.2 Inclusion of Marine Safety Plan, 3.1.4.1 Change of job title for DP, 3.2.1 – update of training matrix, 6.3 deletion of any hazman references. Adapted for Accessibility.
05/21 (A)	28/10/2021	22	3.2.2 Training Policy web link added.
06/21 (R)	10/11/2021		No Changes
07/22 (R &A)	05/10/2022	7, 12, 15, 19, 22, 30, 43	Part 1 – Change of Board name & Inclusion of additional Officer. 1.3.3 Reformatted. 2.3 Updated Policy & Plan Table. 3.1.3 Change of name Inclusion of new team member into training matrix. 6.3 Updated Risk Assessment procedure. 10.2 Updated Objectives.
08/23 (R&A)	08/07/2023	7 43	Part 1 – Change of Board members 10.2 Amended to reflect Marine Safety Plan.

HARBOUR BOARD MEMBERS [IN ALPHABETICAL ORDER BY SURNAME]

Councillor J Campbell

Mr M Cleary

Mr T Gibbs

Mr B Gear

Councillor D Turton

Councillor J Williams (Vice Chair)

Councillor M Wilkinson (Chair)

Councillor S Wilson

OFFICERS

Captain G Carlo-Paat MBE

Harbour Master

Mr E Simpson

Deputy Harbour Master

Mr T Hill

Larkstone Hub Support Officer

DESIGNATED PERSON

Mr Jon Triggs
and Deputy Chief Executive for North Devon Council

Director of Resources

ILFRACOMBE HARBOUR COMMUNITY FORUM

Members to include representatives from the following stakeholder groups

Commercial Fishing
boats

RNLI

Licensees/Restauranteurs

Passenger Boats

Ilfracombe Yacht Club

Environmental Management

Angling Charter Boats

Ilfracombe Anglers Association

North Devon Aqua Club

Dive Charter Boats

Ilfracombe Town Council

Residents including Lantern
Court

Crab/Lobster Boats

Ilfracombe & District Tourist
Association

Ilfracombe Pilot Gig Club

Private Independent
Owners

Y Sail

Harbour Development Group

Harbour Association

PART 2 – THE MANUAL

1. INTRODUCTION

North Devon District Council (NDC) is the Statutory Harbour Authority (SHA) for Ilfracombe Harbour. The harbour is a Municipal Harbour Authority with executive officers of the Authority reporting to the North Devon Council (full Council) who are collectively the Duty Holder. The SHA is charged with the managing, maintaining and improvement of Ilfracombe Harbour within its duly nominated limits. This carries a number of duties which include but are not limited to:

- I. A duty to keep the Harbour open for shipping & unshipping of goods, the embarking & landing of passengers (on payment of dues) also known as 'Open Port Duty'. This duty is incorporated into The Pier & Harbour Orders Confirmation Act 1847 under Schedule of Orders 3.21

[Harbour, Docks & Piers Clauses Act 1847 - <https://www.legislation.gov.uk/ukpga/Vict/10-11/27/section/33>]

- II. A duty as the Local Lighthouse Authority (LLA) to provide, as necessary, Aids to Navigation (AtN) this encompasses both Lights and buoyage.

[Merchant shipping Act 1995 –Part VIII Lighthouses/201- Powers of Harbour Authorities - [Merchant Shipping Act 1995 \(legislation.gov.uk\)](#)]

- III. A duty to the Environment to exercise its applicable functions with regard to nature conservation and other environmental considerations.

[Environmental Protection Act 1990 - <https://www.legislation.gov.uk/ukpga/1990/43/contents> : The Natural Environment and Rural Communities [Natural Environment and Rural Communities Act 2006 \(legislation.gov.uk\)](#)- Section 48A of the Harbours Act 1964 -[Harbours Act 1964 \(legislation.gov.uk\)](#)]

- IV. A Common Law Duty of care to all those who may use the harbour, having a general duty for the safe and efficient running of port marine operations. Having regard to the efficiency, economy and safety of operation of the services and facilities provided as well as ensuring that appropriate resources are made available for discharging their marine safety obligations.

[Port Marine Safety Code (PMSC) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918935/port-marine-safety-code.pdf]

1.1 PORT MARINE SAFETY CODE REQUIREMENTS

Section 2 of the PMSC requires that the Harbour Authority implements a Marine Safety Management System (MSMS).

‘An MSMS should be in place to ensure that all risks are identified and controlled – the more severe ones must either be eliminated or reduced to the lowest possible level, so far as is reasonably practicable (that is, such risks must be kept as low as reasonably practicable or “ALARP”). Organisations should consult, as appropriate, those likely to be involved in, or affected by, the MSMS they adopt. The opportunity should be taken to develop a consensus about safe navigation. The MSMS should refer to the use of formal risk assessment which should be reviewed periodically as well as part of post incident/accident investigation activity.’

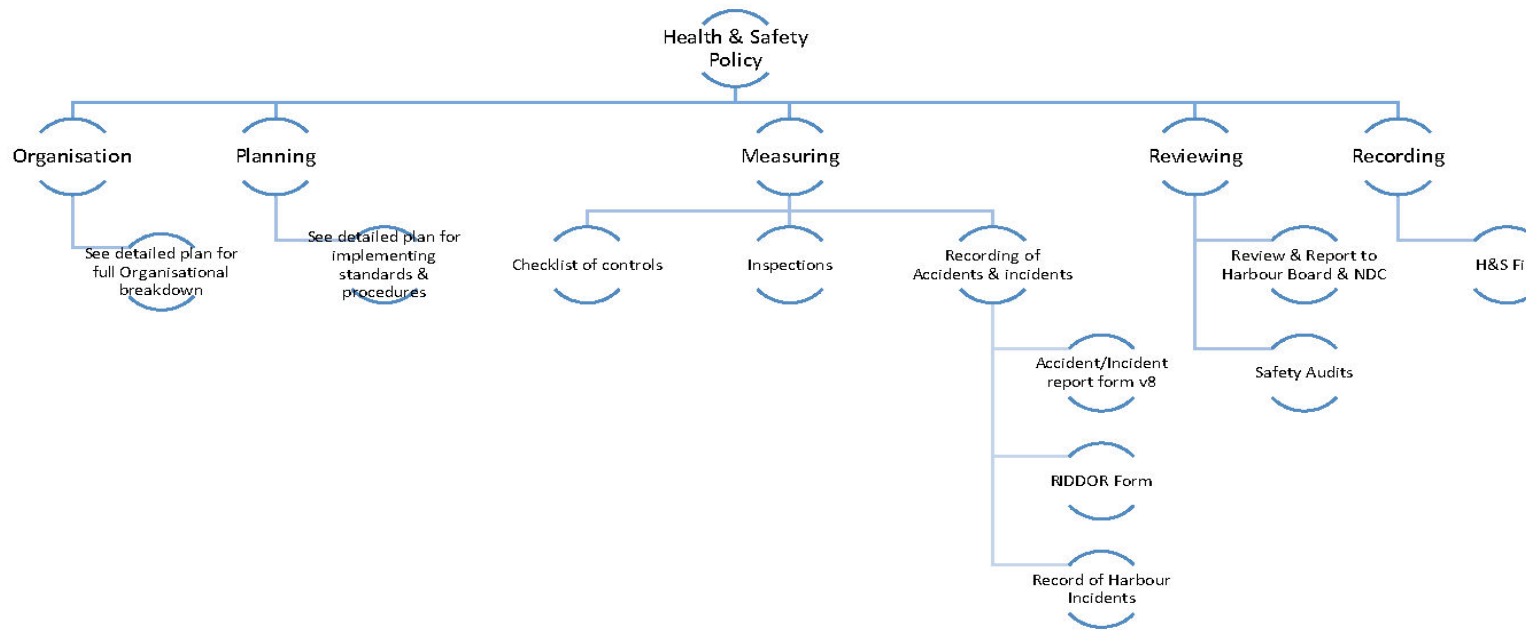
1.2 SCOPE OF THE MSMS

This MSMS sets out to cover all operations and activities undertaken within the defined limits of Ilfracombe Harbour.

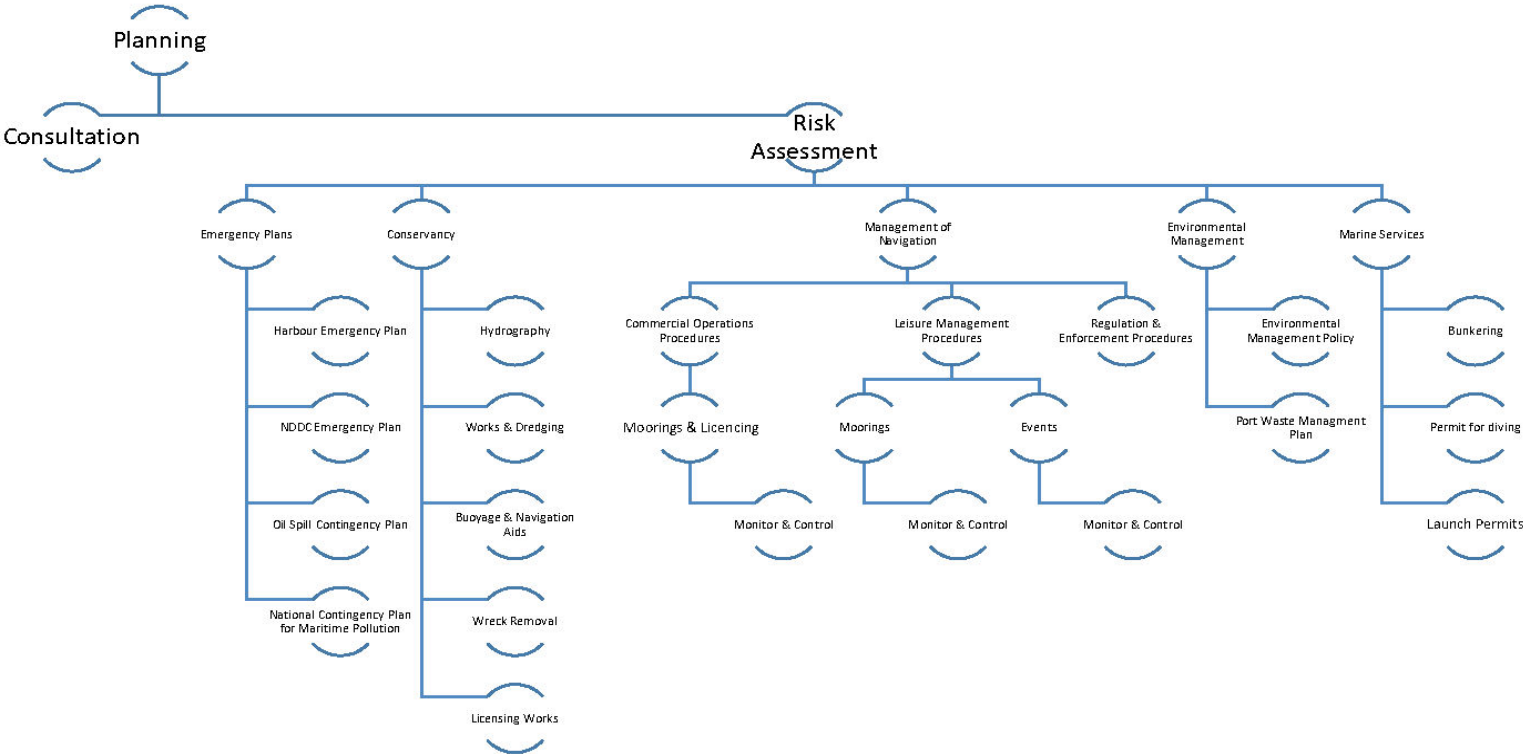
1.3 SYSTEM COMPONENTS

This MSMS which manages the hazards and risks along with any preparations for emergencies must be developed, implemented and revised periodically. The Ilfracombe Harbour Authority components include the following;

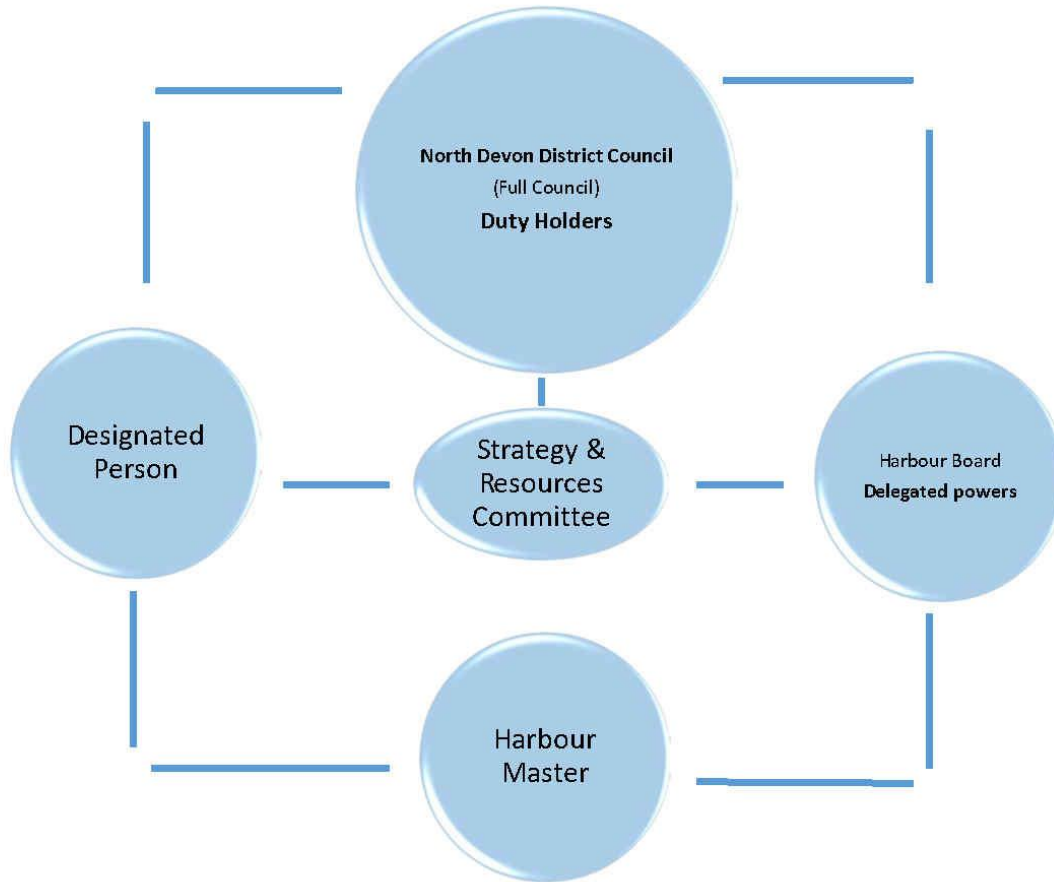
1.3.1 ILFRACOMBE HARBOUR MARINE SAFETY MANAGEMENT SYSTEM COMPONENTS



1.3.2 ILFRACOMBE HARBOUR PLANNING



1.3.3 ILFRACOMBE HARBOUR ORGANISATIONAL BREAKDOWN



2.1 STATEMENTS OF COMMITMENT

2.1.1 NORTH DEVON DISTRICT COUNCIL (NDC): ILFRACOMBE HARBOUR AUTHORITY

NDC commitment to Health & Safety is set out in the Council's Health & Safety Policy which has been signed by the Leader of the Council and the Chief Executive.

<https://www.northdevon.gov.uk/media/379099/ndc-hs-policy-2017-002.pdf>

2.1.2 THE HARBOUR BOARD

The Harbour Board (The Board) have adopted a health & safety management system in compliance with the principles set out in the Port Marine Safety Code.

The Board have adopted practices and put in place controls to ensure that, wherever possible, the harbour is operated safely and efficiently so as to safeguard the harbour, its users and stakeholders and that those measures protect the whole environment of the harbour.

The H&S management system includes policies for emergency planning, conservancy & environment, management of navigation and marine service.

The board will, within the limits of their jurisdiction, provide a safe Harbour which is open to the public for recreation and the transportation of passengers and goods. It will ensure the safety of Ilfracombe Harbour by exercising its statutory functions to a high standard.

The board will regulate the use of the Harbour by maintaining appropriate byelaws and ensuring that these and other statutory regulations are enforced. The board will ensure that such marine services as required are available and are maintained and operated for the safe use of the Harbour.

The board will ensure that up to date plans are available to deal with emergency situations and that the resources, as required, to implement these plans are maintained and exercised.

The board has incorporated input from Council Officers, Harbour Staff and Harbour Users as the high standards of safety can only be reasonable achieved through communication and co-operation.

The Harbour plans, policies and/or reports will be published as a means of improving the accountability and transparency of the Harbour Authority.

Existing powers will be reviewed periodically to avoid any failure to discharge duties or to risk exceeding such powers.

2.2 SAFETY PLAN FOR MARINE OPERATIONS

The Full Council of NDC hold ultimate responsibility for the safety of its employees and those affected by its operations. However, the Harbour Board have delegated authority for Harbour safety management.

The Marine Safety Plan provides a co-ordinated statement of intent regarding matters affecting the harbour that relate to safety, incident management, marine management and the environment.

All Harbour operations are conducted giving due regard to the North Devon Council (NDC) Health and Safety Policy, which itself is in accordance with the requirements of the Health and Safety at Work Act and other related regulations.

As an employer, NDC recognises and accepts its responsibilities for providing safe and healthy workplaces and working environments for all of its employees, and/or persons working on its behalf, and to all other persons who may be affected by the usual work of the Council, or by its acts or omissions.

This policy augments the Health & Safety Policy provides a more focussed approach to Marine related safety.

The Harbour Authority & Harbour Board are committed to:

- Managing its assets safely & efficiently;
- Ensuring that staff and harbour responders are properly trained for emergencies & contingencies;
- Recruiting & Training operational staff to nationally agreed standards;
- Maintaining relevant harbour equipment to agreed industry standards;
- Complying with all legal requirements.

In making these commitments the Harbour Authority have appointed the Harbour Master to fulfil the role of Marine Operations Safety Officer and is responsible for the following:

- Ensuring that the Harbour Authority complies with the Port Marine Safety Code;
- Ensuring that all risks are assessed and mitigating under the principles of ALARP (As Low As Reasonably Practicable);
- Conducting routine safety inspections and dynamically re-assessing risks as appropriate;
- Investigating, reporting & recording all incidents & accidents and ensuring that the 'lessons learnt' are disseminated to persons, bodies & institutions as appropriate.

All Policies and Plan are reviewed periodically, as set out below, by the Harbour Board. The Ilfracombe Harbour Authority maintains the following Policies and Plans:

2.3.1 POLICIES

- Safety policy – 3 Yearly
- Edge Protection Policy – 3 Yearly
- Powered Watercraft Policy – 3 Yearly
- Advertising Policy – 3 Yearly
- Commercial Operators Advertising Policy – 3 Yearly
- Enforcement and Prosecution Policy – 2 Yearly
- Training policy – 3 Yearly
- Winter Storage Policy – 2 Yearly

2.3.2 PLANS

- Environmental Plan – 2 Yearly
- Oil Spill Contingency Plan – 5 Yearly (MCA approval required)
- Waste Management Plan – 3 Yearly (MCA approval required)
- Marine Emergency Plan – Annually
- Marine Safety Plan – 3 Yearly – New Plan.

3.1 RESOURCES, ROLES, RESPONSIBILITY AND AUTHORITY*3.1.1 ILFRACOMBE HARBOUR AUTHORITY*

North Devon Council (NDC) as the SHA, is governed by Acts of parliament prescribing its duties and responsibilities drawn from the Ilfracombe Harbour Act and Orders 1870 to 2019, relevant statute laws, common laws and fiduciary duties.

The Ilfracombe Harbour Acts and Orders are namely the 'Pier and Harbour Orders Confirmation Act' made in the years 1870, 1897 and 1900. The Ilfracombe Harbour and Improvement Act 1905, the Ilfracombe Harbour Revision Order 1996 and the Ilfracombe Harbour Revision Order 2019. Plus the Ilfracombe Harbour Revision Order 2019 and the North Devon District Council Harbour Authority (Removal of Pilotage Functions) Order 2019. Within the MSMS, these Acts and Orders are referred to as 'the Ilfracombe Harbour Act and Orders 1870 to 2019'.

Ilfracombe Harbour is also the Local Lighthouse Authority (LLA) under the requirements of the Merchant Shipping Act, 1995 (Section 193), with respect to Navigation for Aids.

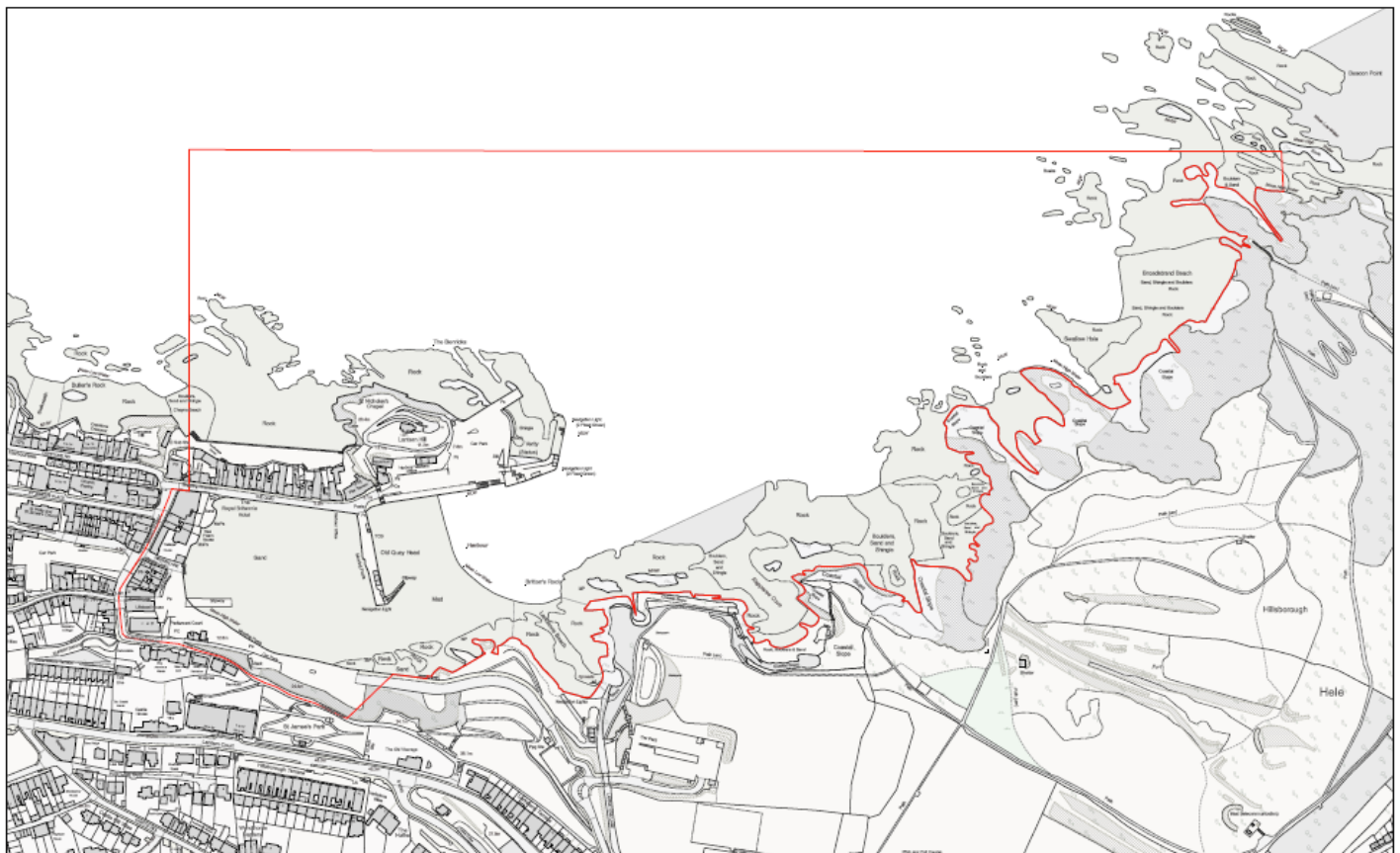
3.1.1.1 NATIONAL LEGISLATION AND REGULATIONS

- I. Harbours, Docks and Piers Clauses Act 1847
- II. Harbours Act 1964
- III. Local Government Act 2010
- IV. Local Authorities (England)(Property etc.) Order 1973
- V. Police and Criminal Evidence Act 1984
- VI. Health and Safety (Display Screens Equipment) Regulations 1992
- VII. Manual Handling Operations Regulations (as amended)1992
- VIII. Workplace (Health, Safety and Welfare) Regulations 1992
- IX. Personal Protective Equipment at Work Regulations 2002 & 1992 (as amended)
- X. Merchant Shipping Act 1995 (as amended)
- XI. Provision and use of Work Equipment Regulations 1998
- XII. MCA Oil Spill Regulations (OPRC) 1998 (as amended)
- XIII. Management of Health and Safety at Work Regulations 1999
- XIV. Oil Storage Regulations for Businesses 2015 (as amended)
- XV. Control of Substances Hazardous to Health Regulations 2002
- XVI. The Control of Noise at Work Regulations 2005
- XVII. Fire Safety Order 2005
- XVIII. Merchant Shipping and Fishing Vessels Regulations 1997

3.1.1.2 LOCAL ACTS, ORDERS AND BYELAWS

- I. Pier and Harbour Orders Confirmation Act 1870
- II. Pier and Harbour Orders Confirmation Act 1897
- III. The Pier and Harbour Orders Confirmation Act 1900
- IV. Ilfracombe Harbour and Improvement Act 1905
- V. Ilfracombe Harbour Byelaw 1992
- VI. Supplemental Ilfracombe Harbour Byelaw 1994
- VII. Ilfracombe Harbour Revision Order 1996
- VIII. Ilfracombe Harbour Revision Order 2019
- IX. The North Devon District Council Harbour Authority (Removal of Pilotage Functions) Order 2019

3.1.1.3 HARBOUR LIMITS



Ilfracombe Harbour Order

Scale: 1:3,000
Date: 05 June 2019

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The harbour limits are defined in section 6(1) of the 'The Pier and Harbour Orders Confirmation Act 1900'. The limits are mapped as follows:

3.1.2 THE DUTY HOLDER

- The nominated Duty Holder as defined in the PMSC is the full council of North Devon District Council who have delegated certain responsibilities to the Ilfracombe Harbour Board as stated in 3.1.2.
- The Duty Holder is collectively and individually accountable for complying with the Code.
- The role of duty holder includes:
 - Maintaining strategic oversight and direction of all aspects of the Harbour operation, including marine safety.
 - Responsibility for the development of policies, plans, systems and procedures for safe navigation.
 - Develop and maintain a Safety Management System to safeguard the harbour, its users, the public and the environment.
 - Ensuring that assessments and reviews are undertaken as required to maintain and improve marine safety.
 - Ensuring that the Harbour Authority seeks and adopts appropriate powers for the effective enforcement of their regulations, and for setting dues at a level which adequately funds the discharge of all their duties.
 - Consult with Staff and relevant Stakeholders with regard to safety issues.
 - Having used risk assessments to identify hazards and risks put in place appropriate controls to reduce them to a level which is as low as is reasonably practicable (ALARP).
 - Ensure that emergency and contingency plans are in place.
 - Ensure that personnel are trained and qualified to the required level.
 - Provide adequate resources to carry out the required functions.
 - Promulgate marine safety information to Harbour Users who will also be made aware of their own safety responsibilities.
 - Undertake as required hydrographic surveys and dredging operations to ensure that the advertised depths within the harbour are maintained.
 - Provide aids to navigation and ensure that they are available in accordance with the requirements as laid down by Trinity House.
 - Regularly review the Safety Management System, evaluate safety performance and ensure that external audits are carried out.
- The Duty Holder is to be familiar with the content of the PMSC, and aware of its responsibilities in responding to it.

3.1.3 THE HARBOUR BOARD

- The Harbour Board has delegated authority from the Full Council of NDC to perform the following role & functions:
- To exercise the functions of the Harbour in accordance with all relevant legislation, regulations, Harbour Orders and bye-laws.
- To discharge the functions of the Harbour within the overall policies set by Council and within the financial estimates set by Council.
- To prepare a Port Safety Plan for consideration of Council and thereafter keep the same under review and from time to time as necessary make recommendations to Council for its amendment.
- To prepare annual estimates for the management of the Harbour for consideration and approval by Council.
- To properly discharge the duties and powers of a Statutory Harbour Authority relating to marine safety and to facilitate the safe use of the Harbour by vessels including the direction of shipping and the regulation of safety in the Harbour, the maintenance of aids to navigation and the safe use of all harbour lands, and the prevention of pollution and nature conservation.
- To prepare a long-term development plan for the Harbour including feasibility, costings and funding availability for consideration and approval by Council.
- To have due regard to the needs and changing needs of the marine sector and other users and stakeholders.
- To establish and maintain an Ilfracombe Harbour Consultative Group to establish strong links with users, stakeholders and the community.
- To have due regard to the interests of the local community in the running of the harbour and in particular recognising the contribution the harbour makes to the economic wellbeing of the District.
- All members of Harbour Board are required to sign to the effect that they understand their responsibilities under the PMSC, against which they are held to account during Harbour Board meetings.

3.1.4 THE DESIGNATED PERSON

The Designated Person provides independent assurance directly to the Duty Holder that the MSMS, for which the Duty Holder is responsible, is working effectively. The main responsibility of the Designated Person is to determine, through inspection, assessment and audit, the effectiveness of the MSMS in ensuring compliance with the PMSC.

The Designated Person must have a thorough knowledge and understanding of the requirements of the Code (and supporting Guide to Good Practice) and associated Port and Marine legislation. This knowledge and understanding will allow the designated person to take appropriate measures to determine whether individual elements of the MSMS meet the requirements under the Code.

These measures will include:

- Monitoring the thoroughness of the risk assessment process and the validity of the assessment conclusions.

- Monitoring the thoroughness of the incident investigation process and the validity of the investigation conclusions.
- Monitoring the application of lessons learnt from individual and industry experience and incident investigation.
- Assessing the validity and effectiveness of indicators used to measure performance against the requirements and standards of the Code.
- Assessing the validity and effectiveness of consultation processes used to involve and secure the commitment of all appropriate stakeholders.

The role of the Designated Person does not absolve the duty holder and its board members of their individual and collective responsibility for compliance with the Code.

3.1.4.1 ILFRACOMBE HARBOURS DESIGNATED PERSON

The NDC Full Council as Duty Holder has appointed Mr Jon Triggs the Director of Resources and Deputy Chief Executive for North Devon Council as their Designated Person.

3.1.5 HARBOUR MASTER

The Harbour Master, appointed by NDC, is responsible for the day-to-day management of the safe operation of navigation and other marine activities in the Harbour area, and for its compliance with all legislation concerning health & safety, marine safety and the environment.

The Harbour Master is responsible for:

- As the nominated Health & Safety Officer for the Harbour, ensuring compliance with all applicable health and safety, and marine safety, legislation and associated policies including the Port Marine Safety Code;
- Ensuring that the Environmental Policy is implemented and environmental objectives and targets are monitored and met;
- As the principal officer holding delegated responsibilities for safety: attending Harbour Board meetings & Duty Holder meetings as required;
- Overseeing the implementation of Harbour Authority policies and decisions and having responsibility for the safety of operations and staff;
- Reporting on the performance of the MSMS to the Harbour Board for review and as a basis for continual improvement of the system;
- Preparing an annual report evaluating the health, safety and environmental aspects of the Harbour's activities.

3.1.6 DEPUTY HARBOUR MASTER [DHM]

The DHM is a nominated Safety Manager and responsible for ensuring that the MSMS is being followed and to take preventative or corrective action should breaches be identified. In particular the DHM responsible for:

- Deputising for the Harbour Master in their absence;
- Supervising tasks with regard to compliance with the MSMS;
- Reporting, and if necessary investigating, health and safety incidents to the Harbour Master;
- Ensuring that all safety equipment is in good condition;
- To be subject matter experts on moorings, maintenance and office safety as appropriate;
- Ensuring that contractors are aware of the Harbour's safety and environmental policies and explaining that they will be expected to adhere to these.

3.1.7 CONSULTATIVE FORUM

A well established and formal consultation mechanism which comprises a number of fora ensures that the Ilfracombe Harbour Board has strong and direct links with both Harbour users and the local community.

This forum is collectively known as the Ilfracombe Harbour Community Forum.

This forum provides valuable insight and information into customer requirements, and the safety and environmental wellbeing of the harbour. In particular, this forum seeks consensus about safe navigation.

3.1.8 HARBOUR USERS

Harbour users are responsible for their own health and safety and that of other harbour users who may be affected by their acts or omissions. They must comply with bylaws, directions and other regulations aimed at ensuring the safe use of the harbour.

It is policy that all Officers and staff are suitably trained, competent and qualified up to a minimum national standard to fulfil their roles within the organisation and can demonstrate competence in critical areas of harbour safety.

All staff need to fully understand the rationale behind the MSMS and understand what is expected of them to maintain and improve the system. This will initially be achieved by full staff meetings to explain the importance of the MSMS and their responsibilities, and regular team briefings. Every year the training requirements of each member of staff will be assessed and a training programme initiated. All staff are appraised with respect to competence.

The training needs of all new members of staff will be assessed and a bespoke induction and training programme put into action. No member of staff will be expected to undertake any role or take on any responsibility for which they are not correctly trained or qualified. Mentoring and supervision will also be provided from within the Harbour staff.

Training will be scheduled into the programme and adequate records, including certificates or other documentation, maintained to provide an audit trail of qualification and competence. 'On the job' training and Continuous Professional Development (CPD) are also key elements of the training policy. All staff will receive training in emergency procedures.

3.2.1 ILFRACOMBE HARBOUR STAFF TRAINING MATRIX

Course	Harbour Master	Deputy Harbour Master	Larkstone Hub Support Officer	Duty Holder
<i>Oil Spill Clearance – On Scene Commander (IMO Level 2) MCA 4P Port Facility Security Officer</i>	YES	YES	N/A 2P Responder recommended	N/A
<i>First Aid at Work</i>	YES	YES	YES	N/A
<i>Short Range Radio Operator's Certificate (SRC) / GMDSS GOC</i>	YES	YES	YES	N/A
<i>Marine Risk Assessment training</i>	YES	Optional	Optional	N/A
<i>PMSC Duty Holder Training</i>	Optional	Optional	Optional	YES
<i>Marine Incident Investigation</i>	YES	Optional	Optional	N/A
<i>Harbour Master Training (options include):</i>				
<i>I. IDG Maritime Harbour Master Training</i>				
<i>II. International Diploma for Harbour Masters</i>	YES	YES	N/A	N/A
<i>III. Certificate of Competence UK Harbour Masters' Association</i>				

Ilfracombe Harbours Training Policy can be found on the Harbour Website

<https://www.northdevon.gov.uk/business/ilfracombe-harbour/procedures-policies-and-plans/>

4. LEGISLATION

4.1 REGISTER OF LEGISLATION AND REGULATIONS

Compliance with statute is a fundamental requirement of any safety or environmental management system. The Harbour Master is responsible for ensuring that the Legislation Register remains up to date by annual review as well as relevant publications and bulletins etc. Appropriate action is then taken to ensure compliance; this may involve revision of operational procedures or training updates.

The British Ports Association, UK Harbour Masters' Association, British Marine Federation, Government Agencies and Departments such as DEFRA, Natural England, MMO, AONB and Maritime & Coastguard Agency (MCA) together with colleagues from within the Council are all sources of information regarding the introduction and subsequent updates to environmental legislation.

4.2 LEGISLATION COMPLIANCE EVALUATION

The Harbour Master is responsible for maintaining and electronically recording the MSMS Legal Register. They shall periodically evaluate compliance with relevant legislation via an audit process, interviews with relevant staff or by training and awareness events.

Where legal non-compliance is identified the Harbour Master shall raise a non-conformity report and seek proposals to address the non-compliance.

Legal compliance evaluation may also identify where practices do not comply with Environment Agency pollution prevention guidance (although not a strict legislative non-compliance, where such situations are identified the Harbour Master may raise a preventative action and seek proposals to improve the practice).

The Harbour Master is responsible for maintaining this register and electronically recording the information in the MSMS spreadsheet.

4.3 REVIEW OF POWERS

Existing powers should be reviewed on a periodic basis to avoid a failure in discharging the Harbour Authority's duties or exceeding its powers. These duties and powers are drawn primarily from local legislation contained in the Acts and Orders are referred to as 'the Ilfracombe Harbour Act and Orders 1870 to 2019'. This includes the Ilfracombe Harbour Byelaw 1992 and the Supplemental Ilfracombe Harbour Byelaw 1994.

These will be formally reviewed internally on a 5 yearly schedule to ensure that they are fit for purpose, the output of this review will normally be tabled at the February Board meeting. Such a review should include an examination of the Legal Register to identify all appropriate legislation and regulations, and an audit of all in-force Harbour Byelaws and Special Directions. Where additions, amendments or deletions are identified, the appropriate procedure, set out in the appropriate legislative act, is to be followed.

4.4 ENFORCEMENT OF COMPLIANCE

The Harbour Authority has statutory powers, including Harbour Authority Byelaws and Special Directions, to regulate the conduct of vessels in the harbour's jurisdiction and to assist in managing the risks of marine operations. To these ends, enforcement action will sometimes be necessary to safeguard the safety of harbour users and the environment.

The Harbour Authority recognises that most harbour users want to comply with the law. Therefore, where it can, the Harbour Authority will help users to meet their legal obligations, without unnecessary expense, while taking firm action – including prosecution where appropriate – against those who flout the law or act irresponsibly.

The Harbour Authority will provide information and advice on the rules that apply and will disseminate it as widely as possible. Also, the Harbour Authority will provide encouragement and support to ensure that their legal powers are used appropriately to improve and safeguard public health, public safety and the environment. The purpose of any enforcement action is to protect the safety of residents, harbour users and visitors to Ilfracombe Harbour. The Harbour Authority has the options of negotiation, education and persuasion and, where a criminal offence has occurred, of cautioning or prosecuting the offender. The Harbour Authority will minimise the costs of compliance for users by ensuring that any action it takes is proportional to the risks.

The Harbour Authority will carry out its duties in a fair, equitable and consistent manner. It will seek to be clear, open and helpful in its approach to enforcement. The Harbour Authority will seek to target enforcement resources where they are most needed and will be informed by its other policies, aims and objectives. It will liaise with other authorities and enforcement bodies as appropriate.

4.5 PROSECUTION POLICY

The Harbour Authority's statutory powers of enforcement may, in some circumstances, require supporting prosecution action. Prosecution is a serious step and must be regarded as the ultimate sanction. A prosecution will only be initiated when the alleged conduct has been such that the Harbour Authority cannot impose an appropriate sanction itself and the matter therefore deserves the attention of the court.

The Harbour Authority is committed to assisting other enforcement agencies, including the Police, to pursue their statutory duties. The Harbour Authority will liaise with any enforcement agency that may also have an interest in any matter considered for prosecution.

Each case will be considered on its individual merits and a prosecution will only be initiated in accordance with this policy together with the Harbour Authority's Enforcement Policy. Having duly considered the Harbour Authority's internal policies due regard will be given to the Code for Crown prosecutors. Any decision to initiate a prosecution will be recorded in writing and the reasons for initiating the prosecution will be given.

Any investigation carried out by the Harbour Authority will be conducted pursuant to the Police and Criminal Evidence Act 1984 with due regard to the applicable Codes of Practice. In addition and where applicable, best practice will be observed as set out in national guidance issued by bodies such as the Department for Transport (Ports Division), the Maritime and Coastguard Agency and the Marine Management Organisation.

The Harbour Authority recognises that once a prosecution has been commenced much of the control of the matter is ceded to the Courts and the Criminal Justice System.

4.5.1 ENFORCEMENT & PROSECUTION POLICY

Ifracombe Harbours Enforcement & Prosecution Policy can be obtained from the Harbour Office or found on the Harbour website <https://www.northdevon.gov.uk/business/ilfracombe-harbour/procedures-policies-and-plans/>

4.6 DRUGS & ALCOHOL

The Harbour Authority has a duty to ensure the safety of Harbour users as best as is practicable.

4.6.1 AFLOAT

Ifracombe Harbour has zero tolerance for any person found under or suspected of being under the influence of drugs &/or alcohol whilst in charge or attempting to take charge of a vessel in a Professional capacity on or off duty or a non- professional who is exercising, or purporting or attempting to exercise, a function in connection with the navigation of the vessel.

Under the Railways and Transport Safety Act 2003 section 84 The Harbour Master and any duly authorised member of the harbour team have the power to detain any such vessel pending the arrival of a constable in uniform which will be requested immediately if such suspicion arises.

The Harbour Master also has the power under the Harbour Bye Laws to prosecute said offenders without the presence of a constable in uniform being required.

Ifracombe Harbour Bye Laws #35 - Navigation under influence of drink or drugs prohibited

“A person shall not navigate any vessel in the Harbour whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel”

4.6.2 ASHORE

Ifracombe Harbour Team have no direct power to detain any person found or suspected of being under the influence of drugs &/or alcohol whilst within the Harbour Jurisdiction and on shore, however the duty of care to harbour users still applies and so in any case of any such suspicion that may give cause to being a public nuisance and or danger to themselves or others the Harbour Team will request a constable in uniform to attend and offer any assistance required.

5. CONSULTATION

The Harbour Authority complies with and maintains a Community Consultation Framework which delivers a clear and unambiguous consultation process. It is important that the Harbour operates as a regulated environment and that the rules of the Harbour and its commitment to safety are both accepted and observed by all. Safety is not just a matter for the Harbour Authority and its Officers, users are also required to minimise risk to themselves and others. In doing so they must be able to freely put forward their views on the development of safety policies and procedures. It follows that the Harbour Authority holds itself accountable to the local community and therefore needs to consult, as appropriate with the two main groups: harbour users, both commercial and leisure, and local interests and communities.

Port Marine Operations are technical matters best understood by experienced mariners. Therefore, whilst ensuring appropriate involvement of the wider community, the Harbour Authority must

safeguard its position, as the body responsible for safety management, through the appointment of experienced personnel to Operational Management of the Harbour. Appendix a

The Harbour Board has established and maintains close links with a consultative forum called 'The Harbour Community Forum'. The membership consists of wide-ranging stakeholder group representatives who meet regularly and feed directly to the Harbour Board.

The procedure for revising statutory powers, through Harbour Orders or byelaws, includes explicit guidance on consultation and rights of objection. Users have a specific right to be consulted where directions limit the right that they would otherwise be able to exercise freely, as they have no other convenient recourse against unreasonable directions. It is harbour policy to consult with those likely to be affected by such orders through early informal consultation, before formalising proposals.

The general aim of consultation in the risk assessment process is to give harbour users the opportunity to make contributions to both the identification of risk and its management. Risk management then depends less on formal regulation and more on winning the understanding of those whose activities create the risk, thus securing their agreement to safe behaviour.

Ilfracombe Harbour Authority is responsible for the establishment, maintenance and navigational marking of the approaches to and navigation within the harbour. It is therefore important that Harbour users remain fully engaged and consulted with regarding proposed development which may change the Harbour's operational environment.

6. RISK ASSESSMENT

An organisations safety policy should promote a positive safety culture, fostered by the visible and active leadership of senior management. Its aim should include the motivation and empowerment of staff to work safely, not just to avoid accidents. Policy and related procedures should be underpinned by effective staff involvement and participation and sustained by effective communication and promotion of competence.

The aim of a safety management system is to minimise risks. Risk assessment methods are used to decide on priorities and to set objectives for eliminating hazards and reducing risks. Wherever possible, risks are eliminated through selection and design of facilities, equipment and procedures. If risks cannot be eliminated, they are minimised by physical controls, or as a last resort, through systems of work. Performance standards are established and used for measuring achievement. Specific actions to promote a positive safety culture are identified.

It is the policy of North Devon Council that its powers, policies and procedures will be based on a formal assessment of hazards and risks, and that it will have a formal safety management system.

6.1 PROCEDURE

Ilfracombe Harbour Board has commissioned formal risk assessments of its marine operations to identify and record all hazards associated with activities and operations which occur within the harbour and to identify and enact appropriate control measures to eliminate or reduce the risk to ALARP.

There are two types of assessment: the planned, formal assessments which provide the framework to describe how all risk assessments are carried out in practice; and dynamic assessments which helps the individual to assess a situation which is constantly changing. The risk assessments contained within this MSMS are of necessity mainly concerned with the former, although a comprehensive working knowledge of these will assist in the 'on the spot' assessment of the latter type.

Formal risk assessment involves 5 stages:

1. Identifying the problem (data gathering)
2. Hazard identification
3. Risk analysis
4. Assessment of existing measures
5. Risk Control

6.1.1 DEFINITIONS OF HAZARD AND RISK

- A hazard is something with the potential to cause harm, loss or injury.
- A risk is a combination of frequency of occurrence (likelihood) and consequence (outcome).

6.1.2 STAGE 1. PROBLEM IDENTIFICATION [INFORMATION GATHERING]

The undertaking of a risk assessment starts by taking stock of the organisation, its culture, policies, procedures and priorities and assessing the existing safety management structure. This is the stage for informed consultation with those working in and using the Harbour. Taking stock covers a review of the following:

- The adequacy and completeness of any established incident database or similar records.
- Current management procedures, navigation management (including hydrography / conservancy, marine operations, etc.).
- Consider seeking advice from and sharing best practice with other ports. The exchange of risk information is encouraged to promote good practice and inclusivity.
- Review MAIB reports and other investigative reports which make recommendations about incidents which have taken place in a harbour.
- Those port users affected by a particular risk should be informed and involved.
- Auditing of selected marine/navigational safety procedures.
- Utilisation of a structured questionnaire to provide feedback on the value placed by staff and users on the various management systems in place.

It will consist of a structured process, involving interviews with management, and a broad sample range of port users and operators. It will aim to develop an initial list of hazards.

6.1.3 STAGE 2. HAZARD IDENTIFICATION

Any list of hazards will include those already known (for example from incident records) and the existing defence mechanism/safety management system relating to them. The collective process needs to identify new hazards which may have been ignored, created by new trade or changes in marine operations or overlooked in the past.

A harbour authority manages these events and minimises their opportunity for occurrence by use of control measures and risk mitigation measures. Within this process of hazard identification the Harbour takes due regard of the link between the Harbour Authority and the Harbour Users.

Structured meetings will to be held during this process involving relevant marine practitioners at all levels including harbour users, commercial operators, leisure users, and possibly other regulators and agencies, as required.

This stage should also identify the potential outcomes should the identified events happen. One useful approach is to consider both the most likely and the worst credible outcomes (set against likely frequency of the event happening). In each case this approach provides a more realistic and thorough assessment of risk, which reflects reality, in that relatively very few incidents result in the worst credible outcome.

6.1.4 STAGE 3. RISK ANALYSIS

Hazards need to be prioritised. A method which combines an assessment of the likelihood of a hazardous incident and its potential consequences should be used. This is likely to be a matter of judgement best taken by those with professional responsibility for managing the harbour. The assessments of others can be gathered by a further round of consultation on that judgement.

The frequency of incidents can be established in part using historical data identified in the first stage of the work. The likelihood of a hazardous incident and its potential consequences can often be determined with reference to historical data. It should be borne in mind that following an incident the risk of recurrence should have been reduced by management action. Therefore any assessment of frequency and consequence is likely to rely to a certain extent upon the judgement of the assessors or others capable of making such a qualified estimate. Historical data alone will not provide a true assessment of the risk of the current operations, nor will it necessarily reveal an extremely remote event.

Risks and the impact of identified outcomes should normally be assessed against four criteria; the consequence to:

- I. Life (public health & safety);
- II. The environment;
- III. Harbour and Harbour user operations (business, reputation etc);
- IV. Harbour infrastructure (damage)

Such an approach not only assesses the impact of hazards on harbour safety, but also their impact on other important areas of the harbour infrastructure. Ilfracombe harbour has been divided into 4 areas to aid this process. IMO Guidelines define a hazard as “something with the potential to cause harm, loss or injury” the realisation of which results in an accident. The potential for a hazard to be realised can be combined with an estimated (or known) consequence of outcome. This combination is termed “risk”. Risk is therefore a measure of the frequency and consequence of a particular hazard.

6.1.5 STAGE 4. ASSESSMENT OF EXISTING MEASURES

Risk assessment necessarily includes a review of existing hazards and their associated risk control measures. As a result, new risk control measures (or changes to existing risk control measures) may be identified for consideration, both where there are gaps in existing procedures and where risk controls need to be enhanced. Some control measures might also be relaxed so that resources can be re-designated to meet a new priority. Care should be taken to ensure that any new hazards created as a result are themselves identified and managed. The overall risk exposure of the organisation itself will be identified during this stage and will allow recommendations to be made to enhance safety.

6.1.6 STAGE 5. RISK CONTROL

All final decisions about risk control methods should take into account relevant legislation, which establishes minimum standards. Human factors should also be considered. The aim is to reduce risks as low as reasonably practicable. There is a preferred hierarchy of risk control principles:

1. Eliminate risks – by avoiding a hazardous procedure or substituting a less dangerous one.
2. Combat risks – by taking protective measures to prevent risk.
3. Minimise risk – by suitable systems of work

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If a range of procedures is available, the relative costs need to be weighed against the degree of control provided, both in the short and long term. The aim of assessing and managing marine operations in the harbour is to reduce risk as low as reasonably practicable ('ALARP'). Judgement of risk should be an objective one, without being influenced by the financial position of the authority. The degree of risk in a particular activity or environment can, however, be balanced on the following terms against the time, trouble, cost and physical difficulty of taking measures that avoid the risk. If these are so disproportionate to the risk that it would be unreasonable for the people concerned to incur them, they are not obliged to do so. The greater the risk, the more likely it is that it is reasonable to go to very substantial expense, trouble and invention to reduce it. But if the consequences and the extent of a risk are small, insistence on great expense would not be considered reasonable.

Risks may be identified which are intolerable. Measures must be taken to eliminate these so far as is practicable. This generally requires whatever is technically possible in the light of current knowledge, which the person concerned had or ought to have had at the time. The cost, time and trouble involved are not to be taken into account in deciding what measures are possible to eliminate intolerable risk.

The application of environmental consequences to the Marine safety management system (and appropriate risk control measures) is essential.

6.1.7. USE OF CONSULTANTS AND EXTERNAL ADVICE

Ifracombe Harbour authority may, at times, choose to employ consultants. An external consultant is likely to be best employed as a facilitator. In this way, the commitment of management, the contribution by harbour users, and the consequential sense of ownership should be unaffected by the use of an external risk assessment expert.

The aim is to use sufficient expertise to secure a good outcome. The risk assessment and safety management system needs to be thorough, comprehensive and relevant, to the physical constraints of the harbour and the type, size, and frequency of vessel movements.

Consultants are especially useful for the hazard identification stage of formal risk assessment. They should apply a systems approach to the problem and not a situational approach which would normally be used by stakeholders close to the problem. Consultants will also encourage the inclusion of the widest range of stake holders' possible (especially external stakeholders) in the identification process.

6.2 ALARP DEFINED

Guidance offered by the Health and Safety Executive (HSE) defines the concept of ALARP as being at the heart of the British health and safety system. 'Reasonably practicable' involves weighing a risk against the trouble, time and money needed to control it, thus ALARP describes the level to which workplace risks are expected to be controlled.

The Court of Appeal (in its judgement in *Edwards's v National Coal Board* [1949]) defined "reasonably practicable" more narrowly than "physically possible" by introducing the concept of proportionality, judgement and flexibility in determining when a control results in a risk being 'as low as reasonably practicable'. Such determinations should consider the application of 'good practice' and discussion with stakeholders. Where there is a lack of 'good practice' then such determinations should be derived from first principles by applying common sense and/or exercising professional judgement or experience.

If for any reason the Marine safety management system identifies a control measure that is not effective the activity is to cease until suitable control measures are in place and the risk mitigated to as low as reasonably practical.

6.3 ILFRACOMBE HARBOUR RISK ASSESSMENTS

In line with Council policy and section 6.1, Ilfracombe 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. Risk assessments are categorised under 4 titles these being

1. Marine based
2. Land based
3. Marine/Land Interface
4. Harbour Staff

All risk assessments pertaining to the Harbour are stored on the corporate drive.

6.4 THIRD PARTY [EXTERNAL] RISK ASSESSMENTS

All third parties seeking to conduct marine related activities or operations within the Harbour Limits must first submit a copy of their formal risk assessment to the Harbour Master for prior approval.

6.5 RISK ASSESSMENT REVIEWS

The review of hazards normally take 2 forms, those being Proactive and Reactive.

6.5.1 PROACTIVE

The proactive approach establishes a structured and regular review (frequency will be dependent upon the outcome of the risk assessment and whether hazards are deemed to fall within the ALARP band) of the identified hazards. This involves the re-assessment (review) of hazards, their potential frequency, outcomes and consequent risk and associated risk control measures.

6.5.2 REACTIVE

The reactive approach prompts a review and identifies new hazards (and/or changes to existing hazards) following a change in trade or the scope of marine operations in the port, or following an incident or near miss, where the hazard may or may not have been identified previously in the risk assessment.

7.1 PROCEDURE

The Harbour Master is responsible for the overall implementation of the MSMS, however, all staff are encouraged and expected to make positive contributions to improving safety and managing risks when delivering services. This may be through day to day activities, during team meetings or through specific improvements projects.

In particular all staff should:

- Ensure that they comply with safety procedures and that pollution or air, land and water does not occur as a result of their work;

Consider the sustainability of the way in which services are delivered.

7.2 STANDARD OPERATING PROCEDURES

Harbour Operations that require supporting procedures to enable their effective implementation fall under 5 distinct headings;

- I. Regulating the safe arrival, departure and movement of all vessels.
- II. Protection of the general public from dangers arising from marine activities.
- III. Conduct of all functions with special regard to their possible environmental impact.
- IV. Conduct of all activities for controlled works to include but not limited to the following;
Hot work; Diving; Bunkering Vessels / Craft; Dangerous Goods

All Standard Operating Procedures (SOP) can be obtained from the Harbour office or found on the Ilfracombe Harbour Website <https://www.northdevon.gov.uk/council/strategies-plans-and-policies/ilfracombe-harbour-procedures-plans-and-policies/standard-operating-procedures/>

All policies and procedures are published onto the Harbour Website

<https://www.northdevon.gov.uk/business/ilfracombe-harbour/procedures-policies-and-plans/> and are held in the Harbour Masters Office.

In addition to these the authority has the following duties:

7.3.1 CONSERVANCY: BUOYS, AIDS TO NAVIGATION AND SURVEYS

There is a public right of navigation in harbours upon the payment of Harbour Dues (Open Port) and the Harbour Authority has a duty to take reasonable care that those who lawfully use the Harbour may do so without danger to their lives or property.

The Authority shall provide users with adequate information about conditions within the harbour and also notify them of any changes, or new navigation dangers, by publication of Harbour Notices. Meteorological forecasts and tidal data are displayed at the Harbour Office.

7.3.1.1 HYDROGRAPHIC SURVEYS AND INFORMATION

The bathymetry of Ilfracombe Harbour and its approaches has not significantly altered over recent years. However, the Authority undertake to monitor any change, including the requirement for Hydrographic Survey, particularly if harbour operations are changed – for example the reception of larger vessels.

The Harbour Authority has effective arrangements to publish hydrographic information, especially warnings on recently identified navigational hazards. The authority will provide all information required for the amendment of the British Admiralty Chart in compliance with the Harbour Master's Guide to Hydrographic and Maritime information exchange (2016).

The results of any survey undertaken are shared with the UKHO thereby ensuring that the Admiralty Chart 1160 is maintained up to date.

7.3.1.2 BUOYAGE

The Harbour Authority has a duty to find, mark and monitor the best navigable channel into the Harbour. This is an essential part of the Harbour's formal Risk Assessment.

7.3.1.3 PROVISION OF AIDS TO NAVIGATION [ATONS]

The provision and level of aids to navigation provided will be based on formal risk assessment. The characteristics and availability of all aids to navigation should comply with internationally agreed guidelines, applied in consultation with Trinity House and the Hydrographic Office. The AtoNs at Ilfracombe are a mix of Category 2 lights requiring a 99% availability & Category 3 lights requiring 97% availability over a rolling 3 year period.

The Harbour Master maintains a system for monitoring the availability of aids. In addition Trinity House's availability recording system, PANAR, will be maintained.

AtoNs are inspected annually by Trinity House. Furthermore, the procedure for managing navigation aids and the resulting records are audited periodically by Trinity House.

PANAR Category	Location	Designation	Set < Availability %
CAT 2	Lantern Hill	Harbour approach Lighthouse	99.0
CAT 2	Larkstone Leading Lights	Leading Lights for Channel	99.0
CAT 3	Pier North	Approach Limit Lights	97.0
CAT 3	Pier South	Approach Limit Lights	97.0
CAT 3	Old Quay Head	Approach Limit Lights	97.0

7.4 DREDGING

There is little call for dredging operations at Ilfracombe Harbour. The seabed has historically been very stable with only seasonal differences caused by weather and sea state patterns. Much of the Harbour can be assessed for erosion/build-up of seabed material visually at low spring tides.

7.5 PROVISION AND CONTROL OF MOORINGS

The permanent moorings at Ilfracombe Harbour are allocated from a waiting list. Having a large number of boats in a relatively small space has its challenges and moorings are allocated so that boats of similar characteristics are adjacent to one another wherever possible. This is to allow boats to float at about the same state of tide thus avoiding unnecessary contact and collision. This system of mooring allocation often means that it is not always the vessel at the top of the waiting list that is provided with the next available mooring, but for safety reasons it is more likely to be the most suitable boat.

The Harbour Authority provides the heavy ground tackle for all moorings and it is the responsibility of each mooring holder to provide and secure their own pick up tackle to ensure a safe and secure facility for their boat. Mooring holders are issued with a Mooring Licence which clearly details their responsibilities.

The harbour provides a number of visitors' moorings both in the inner and outer harbour. These are on the planned maintenance system (PMS) for regular inspection and replacement of parts when identified.

The harbour also provides a number of outer harbour moorings for the use of the commercial operators to better facilitate the working of the tides these are again on the PMS.

7.6 NOT ALWAYS AFLOAT BUT SAFELY AGROUND [NAABSA] BERTHS

Ship Berths in the Outer Harbour can sometimes dry at low water and ships berthed there often sit on the bottom. The Harbour Authority has a responsibility for ensuring that these berths are safe to use by visually inspecting the berths as the tide allows and removing any such obstructions that may be identified. Vessels must also have considered the fact that they will dry out in their berthing risk assessment.

7.7 MAINTENANCE OF PROPERTY AND HARBOUR INFRASTRUCTURE

A small maintenance budget for day to day operations is held by the Harbour Master. All other maintenance is provided for by NDC.

7.8 ENVIRONMENTAL AND WASTE MANAGEMENT

Ilfracombe Harbour has its own dedicated Waste Management Plan which is approved by the Maritime and Coastguard Agency. The plan is reviewed annually and submitted to the MCA for re-approval every 3 years.

7.9 WRECK MARKING/REMOVAL

Ilfracombe Harbour Authority undertake to carry out a formal risk assessment of any wreck which occurs within its designated area of authority.

The Merchant Shipping Act 1995 empowers Ilfracombe Harbour Authority, as the conservancy authority, to raise, remove, destroy and mark wrecks which lie in, or near any approach to the area within its control.

Sunken vessels, categorised as wrecks, should be marked by buoys in compliance with the international convention. However, such vessels at Ilfracombe would largely comprise of smaller commercial and leisure vessels.

Marking of wrecks will be conducted in consultation with Trinity House. Removal of wrecks will be carried out in consultation with the MCA, SOSREP and other agencies using, if necessary, statutory powers available to the Harbour.

A pollution incident emanating from a wreck will result in the activation of the Harbour Oil Spill Contingency Plan.

7.10 COMMUNICATIONS- LOCAL PORT SERVICE (LPS)

The designated harbour working channels are VHF 12 and 14. When manned the Harbour Office monitors Channels VHF 12, 14 and 16.

The Harbour also has a designated 24hr mobile phone number 07775 532606.

For more specific details on the LPS see SOP# 07 Local Port Services

7.11 MARINE SERVICES

Marine Services are administered by the Harbour Master's office. Application forms are available from the Harbour Website: <https://www.northdevon.gov.uk/business/ilfracombe-harbour/application-forms> or direction from the Harbour Master's Office.

7.11.1 BUNKERING

Bunkering in the harbour is controlled by the procedures laid down in the Harbour Bunkering Standard Operating Procedure # 05, which falls into 4 categories. 1. By road tanker, 2. Self-service at the fuel berth, 3. Harbour Team dispensing fuel at the fuel berth and 4. Bunkering by way of suitable petrol containers.

7.11.2 DIVING

Diving within the Harbour Jurisdiction is controlled by the procedures laid down in the Harbour Diving Standard Operating Procedures # 04, and is inclusive of Commercial and Recreational diving activities

7.11.2 LAUNCH PERMITS

Permits for launching are required for all powered craft wishing to launch from the main slipway and procedures for launching Personnel Watercraft are laid down in the PW Policy.

7.11.3 HOT WORKS

Hot Works are managed by the individual undertaking the hot work who must apply for a Hot Work Permit as laid down in the Hot Work Standard Operating Procedure # 03, prior to the works taking place.

7.12 TOWAGE

The Harbour itself does not have a water presence and so does not carry out any towage itself. However towage does occur on occasion as the Harbour is home to the RNLI, commercial fishermen, commercial day trip boats and recreational mooring holders.

7.12.1 ROUTINE TOWAGE

Routine towage does not generally occur within the Harbour jurisdiction.

7.12.2 NON –ROUTINE TOWAGE INTERNALLY WITHIN THE HARBOUR JURISDICTION

On occasion towage is required within the Harbour during the annual lifting of boats in or out of the harbour. On these occasions a dynamic Risk Assessment is undertaken and a vessel who is capable of towing the vessel in need is either handed a line by the vessel to be towed and this is securely attached to a strong point on the towing vessel and the strain taken gently or the 2 vessels are secured alongside each other. The pair then proceed either to the moorings or the lifting area until the towed vessel can either access their own moorings or shore side assistance to hold them alongside ready to be lifted.

For all other non- routine towage operations internally to the Harbour, operations must be discussed and a Risk Assessment must be made and permission granted by the Harbour Office prior to the tow taking place.

7.12.3 NON-ROUTINE TOWAGE ENTERING THE HARBOUR JURISDICTION

Ilfracombe Harbour is home to the RNLI and there are occasions when the RNLI bring vessels under tow into the Harbour, for these instances their own towage procedures are in force and a copy is held at the Harbour Office.

For all other non – routine towage operations entering the Harbour , operations must be discussed and a Risk Assessment must be made and permission granted by the Harbour Office prior to the vessel entering the Harbour.

8.1 SETTING OF BYELAWS, LICENCES AND REVISION ORDERS

The Harbour Authority has a duty to ensure the proper and effective use of its powers to facilitate the regulation of vessels navigating in their waters. The legislative framework within which the Harbour operates gives statutory force to the requirements of the Safety Management System.

The Council has issued byelaws which every harbour user must obey as a condition of their right to use the harbour. The Council and its Harbour Master recognise their duty to assess risks and make proper use of powers to make byelaws and to issue Special Directions to regulate vessel movements within harbour limits. These powers shall be exercised in support of policies and procedures developed in this MSMS and should be used to manage vessel navigation.

Powers of Special Direction shall be used to regulate the use of the Harbours facilities e.g. Moorings in appropriate cases. The Harbour and Council has clear policies on enforcement and should monitor compliance of issued Special Directions and byelaws.

Statutory powers contained within local legislation can be revised by means of a harbour revision order (HRO). HROs are forwarded to the Marine Management Organisation for approval.

8.2 DIRECTIONS AND NOTICES TO MARINERS

The Harbour Master and their Deputies have the necessary powers of direction to regulate the time and manner of a vessel's entry to, departure from and movement within the Harbour Authority's water space. These directions are defined in the following ways:

8.2.1 *Special Directions*

The Harbour Master and appointed Deputies of Ilfracombe Harbour Authority have the powers of Special Direction to regulate the time and manner of ships' entry to, departure from and movement within harbour waters. These powers are given for the purpose of giving specific directions to specific vessels or groups of vessels for specific movements.

Where Special Directions have been issued these are to be recorded in the Incident Log, along with a narrative explaining how that decision was reached.

8.2.2 *Dangerous Vessel Directions*

The Harbour Master may give directions (Dangerous Vessel Directions) prohibiting the entry into, or requiring the removal from, the harbour of any vessel if in their opinion the condition of that vessel or anything it contains presents a grave and imminent danger to the safety of persons or property or prejudice the use of the harbour by other vessels. Such directions may be over-ridden by the Secretary of State's Representative (SOSREP) who may issue contrary directions in the interests of safety.

The decisions of both Harbour Master and/or SOSREP are to be recorded in the Incident Log, along with a narrative explaining how that decision was reached.

8.2.3 Notice to Mariners

These are issued, but not limited to, when navigation within the Harbour is affected by scheduled events or unusual occurrences. They will identify the risk to harbour users and give direction to them to assist in the avoidance of danger. Notices will be sequentially numbered and displayed on the Harbour Notice Boards. They will also be distributed to the following:

- All Commercial operators
- All Fishing related operators
- RNLI
- Ilfracombe Yacht Club
- MS Oldenburg
- Lundy Company
- Waverley Excursions Ltd, as required
- Contractors, as required
- Any others as required

8.3 SECURITY

Ilfracombe Harbour is compliant with the International Ship and Port Facility Security (ISPS) Code to accommodate visiting cruise vessels. A comprehensive Port Facility Security Plan (PFSP) has been developed and multi-agency exercises are held or attended at least annually as required by the Code.

The harbour benefits from a recorded CCTV system which can be managed by both the harbour staff and the Council's CCTV team.

In the event of a visiting ISPS complainant passenger vessel external security is employed as per the PFSP.

8.4 MARINE EMERGENCY PLAN

The plan covers all aspects of Harbour Emergency procedures and liaison with the rescue and emergency services. On receipt of information relating to an incident the Harbour Master will activate a response in accordance with the plan. Ilfracombe Harbour Authority is a Category 2 'cooperating body' as detailed in the Civil Contingencies Act, 2004. This requires an active involvement in the Council's wider Civil Contingency planning.

8.5 OIL SPILL CONTINGENCY PLAN [OSCP]

The maintenance, revision and exercising of the Harbour OSCP is a statutory requirement. The plan is approved by the Maritime and Coastguard Agency after lengthy consultation with all interested parties including Environment Agency, Marine Management Organisation, Natural England, Devon County Council and Ilfracombe Harbour Users.

9. INCIDENT REPORTING

It is a statutory requirement that accidents involving or occurring on board any UK ship must be reported to the MAIB by the quickest possible means.

Extract from MGN 564 (M+F)

“The master / skipper of any ship must notify the MAIB of any marine casualty or marine incident if:

- The ship is within UK waters and carrying passengers to / from the UK, or
- The marine casualty or marine incident occurs within the jurisdiction of a UK harbour master.

The ship’s owner must notify the MAIB of any marine casualty or marine incident, unless s/he is satisfied that the master / skipper or senior surviving officer has made the report.

In addition to the above, the following must notify the MAIB of any marine casualty or marine incident, if it occurs in their area of responsibility:

- Harbour authorities, for occurrences in or adjacent to their harbour area.
- The person, authority or body having responsibility for an inland waterway.
- An official of the Maritime and Coastguard Agency (MCA), for all occurrences in UK waters.

The duty to notify does not apply to:

- Recreational craft hired on a bareboat basis
- Commercial craft or boats <8m length overall that are operating in a harbour or on an inland waterway, which are not carrying passengers;

Unless the marine casualty involves an explosion, fire, or capsize of a power driven vessel, or results in death, serious injury³ or severe pollution.

Note, there is no requirement for the master / skipper or owner of a pleasure vessel to notify the MAIB of a marine casualty or marine incident, unless it is being operated for temporary commercial use under the Intended Pleasure Vessels (IPV) Code. However, notifications relating to pleasure vessels (not operating commercially) are welcomed.”

The quickest reporting method is via the accident reporting line 02380 232 527 and an Accident Report Form completed. This may be completed online;

<https://www.gov.uk/government/publications/report-a-marine-accident>

Alternatively, a copy can be obtained through the Harbour office.

Records of all reportable incidents are held at the Harbour Master’s Office.

All reported incidents require initial investigation. The extent of subsequent investigation is determined by the initial findings together with the actual and potential consequences of the incident.

Initial investigation of an incident is conducted by the Harbour Master or, in absence, their Deputy to learn lessons to avoid future repetitions. The purpose of this investigation is not to apportion blame. For this reason, none of this evidence can be used in subsequent legal proceedings and this fact should be made clear to all witnesses so that they are not discouraged from coming forward.

Further investigation, if required, will involve the MCA, MAIB, Police, other statutory agencies and independent advisers.

If it appears that an offence has been committed then an entirely separate investigation will be conducted, under caution if required, but cannot refer to any of the evidence gathered in the former investigation. Evidence gathered during such an investigation must be collected, processed and preserved in accordance with the Police and Criminal Evidence Act 1984 (PACE) in order that it can be admissible in criminal court proceedings.

The Police will take primacy in any investigation involving death or crime. If someone dies in a work-related incident, a number of different organisations will require to work with the Police to ensure that the reasons for the death are understood. Different organisations have different but important roles in this process and good co-ordination is vital.

The legal framework for incident investigation is summarised in the Memorandum of Understanding between the MCA, MAIB and HSE for health and safety enforcement activities at the water margin and off-shore:

- The MCA is responsible for implementing the Government's maritime safety policy.
- The MAIB investigates accidents related to ships and crew.
- The HSE investigates land-based accidents.

Harbour Staff who witness or become aware of an incident, collision or grounding within the harbour will record it in the Incident Log in the first instance. The Masters of all craft involved in an incident are required to submit a written statement as soon as is reasonably practicable after the incident as part of the reporting procedure as contained in Harbour Byelaw No.10.

Investigation of Environmental incidents is detailed within the Ilfracombe Harbour Oil Spill Contingency Plan and the Marine Emergency Plan. Guidance is given within those plans on the reporting procedures, investigation and requirements for action to be taken.

All other incidents of a reportable nature but not pertaining to the requirements of the above are reported using the NDC internal reporting system.

The Port Marine Safety Code states that the Safety Management System should include a means of active self-monitoring to ensure that it is functioning.

10.1 MEASURING PERFORMANCE

Ilfracombe Harbour adopts a number of methods for measuring performance these include:

- Putting this and other documentation into the public domain so that our performance is subject to public scrutiny;
- Reporting against established Performance Indicators (PIs) at Harbour Board meetings, to which the public are invited;
- Using Active and Reactive systems;
- Being subject to external assessment and reporting.

10.1.1 PERFORMANCE INDICATORS [PI]

NDC monitor performance targets through PENTANA software and the Harbour Master is responsible for collecting, collating and rendering this data on a quarterly basis.

These should be reviewed and adapted on a regular basis.

10.1.2 ACTIVE SYSTEMS

The Harbour Staff perform periodic formal checks and maintenance to ensure that the procedures documented within the Harbour's Safety Management System are functioning. Logs detailing Daily Safety Checks and Incidents are kept at the Harbour Office. A maintenance management schedule is also produced which details when each element of harbour maintenance is due.

It is the responsibility of the Designated Person to provide independent assurance to the Duty Holder & Harbour Board that the Safety Management System is working effectively and to audit compliance with the Port Marine Safety Code not less than an annual basis.

10.1.3 REACTIVE SYSTEMS

Reactive monitoring is performed in response to reports of accidents, incidents, near misses and non-conformances.

On receipt of a report the Harbour Master or their Deputy will initiate an investigation to determine whether any immediate response is required. The findings of this initial investigation will be recorded in the Incident Log and if required an NDC Incident Report will be completed and forwarded to the Health & Safety Adviser.

Newly identified risks will be formally adopted and a Risk Assessment will be generated. Any actions to mitigate the risk and Incident Reports raised will become part of the e-record.

10.1.4 EXTERNAL ASSESSMENT

The authority is subject to multiple external assessments by, but not limited to, those listed below

- The Designated Person (for Safety Management)
- The MCA (for compliance with the PMSC, our oil spill contingency readiness and waste facility management)
- Trinity House (as a General Lighthouse Authority)
- The Environment Agency (for water quality and pollution incidents)

10.1.5 AIDE MEMOIR CHECKLIST

The table shown below assists in monitoring performance in a variety of areas. The table is reviewed periodically to meet emerging needs and requirements.

Marine SMS Section	Procedure/Item to be checked
Management of Navigation	<ul style="list-style-type: none"> • Notice to Mariners promulgated in a timely fashion • Tide checks carried out for all visiting ships • Ship movements recorded • List of vessels banned from EU Ports kept current
Conservancy	<ul style="list-style-type: none"> • AtoN inspected in accordance with MMS • Performance of AtoN reported as per Trinity House availability requirements: Category 2 = 99.0% Category 3 = 97.0% • NAABSA berths - Harbour seabed visually surveyed whenever possible and any significant movements/obstructions noted and removed where necessary • Tide gauge operational checks
Harbour Personnel	<ul style="list-style-type: none"> • Appraisal carried out • Training needs identified • Job descriptions in line with responsibilities
Marine Services	<ul style="list-style-type: none"> • Confirm commercial operators and crews properly qualified • Confirm certification of boats operating in Harbour • Ensure Standard Operating Procedures are current and practical
Risk Assessment	<ul style="list-style-type: none"> • Confirm that risk assessments are being carried out for unusual or irregular occurrences • Ensure reviews are carried out as per HAZMAN
Emergency Response	<ul style="list-style-type: none"> • Emergency exercises being carried out in accordance with plans • Harbour and NDC personnel appropriately trained for emergency response • Appropriate debriefing of exercises taking place • Follow up actions implemented
Incident Reporting	<ul style="list-style-type: none"> • Incidents being reported to correct agencies • Follow up written reports from Masters being received • Remedial actions appropriately carried out • Information circulated to interested parties
Document Control	<ul style="list-style-type: none"> • Correspondence log kept up to date • E-mails and responses correctly recorded
Maintenance Management System	<ul style="list-style-type: none"> • Daily, Weekly and Monthly procedures being adhered to and correctly recorded • Missed maintenance correctly recorded and remedial action planned

Marine SMS Section	Procedure/Item to be checked
Safety Checks	<ul style="list-style-type: none"> • Daily Safety Checks properly conducted and shortcomings logged • Safety pick up actions followed through and closed out
Fuel Control	<ul style="list-style-type: none"> • Daily download of fuelling transactions successful • Monthly fuelling accounts submitted to NDC for raising of Invoices • Fuel prices correctly calculated • Customs and Excise return submitted
Mooring Provision	<ul style="list-style-type: none"> • Mooring applications properly logged and waiting list effectively managed • Vacated moorings reallocated in a timely fashion as required by Performance Indicator

10.2 OBJECTIVES

The Harbour Board sets its objectives within the three year Marine Safety plan which is then formally reported to the Authority annually.

11. CORRECTIVE ACTION

11.1 COMPLIANCE EVALUATION

The Harbour Master is responsible for managing the evaluation of compliance with relevant legislation and other requirements as listed above. Such evaluation is carried out during internal audits and by routine monitoring and inspection of relevant activities and sites. Evidence of evaluation is recorded and maintained by the Harbour Master.

11.2 NON-CONFORMITY, PREVENTATIVE AND CORRECTIVE ACTION

Whenever non-compliance or potential non-compliance of work instructions results in (or is likely to result in) an incident then the following procedures will be undertaken:

- I. The Harbour Master/ DHM will initiate corrective and/or preventive action which may include cessation of the activity.
- II. If the activity results in a possible problem for a harbour user/business then that user/business shall be contacted by the person in (I) above to advise them of the situation and to inform them of the corrective action being undertaken.
- III. Where an activity requires corrective action the Harbour Master/DHM shall determine the cause, restore compliance and ensure no reoccurrence of the detrimental activity.
- IV. Once the corrective action has been undertaken the Harbour Master will be required to assess any damage to equipment or the environment, calling upon specialist agencies if required.

If required, Standard Operating Procedures will be reviewed to ensure the incident does not reoccur.

The Marine Safety Management System is audited periodically to ensure that Ilfracombe Harbour's control systems are appropriate and fit for purpose.

The Board will monitor & review the efficacy of the MSMS so that lessons are identified from relevant experience and are effectively applied.

Performance of the MSMS will be assessed against internal performance indicators and where appropriate by benchmarking against other ports that have adopted good practice. In light of these reports the Harbour Master and the Board will review and where necessary amend working practices and make appropriate recommendations to North Devon Council.

The audit programme of the MSMS will be undertaken as follows:

- Annual internal by the Harbour Master.
- Quarterly external by Designated Person & Health & Safety Advisor.
- Tri-annually (3 Yearly) the Duty Holder will report the harbour's compliance against the PMSC to the MCA.
- Tri-annually (3 yearly) by an External Consultant depending on performance. An interim external consultant audit can be carried out more frequently in response to specific incidents or the results of internal audit.

The method used to collect the required information for the audit and review would be interview, consultation and MSMS records.

All audit findings are formally reported to the Harbour Board at the quarterly board meeting and included within their quarterly report to the Duty Holders.



ILFRACOMBE HARBOUR MARINE EMERGENCY PLAN

Version 4.3

Adopted by Harbour Board *11th August 2020*

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<i>Review (R) or Amendment (A)</i>	Date	Description of changes
R & A	18/07/20	INCLUSION OF CCA CAT 2 DUTIES IN SECTION 1.4
A	22/08/20	UPDATED WEB LINKS
R	03/07/21	N/A
R	02/07/22	N/A
R & A	01/07/23	GLOSSARY: TO INCLUDE DGHAR Inclusion of 5.1 Medical Emergencies on Board

DOCUMENT CONTROL

This plan will be reviewed as per below;

- I. Annually
- II. Following Incidents
- III. Following Exercises

Major changes will be issued as a new version with all minor amendments to that version annotated by a decimal point e.g. V4 will become V4.1, V4.2 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

ACRONYM	MEANING
AED	Automated External Defibrillators
AIC	Ambulance Incident Commander
CPSO	Counter Pollution & Salvage Officer
DCC	Devon County Council
DEFRA	Department for Environment, Food & Rural Affairs
DfT	Department for Transport
DGHAR	Dangerous Goods in Harbour Areas Regulations 2016
FCP	Forward Command Post
FRS	Fire and Rescue Services
HM	Harbour Master
ICV	Incident Control Vehicle
MCA	Maritime & Coastguard Agency
MIMMS	Major Incident Medical Management & Support
NDC	North Devon Council
OSCP	Oil Spill Contingency Pan
R.N.L.I	Royal National Lifeboat Institution
SOPEP	Shipboard Oil Pollution Emergency Plan
SOSREP	Secretary of State Representative
SWAST	South West Ambulance Service Foundation Trust

1.0 INTRODUCTION

1.1 AIM

The Aim of this plan is to provide an easy source of reference to those dealing with an emergency within the Harbour Authority area of jurisdiction.

1.2 OBJECTIVE

The Objective of the plan is to ensure that all agencies respond to an emergency within the Harbour Authority Area in a coordinated manner.

1.3 ACTION

This plan sets out the actions to be taken in the event of an emergency or potential emergency in the Ilfracombe Harbour Authority area of jurisdiction. It has been written as a guide to assist personnel of the appropriate organisation who are co-operating in the response to any major emergency. Also covered are the required reactions in the event of a major incident declared by the emergency services.

1.4 OVERVIEW

51.21 N 004.11 W

Ilfracombe is the largest harbour on the North Devon coast and has been in existence as a port for several centuries. It is an ideal centre from which to explore the many attractions that North Devon has to offer, along with being at a strategic location to reach destinations such as Lundy Island and other harbours along the North Devon and Bristol Channel coasts.

Ilfracombe Harbour is a naturally formed harbour that provides good shelter from the majority of weather systems experienced in the UK, with the exception from those winds and swell patterns originating out of the North East. It is also conveniently placed to receive vessels in distress and in need of shore side assistance.

Ilfracombe does not handle hazardous cargo in so far as shipping is concerned. However, it is possible, and should be assumed, that vessels alongside have quantities of hazardous cargo and stores on board. The Dangerous Goods in Harbour Areas Regulations 2016 applies to Ilfracombe Harbour Authority Area. A separate Standard Operations Procedure, SOP #6, relating to DG HAR can be found on the Harbour Website.

The Harbour Authority is a licensed Category 2 responder under the Civil Contingency Act and as such has Statutory Duties.

<https://www.legislation.gov.uk/ukpga/2004/36/schedule/1>

The duties for a Category 2 responder under the CCA are to Inform, Advise and Cooperate.

1.5 CONSULTATION

In drawing up this emergency plan the following have been consulted:

North Devon Council

Devon County Council

Devon and Cornwall Police

Devon and Somerset Fire and Rescue Service

Environment Agency

HM Coastguard

MCA Counter Pollution and Salvage Officer

RNLI – Ilfracombe

Ilfracombe Town Council

South West Ambulance Service Foundation Trust (SWAST)

2.0 GENERAL

2.1 RESPONSE PRIORITIES

The CCA defines an emergency as:

“An event or situation which threatens serious damage to:

- Human welfare in a place in the UK
- Or the environment of a place in the UK
- Or war, or terrorism which threatens serious damage to the security of the UK.”

In order to achieve the objectives of this plan the priorities in dealing with any emergency are generally considered to be as follows:

- I. Saving and preservation of life.
- II. Containment of the emergency.
- III. Relieving suffering.
- IV. Safeguarding the environment.
- V. Protection of property.
- VI. Facilitation of investigation.
- VII. Restoration of normality.

2.2 HARBOUR CLOSURE

The decision to close the Harbour and/or restrict movements will be made by the Harbour Master (HM).

Under the Dangerous Vessel Act 1985 the HM can either deny entry to the Harbour or direct a vessel to leave the Harbour if they consider the vessel or its contents pose a threat to the safety of any person or property. Under no circumstances may any vessel on fire or in danger of sinking, or causing major pollution, be moved or brought into the harbour without the specific authority of the Harbour Master, who will designate a suitable berth if required. Unless in the exceptional circumstances that the Secretary of States Representative (SOSREP) overrules the HM. If a pollution incident or potential pollution incident occurs the Harbour Master will activate the Ilfracombe Harbour Oil Spill Contingency Plan (OSCP) and inform all the relevant offices.

The regulation of Harbour Movements will be conducted through Ilfracombe Harbour Radio. If required navigation warnings will be transmitted by Falmouth Coastguard.

No vessels are to be moved after the receipt of an emergency notification without the permission of the Harbour Master. However, vessels in immediate danger may move, but should only do so where absolutely necessary. The Harbour Master must be informed as soon as possible after any such move.

2.3 RAISING THE ALARM

In an emergency it is vital that the alarm is raised immediately.

All reasonable steps must be taken by those at the scene of an incident to render whatever aid is immediately available.

The decision to designate a Harbour emergency and implement this plan rests with the Harbour Master. However, a full scale emergency can only be designated by the emergency services who will make that decision based on consultation at the scene.

All incidents occurring at the Harbour are to be reported to the Harbour Master using all available means in the first instance, if the Harbour Master is not contactable then emergency incidents should be reported to the North Devon Council Emergency Officer on 01271 388240. NDC will then be responsible for designating a Harbour emergency. For other useful contact numbers see below.

The responsibility for raising the alarm using all available means rests with the Master /Skipper of the vessel/s involved with the emergency or with the person/s who are first on the scene.

2.3.1 MEANS OF RAISING THE ALARM

- A loud vocal alarm.
- Mobile Phone.
- VHF Ch. 16/12
- Vessels sound signalling equipment.
- Send someone to the harbour office or nearest building.

Agenda Item 9

- Ring 999 and report exactly what has been seen. A telephone box is situated on Old Quay Head.

Due to the size of Ilfracombe harbour all Serious and Major incidents are to be treated as emergencies and as such they are to be considered a threat to the harbour, other craft, property and people.

In all cases pass details of location, casualties, missing persons and vessels involved.

2.4 CONTACTS

AGENCY	NUMBER
British Red Cross Society Crisis response contact centre	07734 734 342
Devon County Council On Call Emergency planning Officer Pager	07623 916441
Devon and Cornwall Constabulary	999 or 112
DEFRA	03459 335577
Marine Management Organisation (MMO) General Enquiries Duty Officer	0300 123 1032 07770 977 825
Environment Agency	0800 807 060
Fire and Rescue Service	01392 872200
HM Coastguard – Falmouth Operations Centre	01326 317575
Ilfracombe Harbour Master	07775 532606
Ilfracombe Town Council Offices	01271 855300
North Devon Council Emergency Customer services	01271 388240 01271 327711
R.N.L.I Ilfracombe Lifeboat House	01271 863771
Resilience & Emergencies Division 24hr Emergency	030 344 42718 030 344 42799
Salvation Army Emergency response	07711 731751
St Johns Ambulance 24 hours	0330 053 5097 (select option 1)

2.5 COMMUNICATIONS BY RADIO

During an emergency the Emergency Services will use their own internal radio frequencies for inter-agency communications. All other radio communications should be conducted on:

VHF Channel	Operation
16	Calling /Distress / Navigation Warnings
12/14	Harbour Radio as designated by Harbour Master
0/67	RNLI/Coastguard

2.6 MEDIA

In the early stages of an Emergency the Harbour Master will endeavour to keep the media updated and designate an area for the media in the safe zone. On arrival of an NDC Communication Officer the HM will be relieved of this function but continue to liaise closely with the comms officer to enable regular briefings to the media.

Co-ordination with the Local Resilience Forum plan and guidance will be the responsibility of the NDC Communications Officer.

3.0 FIRES

3.1 GENERAL

Initial response to a fire being discovered should be undertaken by the person/s on scene with any equipment and materials available and suitable for the task using the following principle;

Find

Inform

Restrict

Extinguish/Evacuate

3.2 FIRE ON VESSELS

For fires on vessels, the firefighting effort will be managed by the Master/Skipper of the vessel until the arrival of the Fire and Rescue Service (FRS). On arrival at the scene the Senior FRS Officer present will assume control of the incident.

Any firefighting when utilising water as a medium on a vessel must be carefully controlled with due regard to the free surface effect water would have on the vessels stability. If not monitored excessive use of water could lead to the vessel capsizing, this could cause a navigational danger and/or a pollution incident on top of any active emergency. The Master/Skipper and the Senior FRS Officer should liaise closely at all times during and after the incident and the HM should always be consulted when stability becomes an issue.

During the incident the HM and the Senior FRS Officer should maintain close contact and if there is any concern in regards to the safety of the Harbour or the future use of the Harbour arises then a coordinated response will be initiated ensuring the continued safe and efficient running of the Harbour.

In cases of suspected arson or sabotage the Police will liaise directly with the FRS.

3.3 FIRE ON LAND

For fires originating on the land side of the Harbour the steps detailed in 2.3.1 should be followed, 3.1 should also be followed, if able to do so, and the Fire and Rescue services and HM called. The senior FRS Officer will take control of the incident and keep in close contact with the HM to coordinate best use of personnel and resources.

3.4 ACTION BY VESSEL

Incidents involving any size of vessel often happens very quickly and can become out of control in a very short time. Therefore, it is essential that any response to such an incident is aggressive and positive. It is also essential that the Harbour Master be informed as soon as is practicable so that local resources can be activated prior to the arrival of the emergency services.

Having raised the alarm the responsibility for fighting the fire, or dealing with any other emergency, rests with the vessels Master/Skipper until the arrival of the Fire and Rescue Service (FRS). Overall control of the operation will then pass to the FRS Senior Officer present, who will follow internal procedures.

A check of all personnel on board must be taken by the Master or senior on-board crew member to account for missing persons. This should be reported immediately to the FRS on their arrival on scene.

Medical Services should be alerted. The need for ambulances will be ascertained as soon as is practicable, either by the vessel owner, at the initial emergency call, or later by the FRS if required.

The FRS will set up a control point where contact can be maintained between the FRS, other emergency services, vessel owners and the Harbour Master.

The vessel owner remains responsible for keeping the Harbour Master informed of all developments affecting the safety of their and other vessels.

3.5 ACTION BY HARBOUR MASTER

The Harbour Master will declare any such emergency by VHF Ch. 16, and any other means where appropriate, ensuring that all persons concerned are alerted. All VHF communications will remain on Ch. 16 throughout the emergency phase unless otherwise directed. Private non-emergency related communications will remain on the Ilfracombe Harbour Radio.

Assistance with initial firefighting will be given where possible

The Harbour Master will arrange water borne transport if available and as required by the emergency services.

If required the Harbour Master will transmit hourly situation reports by VHF.

The Harbour Office will remain open throughout any emergency with open and tested communication lines.

3.6 ACTION BY THE FIRE AND RESCUE SERVICE

All actions will be in accordance with FRS Tactical Information Plan. This will include but not limited to;

Establishing liaison with the Harbour Master and the Vessel owner as soon as possible.

The initial response of 2 pumps would assemble at a designated point near to the incident. This would either be on the Pier, Old Quay Head, Quay Road or the Cove.

It is unlikely that an Incident Control Vehicle (ICV) would be called forward for a 2 pump incident. If 4 pumps were called forward it is likely that a Control Point would be set up in the ICV.

A tally system would be established for all personnel boarding a vessel.

Liaison will need to be established to consider aspects of pollution. The FRS, Environmental Agency and the Harbour Master will coordinate utilising the OSCP.

3.7 ACTION BY MEDICAL SERVICES

The Medical Services will respond to the information given in an emergency call. It is normal that a Paramedic Crew and an Ambulance Incident Commander (AIC) attend in the first instance. If a Major Incident is called the AIC will have overall responsibility for the activity of all NHS personnel at the scene. A Medical Incident Officer may be appointed from the cadre of MIMMS trained doctors and will be responsible for the management and deployment of medics and nurses. They would work closely with the AIC.

For a major incident a Control Point would be established on the Pier and this would become the ambulance rendezvous point. From there they would be despatched to their required destination.

Current SWAST policy states that its personnel will not deploy beyond the shoreline. Therefore, it is likely that casualties would be transported ashore by Helicopter and/or Lifeboat. The casualty landing site for the Lifeboat is dependent on tidal and weather constraints. The casualty landing site for Helicopters would be on the upper level of the Pier Car Park, if sufficiently clear, or alternatively on Hillsborough Playing Fields.

3.8 ACTION BY POLICE

Initially a Police Liaison Officer will make contact with the Harbour Office. This will either be in person, by telephone or by VHF.

On receipt of an emergency call the Police will assume responsibility for cordons, security, traffic management and evacuation.

As soon as possible after the declaration of a major incident the Police will establish an Incident Unit and maintain contact with the Medical Officer in Charge, FRS, Harbour Master, on scene Control Point, HM Coastguard (Falmouth) and Local Authority.

3.9 ACTION BY COASTGUARD

In the event that the Coastguard is the primary contact they will initiate the following actions:

Alert emergency services as required.

Send units to assist with search for survivors.

Despatch a mobile unit to the Harbour Control Point to assist/advise on care of personnel.

Alert the Harbour Master as soon as is reasonably practicable.

Communications will be established and maintained on VHF Ch. 16 and internal emergency service frequencies.

4.0 POLLUTION

Multiple factors have been taken into account when considering the effects of a pollution incident in Ilfracombe Harbour. The vast majority of information is contained within the Harbour OSCP. The Plan will inevitably be activated for all but the most minor of incidents.

It is the duty of Ilfracombe Harbour Authority to ensure rapid reaction to pollution incidents and to ensure the clean-up of pollution from the waters of the harbour and foreshore within their ownership.

This plan does not address pollution outside the Authority area, unless it subsequently threatens or enters the Authority's area of jurisdiction, or air borne pollution.

4.1 ACTIONS BY VESSELS

It is the duty of the Master/Skipper of every vessel in the Harbour to ensure that every step is taken to prevent pollution entering the Harbour from his vessel. This includes all leisure craft.

In the event of pollution, **immediate** action must be taken to restrict further pollutant entering the water.

4.1.1 REPORTING OF POLLUTION

The responsibility for reporting a pollution incident rests with the vessels Master/Skipper in all cases.

If the pollution occurs during bunkering from road tankers it is the responsibility of both parties to report the incident. If spillage is first noticed on board a vessel then it must first be reported to the fuel deliverer so that immediate action can be taken to reduce ingress of oil into the water.

All persons seeing pollution should report it immediately, it is better to have had an incident reported twice than to not have had it reported at all.

4.1.2 METHOD OF REPORTING

4.1.2.1 VESSELS

Vessels sighting pollution should:

Call 'Ilfracombe Harbour' on VHF Ch. 16. Pass information stating where, what and how much pollutant has entered the water and the immediate action taken.

If VHF communication cannot be established then the Harbour Office should be contacted by telephone.

If the Harbour Authority cannot be immediately contacted: Call 'Falmouth Coastguard' on VHF Ch. 16 requesting that the information be passed to the Harbour Authority via landline.

4.1.2.2 PERSONS ASHORE

Persons sighting pollution from ashore should contact the Harbour Master by all available means. If the Harbour Master cannot be reached immediately then Falmouth Coastguard should be contacted.

4.2 ACTIONS ON RECEIPT OF POLLUTION REPORT

4.2.1 HARBOUR AUTHORITY

- I. Immediately investigate report.
- II. Deploy Tier 1 response equipment and, if the incident is significant, activate the Ilfracombe Harbour OSCP.

4.2.2 SHORE OPERATOR

- I. Immediately isolate the source of pollution and take all steps to stop the pollutant entering the harbour.
- II. Inform Harbour Master.
- III. Activate own emergency procedures.
- IV. Assist the Harbour Authority in the clean-up operation.

4.2.3 VESSEL

- I. Take all steps to stop further pollutant entering the harbour. Activate damage control procedures (on board SOPEP plan) if necessary, blocking scuppers etc.
- II. Deploy catchment ropes/booms etc.
- III. Stop cargo operations and take steps to ensure that fire dangers are not increased.

4.3 CONTAINMENT OF POLLUTION

Ilfracombe Harbour Authority area contains a wide variety of wildlife flora and fauna. There are also areas of special scientific interest both to the East and West of the Harbour entrance. Therefore, it is policy to make every attempt to contain any oil spillage close to its source and/or in areas of natural collection within the Harbour. It is essential that early action be taken to contain an incident. However, strong tidal flows, particularly around Old Quay Head, may make physical containment extremely difficult, if not impossible.

4.4 DAMAGED/LEAKING VESSEL WISHING TO ENTER HARBOUR

Vessels who require entry into the Harbour, that are leaking or might leak oil as a result of damage, must seek the express permission to enter from the Harbour Master. Until this has been granted the vessel will remain outside of the Harbour Authority limits.

Before granting permission to enter the Harbour the Harbour Master will require confirmation that the leakage has stopped. They will seek the advice of the Pollution Officers from County and District Councils and the MCA's Counter Pollution and Salvage Officer. (CPSO).

On arrival into the Harbour the vessel will require immediate survey to ensure that further pollution is not occurring nor is likely to occur. A strict and continuous watch should be set up to monitor for leakage for the duration of the incident.

If the vessel is leaking or damage is such that leakage is unavoidable permission will not be granted by the Harbour Master unless the Secretary of State's Representative (SOSREP) issues a formal Direction to the Harbour Master and to the vessel.

4.5 POLLUTION ENTERING ILFRACOMBE HARBOUR FROM SEAWARD

On receiving the initial report of pollution that is likely to enter the harbour the Harbour Master will evaluate the situation and dependant on this activate either Tier 1 or Tier 2 response levels as detailed in the OSCP.

Every effort will be made to prevent the movement of pollution from seaward into the Harbour.

4.6 CHEMICAL POLLUTION EMERGENCIES

4.6.1 SEA

A vast range of chemicals, of varying properties, are carried by sea either in bulk, in specialist vessels or in packages as part of mixed cargoes on general purpose or other vessels. Unlike the transport of oil by sea there is no overall pattern to the carriage of chemicals and each incident involves a different mix of dangerous substances. Therefore, the response to an incident has to be tailored to the individual circumstances and will, if necessary, extend to salvage of the vessel and/or lost chemical packages.

The MCA has established a Chemical Hazards Advisory Group to supplement the advice of its own scientific staff on the appropriate response to a spillage of chemicals from a ship at sea. This group includes representatives of the Fisheries Departments, the Health and Safety Executive, Medical Authorities, Chemical Association and Shipping Companies.

The MCA also has, under contract a chemical strike team of mariners, experienced in working on board chemical tankers, who can be deployed to inspect the situation in a damaged vessel, advise on and take appropriate action to contain or prevent a spillage.

If a Chemical pollution incident occurred at Ilfracombe Harbour or at sea nearby the immediate action would be to notify Falmouth Coastguard by VHF Channel 16 or telephone.

4.6.2 LAND

Any such incident involving chemicals occurring within the Harbour Limits on land the initial response will be as follows;

- I. Contain the spill and evacuate the area.
- II. Contact the Harbour Master immediately with as much information as to type and quantity as possible
- III. If the Harbour Master cannot be reached immediately then the Devon and Cornwall Police must be contacted.

5.0 MEDICAL EMERGENCIES

In the event of a medical emergency on Harbour land the initial response is to raise the alarm as per section 2.3 and to call for an ambulance. The R.N.L.I have a trained medic and the Harbour Master and Deputy are trained to First Aid at Work standards. There are 2 AED defibrillators available at the following locations

- I. Lifeboat house
- II. Harbour Office

A full first aid kit is located in the Harbour Office.

5.1 MEDICAL EMERGENCIES ON BOARD

In the event of a medical emergency on board a vessel entering the Harbour Jurisdiction the initial course of action is to contact the Harbour Office as per Section 2.3 and give all known details of the emergency.

The Harbour Office will then direct the vessel to a suitable berth and direct all other traffic to remain clear until the casualty has been attended to by the emergency services.

6.0 BODIES IN THE HARBOUR

In the event of bodies being found in the Harbour or at the scene of an emergency the Police and Harbour Master must be informed. If required the Harbour Master will assist the Police in the recovery of bodies within the Harbour limits.

7.0 SABOTAGE AND TERRORIST ACTIVITIES

Should a Harbour emergency arise from an act of sabotage or terrorism then DfT Maritime Security will immediately be informed, in accordance with procedures as laid down in the Port Facility Security Plan. The Police will decide on and co-ordinate safety, security and access on arrival at the scene.

8.0 TRANSFER OF COMMAND POST

After initial response and in the event that an incident is declared as a major incident, a central command post will be established. For a major pollution incident this will be the North Devon Council's Offices at Brynsworthy. For other emergencies the emergency services will establish a Forward Command Post (FCP) on site.

9.0 ON SCENE MANAGEMENT

In order to achieve a combined and co-ordinated response the capabilities of the emergency services should be closely linked with those of local authorities and other agencies through integrated emergency management arrangements. The adoption of the nationally agreed structure enables all parties to understand their role in the combined response.

The command structure can be divided into three levels commonly referred to as Gold, Silver and Bronze, which correspond to all response agencies i.e. strategic, tactical and operational. It is characteristic of the command and control chain that it tends to be created from the bottom up. At the start of any incident the operational level will be activated first with the other levels, tactical

and strategic, following. It is possible in some incidents that the activities at all three levels will be concurrent.

If a major incident were to be declared then the Devon, Cornwall and Isles of Scilly local Resilience Forum would normally establish a Strategic Co-ordinating Group (a Gold level of Command and Control) to run concurrent with the Police Gold Command.

10.0 EMERGENCY RESPONSE CENTRES

The Devon County Council Emergency Planning Service assists the Police at the following emergency response centres;

- Survivor Reception Centres.
- Friends' and Relatives' Reception Centres.
- Emergency Mortuaries.
- Evacuation Assembly Points.
- Emergency Rest Centres.

The majority of Centres listed above are established and managed by the Police. However, Emergency Rest Centres, of which there are 5 designated in North Devon, are established by Devon County Council (DCC). Operational Emergency Rest Centres are managed by Devon Social Services, in conjunction with the appropriate District Council.

11.0 SUPPORT SERVICES

The British Red Cross Society are available on activation of the Devon County Emergency Plan. They can provide manning and resources for Staff Rest Centres. They can also provide an ambulance service.

The Salvation Army, who are not primarily an emergency disaster relief organisation, have purpose built mobile units that are stocked and equipped with the resources required for a major incident. They have supplies of food, blankets and first aid equipment as well as safety equipment, which allows them to become self-contained when on site. They become activated via the Devon County Council Emergency Response Plan.

12.0 ANIMALS

In the event that animals have to be landed as the result of an emergency or have been illegally landed then the animals would need to be held within a secure area until the matter has been dealt with by the Devon County Council's Trading Standards Service. In the event of the animals being deceased then there is a separate procedure refer to Hazman risk assessment # 96.

13.0 REFERENCES

The Dangerous Goods in Harbours Regulations 2016. <https://www.legislation.gov.uk/ukxi/2016/721/made>

Devon County Council Emergency Response Plan.

<https://www.devon.gov.uk/emergencies/emergency-response/>

Devon County Council Rabies Contingency

Plan. <https://www.dcsprepared.org.uk/media/2139/animal-health-plan-lrfdcios-20131118-v12.pdf>

Trading Standards Contingency plan for Landing of Livestock.

<https://www.devonsomersettradingstandards.gov.uk/tsi-single/?frmClient=C714B873-1185-6B25-FCF0CA3BD06B045D&frmItemID=300991&frmShared=1>

Ilfracombe Harbour Oil Spill Contingency Plan.

<https://www.northdevon.gov.uk/media/379852/ilfracombe-harbour-oscp-2017-as-amended.pdf> Fire and Rescue Service Tactical Information Plan. **This is a restricted document**

Local Resilience Forum Combined Agency Emergency Response Plan. <https://northdevon.gov.uk/community-safety-and-emergencies/emergency-planning/>

Dangerous Vessel Act 1985. <https://www.legislation.gov.uk/ukpga/1985/22?view=extent>

Devon County Council Emergency Telephone Directory. **This is a restricted document**

ILFRACOMBE HARBOUR & LOCATION OF FIRE HYDRANTS



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ILFRACOMBE HARBOUR

EDGE PROTECTION POLICY

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1.0 DOCUMENT CONTROL

This is document which is subject to triennial 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 REVIEW & AMENDMENTS

<i>Review (R) /Amendment (A)</i>	<i>Date</i>	<i>Description of changes</i>
<i>New version 4.0</i>	18/07/20	
<i>R & A</i>	08/07/23	RISK AUDIT AMENDED. POLICY UPDATED.

2.0 INTRODUCTION

This policy sets out the Harbour Authority’s approach to ‘Edge Protection’, paying particular attention to the requirements of the Health & Safety at Work Act 1974 (HSWA74) and Safety in Docks - Approved Code of Practice and Guidance 2014 (ACOP2014). [Safety in docks. Approved Code of Practice - L148 \(hse.gov.uk\)](https://www.hse.gov.uk/l148/)

A basic guiding principle is that if there is an edge from which someone on the harbour estate could fall then there needs to be some kind of edge protection or risk assessed justification for its absence. All personnel are considered at risk be they at work, a customer or a member of the public. Ilfracombe Harbour Authority will endeavour, wherever practicable, to treat the harbour estate as ‘work premises’ in the context of HSE advice and guidance. The HSE have indicated that a harbour authority has an obligation under Section 3 of the HSWA74 to take reasonably practicable measures to ensure the safety of those who visit and use the harbour.

3.0 FENCING

On the matter of providing fencing to the open edges, the HSE have said that a harbour authority needs to consider, among other things, whether the open sections are used for ‘fishing’ or ‘dock’, type operations, such as specific loading/unloading tasks, where fencing of the edge would not be practicable.

Ilfracombe Harbour Authority has undertaken an ‘edge protection’ audit/risk assessment at each of its distinct Quay areas, refer to section 6.0. It has determined the need for fencing or other control method using the following basic principles: -

- In areas where fish loading or dock processes are going on, the Loading and Unloading of Fishing Vessels Regulations 1988 and ACOP 2014, recognise the impracticability of protecting edges during certain operations. However, they do require edge protection in other specified circumstances.

- The HSE have indicated that a harbour authority has an obligation under Section 3 of the HSWA74 to take reasonably practicable measures to ensure the safety of those who visit and use the harbour. In areas where other vessels are mooring alongside, the physical type of mooring arrangement may dictate the practicality (or otherwise) of edge protection. However, the advice is to start from a presumption towards protection where there is a risk to the public/users.
- Access steps and similar infrastructure e.g. slipways may not require a second handrail on the open edge, where this would create a risk to vessels by becoming a submerged hazard at a higher tide level.

In all circumstances where there is no practical reason against edge protection it is the risk assessment that will need to provide guidance on reasonable control measures.

4.0 AREAS OF RISK

There are particular areas of risk which require careful consideration:-

1. Where people are routinely walking and passing through an area;
2. Where vehicles are parking close to the edge and it is foreseeable that the vehicle could drive over the edge, or that their occupants could fall once they get out of the vehicle;
3. Where people are likely to use an area in a manner which could put them at risk (e.g. a bar or restaurant seating area on the harbour side).

The protection decided upon may vary from physical barriers, to specific arrangements (e.g. parking restrictions). The purpose of risk assessment is to provide a reasoned judgment about what is sufficient to comply with the legal duty that rests with the harbour authority.

5.0 EDGE PROTECTION CONTROL METHODS

1. Solid 3 bar fencing
2. Horizontal chain fencing
3. Stone walls
4. Dangerous edge painted markings (yellow/white lines and wording)
5. Signage
6. Adequate lighting

6.0 LEGISLATION

- Health & Safety at Work Act 1974
- Management of Health & Safety at Work Regulations 1999
- The Construction (Health, Safety & Welfare) Regulations 1996
- Provision & Use of Work Equipment Regulations 1998
- Lifting Operations & Lifting Equipment Regulations 1998
- Personal Protective Equipment at Work Regulations 1992
- Manual Handling Operations Regulations 1992
- Shipbuilding & Ship Repairing Regulations 1960
- Health & Safety in Construction HS-G 150
- HSE CIS 10 document
- HSE Safety in Docks - Approved Code of Practice and guidance (April 2014)

6.1 BUILDING REGULATIONS

Whilst not specifically subject to building regulations it is considered that best practice would be for any new fencing to be carried out to the same standards. Building regulation part K, requires that all areas with a risk of people falling more than 600mm should be protected by a barrier of between 800mm and 1100mm dependent on location and environment.

They can be made from wood, metal or other suitable material, and they should be rigid, smooth and able to withstand the weight of people falling against them. The gap between the top rail and any intermediate rail should not exceed 470 mm.

There are exceptions to this general rule where it is not practicable. E.g. a working dockside where it is safer for loading and unloading if there is not a fence in the way (see sections 150 ~152 of ACOP 2014).

6.2 WORKPLACE (HEALTH, SAFETY & WELFARE) REGULATIONS 1992

Regulation 13 requires that people be protected by a substantial barrier of 1100mm in height from falling a distance likely to cause injury or falling into a substance which increases the risk of injury.

The following guidance in respect of edge protection has been extracted from the following document.

6.2.1 SAFETY IN DOCKS - APPROVED CODE OF PRACTICE AND GUIDANCE HSE APRIL 2014.

6.2.2 VEHICLE MOVEMENTS

61. In areas where ships are loaded or unloaded, vehicles should avoid manoeuvring close to unprotected quay edges.

62. Where the pattern of vehicle movement presents a foreseeable risk from vehicles running over the edge of a quay or other dangerous edge, suitable barriers should be provided and maintained.

6.2.3 WORKING AT HEIGHT

113. Many of the activities carried out in docks could lead to a fall from height. These activities may be during routine operations, maintenance activities or unexpected or unplanned activities. In docks, the added hazard of working near water means a fall may lead to the risk of drowning.
114. Typical falls from height hazards in docks include:
- Working adjacent to open edges of docks, wharves etc.

6.2.4 HOW THE RISKS CAN BE REDUCED

139. Use risk assessment as a means of identifying and determining the safe distance from open edges.

6.2.5 FENCING AT DOCK EDGES

150. Except for straight and level quaysides, fencing should be provided at all dock, wharf, quay or jetty edges from which people may fall into water, and where they must pass within 1 m of the edge, or the configuration of the quay or the arrangement of walkways is such that they are more than ordinarily liable to fall over such an edge.
151. Fencing should be provided throughout every open side of narrow access ways, whether the fall would be into water or not.
152. These provisions do not apply to areas where there is no work activity being undertaken, subject to any foreseeable risk to members of the public.
153. Secure and adequate fencing should be provided where risk assessment has found this to be needed.
154. Particular consideration should be given to:
- Every break, dangerous corner and other part or edge of a dock, wharf, jetty or quay;
 - Open sides of a gangway, footway over a bridge, caisson or dock gate; and
 - Any other place where someone working or passing might fall.
155. Secure fencing should consist of an upper rail and an intermediate rail. In certain circumstances, e.g. the presence of children, a higher standard of protection will be required. The rails may where necessary consist of taut wire, taut chain or other taut material.
156. Where the work involves being within 1 m of an unprotected quay edge, people should wear suitable PPE, e.g. lifejackets or buoyancy aids.

157. Dock premises should be provided with adequate and suitable rescue and lifesaving equipment and means to escape from danger, e.g. handholds on the quayside at water level, ladders on quay walls and life-saving appliances.
158. Take into account the risks to lone workers.
159. Take into account the risks to members of the public where public access is possible or foreseeable, even if there is no dock work activity being undertaken (to comply with section 3 of the HSW Act).

6.2.6 RESCUE AND LIFE-SAVING FROM WATER

211. At jetties and quay edges where the edges are unfenced, means should be provided to help people to rescue themselves from drowning, and also provision for other people to rescue those in danger without endangering themselves. The means should include:
 - Handholds on the quayside at water level (at any state of the tide);
 - Ladders on quay walls;
 - Life-saving equipment.

6.2.7 FENCED QUAY EDGES

212. At jetties or quays where the edges are fenced throughout in accordance with paragraphs 150–152, the provision of life-saving equipment alone is sufficient unless:
 - The public has access to the quay edge; or
 - The duty holder is made aware of a risk of people falling over a fenced edge that is comparable to the risk of people falling over an unfenced edge (whether or not by means of risk assessment).
213. In these situations additional measures will be required such as handholds and/or ladders.

7.0 ILFRACOMBE HARBOUR AUTHORITY EDGE PROTECTION RISK ASSESSMENT AUDIT

Location	Edge Protection	Control Measure (if unfenced)	Pedestrian Traffic	Risk
Cove - East	Unfenced	<p>This is one of two Harbour working quay areas. There is a painted line on the ground identifying the 'Working Area' and also markings stating 'No Public Access/ No Parking'. Additionally there are, 'Working Area' signs erected throughout the area warning of the dangers.</p> <p>Vehicles reversing towards the quay edge are prevented from reversing over the quay edge by in situ pile fenders, which extend above the quay level.</p> <p>2 x Lifebelts, 1 at either end of the Working Quay.</p>	<p>High.</p> <p>This is one of the Harbour's main Car Parks and the SW Coast Path runs through the area. A public pathway is in place on the opposite side of the roadway to the working quay to provide pedestrians with a safe route.</p>	<p>The Harbour dries adjacent to these berths and the worst case scenario is a fall from significant height onto the harbour bed.</p> <p>Vehicles collecting catch/delivering ice from/to fishing vessels reverse over quay edge.</p>

Cove - West	Fenced	N/A	High	Low risk of fall onto harbour bed. Gaps in the fence, to allow access to the berths, are protected with chain bridles and these are often left undone by those gaining access.
Quay Road	Walled	N/A	High	A 900mm wall protects the roadway from the quay edge. There are access points to ladders over the top of the wall for access to boats berthed alongside.
Harbour – Main Slipway	Part fenced	The Slipway edge is only fenced for approx. one third of its length as required by the RNLI.	Medium	Falling from the unfenced portion of the slipway is possible, particularly if moving aside on the uneven floor to allow a boat to launch/recover. The part fenced Slipway is designed to reduce the possibility of crush injuries to crews when launching/recovering the Lifeboat and to avoid navigational danger to the lifeboat and other users due to the submerged fencing at high tide.
*Harbour – Old Slipway	Unfenced	Railings to be erected to prevent falls from unfenced edge	High	Users fall from the unfenced edge onto the hard sand below.

Old Quay Head - South	Unfenced	<p>This is the other working quay area at the harbour. Fishing vessels require an open quay edge to be able to land their catch/equipment and for it to be safely collected for transportation off site.</p> <p>1 x Lifebelt</p> <p>Signage has been erected specifically warning of unfenced quay edges.</p>	<p>Medium</p> <p>This Quay is a Grade II listed structure which is advertised as being open to the public. There is therefore a duty on the Harbour Authority to keep the Quay as safe as is reasonably practicable.</p>	The Harbour dries adjacent to these berths and the worst case scenario is a fall from significant height onto the harbour bed.
Old Quay Head - North	Fenced	Access steps are unfenced but a handrail is fitted on the walled side of the steps	<p>High</p> <p>The Northern end of the listed Quay is much busier than the Southern end because it is the area where passengers board tripping boats and also where benches are situated.</p>	Fall from steps into sea or onto harbour bed.
South Quay (Upper)	Fenced	N/A	High	There are 3 access gates along the Quay which are only opened to allow access to ships alongside. This is carried out under controlled circumstances by qualified Ships Crew/Harbour Authority staff.
South Quay	Part fenced	When the tide drops below 7m	Low	Fall from quay edge into water or if

(Lower) 1 st Landing		<p>the lower landing uncovers and the gangway/access to ships/boats alongside is moved to the new lower position. Access to the area is also controlled by gates with warning signage stating 'No Access to unauthorised personnel'.</p> <p>1 x Lifebelt (above on Upper Quay)</p> <p>All areas which have a drop onto other concreted steps/landings are fenced. The outer edge of the quay, where access to vessels is required, is unfenced.</p>		tide height is below 3m onto harbour bed.
2 nd Landing	Fenced	<p>The lower landings at this berth are unfenced but a handrail is provided on the walled side of the berth.</p> <p>Access gate is fitted at the entrance to the lower landing stating No unauthorised access.</p>	Medium	<p>The steps area of this landing is fenced with removable chains. These chains are required to be removable to allow access from the landing to vessels alongside.</p> <p>There is a risk present as people sometimes undo chains to take part in the illegal act of tombstoning and forget to reattach them afterwards.</p>
Stonebench (Upper)	Fenced	N/A	High	This area is fenced with a mixture of 3 bar fencing and removable chains. The chains are required to be removable to allow access from

				<p>the landings to vessels alongside.</p> <p>2017 – This berth is the main Oldenburg cargo loading site and as such the removable fencing is taken away whilst loading operations are underway. A new risk assessment of this operation has identified the need to mark the quay edge so that those handling cargo are kept more aware of their proximity to the edge. Yellow hatching has been applied.</p> <p>There is a risk present as people sometimes undo chains to take part in the illegal act of tombstoning and forget to reattach them afterwards. The chains are checked on safety rounds early every morning.</p>
Stonebench (Lower)	Part fenced	<p>The landings in this area uncover with the falling tide and full fencing is impractical given the exposed nature and requirement for passenger loading.</p> <p>Access gate is fitted at the entrance to Stone Bench stating No unauthorised access.</p> <p>1 x Lifebelt</p>	Low	The area adjacent to this berth only dries on a low spring tide. The most probable risk is a fall into water.
East Face	Part fenced	All areas except the main ship berth are fenced including the	Medium	Fall into the sea from up to 5m.

		<p>area around the steps to protect from falls onto concrete steps.</p> <p>1 x Lifebelt</p>		
East Face Lower Flat		<p>The boat landing at this berth has been extended to provide low water springs access and there are no protecting fences. However, handrails have been installed on the walled side of the steps. There is one section of the steps where it is impractical to fit handrails and this needs to be managed by boat owners when embarking passengers.</p>		

This Risk Assessment Audit has been reviewed by the Harbour Master and amended 08.07.2023

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North Devon Council

Report Date: Tuesday, 8 August 2023

Topic: Ilfracombe Harbour Consultative Forum

Report by: Ilfracombe Harbour Master

1. INTRODUCTION

- 1.1 The Port Marine Guide to Good Practice 2018 (MCGA), which is the accompanying document to the Port Marine Safety Code (PMSC) states in section 3: Consultation that “Safety in the port marine environment is not just a matter for the organisation, its Officers, contractors or its authorised pilots. Users are also required to minimise risk to themselves and others, in doing so they must be able to put forward to the organisation their views on the development of appropriate safety policies and procedures. It follows therefore that organisations need to consult, as appropriate with two main groups: marine users, both commercial and leisure, and local interests and communities.”
- 1.2 Ilfracombe’s Harbour Consultative Forum (The Forum) was formed in 2017 with its own constitution (annex A) and up to 2020 it has performed some of the duties required under the code. Since the advent of COVID 19 to date there has not been another forum meeting. This has left the Harbour Authority without an avenue to comply with section 3 of MCGA.

2. RECOMMENDATIONS

- 2.1. Having received a letter from The Forums Chair (annex B) that The Forum as it stands is dissolved and a new Forum is constituted that better meets the Harbours and the Harbour Authorities requirements and needs under section 3.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To comply with the MCGA and in so doing the PMSC

4. REPORT

- 4.1 Port marine operations are technical matters – well understood by experienced Harbour masters or port marine practitioners, but perhaps much less so by the wider public, including many recreational users. It is important that the appropriate involvement of wider interests safeguards the organisations position – responsibility for managing safety in a harbour or facility rests with the organisation.
- 4.2 Some substantial objectives of ‘consultation’ should be:
Conveying to employees, users or others what some of their responsibilities are regarding their work or activity in the harbour or facility.
Understanding and acceptance of the Duty Holder’s role and responsibility under the code as well as the duty holder’s policies and procedures.
- 4.3 A safety management system is only effective if the organisation responsible takes active measures to involve and secure the commitment of those involved. This applies both to the risk assessment, and to the subsequent operation, maintenance and ongoing development of the safety management system.
- 4.4 Users have a specific right to be consulted where they are made subject to general,



and harbour directions. This is for the very obvious reason that such directions limit the right they would otherwise exercise freely.

- 4.5 The general aim of consultation on these occasions with users and other interests is to provide an opportunity for contributions to be made both on the identification of risk and its management. Risk management often depends less on formal regulation than on winning the understanding of those whose activities create the risk and securing their agreement to safe behaviour. Organisations are therefore encouraged to advertise that they are undertaking a risk assessment, and to seek ways of securing the widest possible response from those likely to have a meaningful contribution.
- 4.6 The ultimate authority for managing the harbour rests with the legally constituted harbour authority. The harbour authority does not share its legal functions with a users' committee or forum; nor is a forum accountable in the way required of harbour authorities under the Code. It is good practice to have set out in advance in general terms the circumstances in which it will or will not involve such a forum – for example, where emergency action is required or there are commercial and other confidences.
- 4.7 It is clear that The Forum has not meet the full requirements of section 3 of the MCGA and given that time lapse between the last meeting and now it would be advantageous to revisit the Forums constitution and re-establish the Forum to enable the better management of the Harbour moving forwards.

5. RESOURCE IMPLICATIONS

- 5.1. There is a no financial implications contained within this report.
- 5.2. There is limited manpower implications contained within this report, some involvement with legal services will be required to help with the forming of the new Forums constitution.

6. EQUALITIES ASSESSMENT

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

7. ENVIRONMENTAL ASSESSMENT

- 7.1. Having undertaken the Environmental Assessment Checklist. There are no environmental implications arising from this report.

8. CORPORATE PRIORITIES

- 8.1. What impact, positive or negative, does the subject of this report have on:
 - 8.1.1. The commercialisation agenda: NA
 - 8.1.2. Improving customer focus and/or : Positive
 - 8.1.3. Regeneration or economic development N/A

9. CONSTITUTIONAL CONTEXT

- 9.1. Article of Part 3 Annexe 1 paragraph:



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).

11.1 Port Marine Safety Code and accompanying Guide to Good Practice

12. STATEMENT OF INTERNAL ADVICE

- 5.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Capt. Georgina Carlo-Paat MBE - Ilfracombe Harbour Master

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Ifracombe Harbour Community Forum Constitution/Terms of Reference

The Ifracombe Harbour Community Forum provides formal representation of the views of the harbour users, and others affected to the Harbour Board, on matters related to improvement, robust development and forward thinking management in operating the Harbour of Ifracombe.

A - Membership

a) The Forum shall consist of two representatives of the following Stakeholder groups, with one representative to be present only per meeting, with one vote at the Forum.

b) The members shall provide representation for the following Stakeholder groups:

Commercial Fishing boats
Passenger boats
Angling Charter Boats
Dive Charter Boats
Crab/Lobster Boats
Private Independent Owners
RNLI
Ifracombe Yacht Club
Ifracombe Anglers Association
Ifracombe Town Council
Ifracombe and District Tourist Association
Y Sail
Licencees/Restauranteurs
Harbour Traders/Businesses
Environmental Management
North Devon Sub Aqua Club
Residents
Residents Lantern Court
Ifracombe Pilot Gig Club
Harbour Development Group
Harbour Association

c) No member of the Forum may also be a member of the Harbour Board. Any member of the Forum that should become a member of the Harbour Board during his/her term with the Forum shall be considered to have resigned from the Forum.

d) The Forum shall elect a Chair and a Vice Chair, with a term of office of two years. The Chair should propose procedures for conducting meetings.

e) Each representative body will have an equal vote. In the event of voting being equal on any issue, the Chair will defer any resolution to the subsequent meeting, which will take place immediately after the meeting where there has been an equal vote, in order to reach a decision on the relevant issue. In the event that voting then still remains equal on the same issue, the Chair's vote at that subsequent meeting shall count as two votes.

f) Each Stakeholder Group is responsible for organizing its own representation. The Forum reserve the right to cancel membership, after reasonable notification, for continued non-attendance.

B - Appointments

A new Stakeholder Group can be added to the list of groups by a majority vote of members attending a meeting of the forum.

- a) The Forum will put in place such arrangements as are appropriate to enable its Stakeholder Groups to appoint its Members. A pyramid structure should be established in each Stakeholder Group whereby issues and views of that group can be progressively fed to the Forum member for discussion at the Forum Meetings.
- b) A member's term of appointment shall be determined by the nominated Stakeholder Group.
- c) A Stakeholder Group representative may resign his/her office at any time by notice in writing (or e-mail) to the Chair.
- d) Forum members will represent the views of their individual Stakeholder Groups but will co-operate with others to achieve effective governance of the Forum as a whole.
- e) Constitution/Terms of reference and structure to be reviewed by the Forum as and when necessary.

C - Meetings

- a) The Forum shall meet minimum five times a year. (Once as an AGM)
- b) The Quorum for meetings shall be six to include a Chair.
- c) Meetings should meet practicably prior to the meetings of the Harbour Board.

The Agendas shall be:

- I. Approve the minutes of the Forum's previous meeting.
- II. Consider the minutes of the previous meeting of the Harbour Board and comment as required.
- III. Raise new issues for consideration by the Harbour Board.

Amended 26/03/14

To;

Harbour Board

Harbour Forum (HF) Report

I took over Chair of the Harbour Forum (HF) with the first meeting 17/10/2017. It was as a result of having significant interest in all harbour matters and as a resident in Ilfracombe. At the time there was concern for continuation of the HF due to no one wanting to take up the role.

The meetings to 29/07/20 have overall been very constructive as have brought harbour stakeholders together, all with the common interest to see the harbour managed effectively, sharing matters of concern, providing positive news and offering vision. All with the aim to provoke group discussion to improve the harbour infrastructure, general working operations, visitor offer, opportunities and broadening appeal and drawing potential investment.

These meetings have been useful in that the Harbour Master (HM) has provided updates in the form of a report. This avoids potential gossip & hearsay! The meetings have also provided best opportunity for stakeholders to discuss any items in this report. The meetings have been minuted and agreed via HF Chair and HM prior to being submitted for inclusion to Harbour Board Meetings that follow. The Harbour Forum Members have always taken some reassurance that these minutes have been raised in the HB meetings with any resultant action being fed back via the Harbour Master with further transfer of this information deemed urgent via email to the HF Chair or where less urgent at next HF meeting.

In past meetings representation has unfortunately been in the form of a small number of stakeholders with either more representatives from those individual groups than the original constitution would allow or with new individuals representing those stakeholder groups. Some stakeholder groups would rarely provide representation so any matters agreed and put forward as minutes to the HB would not necessarily have had those stakeholders input unless that input had come via another group present.

From a personal perspective ongoing work load combined with covid combined with a sense that the HF had lost it's significance put pay to future meetings. The general thought is there has evolved despite the opportunities of inclusion a lack of comprehensive representation of stakeholders with the constitution detail not being adhered to. With my focusing on other more personal matters it has sadly lost it's momentum.

I have maintained good communications with the harbour master and would welcome a revisit of the current constitution with the ambition to reboot profile and welcome a broader range of stakeholders who are specific harbour users. This would not necessarily need to go beyond the realms of the immediate harbour area i.e. not necessarily involve stakeholders beyond this area.

As the harbour has evolved with new personnel, infrastructure, operations, businesses, with new and a broader range of stakeholders investing time and energy in harbour activities it would be the most appropriate time to propose a change.

Again from a personal perspective I would still welcome representation on behalf of the Ilfracombe Aquarium as the harbour has progressed significantly in certain ways but there remains ongoing matters that can be improved on. The harbour with it's justified appeal remains a huge draw to businesses, leisure activities and visitors and it remains in every stakeholder's interest that we unite in our efforts to address impactful matters

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and do our bit as individual stakeholders to improve things as we as provide collective support for positive action.

Your sincerely,

Lawrence Raybone