



## 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 Platinum Room - Larkstone Water Sports Hub on **TUESDAY, 7TH NOVEMBER, 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 8 August 2023 (Pages 7 - 18)  
(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

Declarations of Interests. (Please telephone the Corporate and Community Services team to prepare a form for your signature before the meeting. Interests must be re-declared when the item is called. A declaration of interest under the Code of Conduct will be a Disclosable Pecuniary Interest, an Other Registrable Interest or a Non-Registrable Interest. If the item directly relates to your interest you must declare the interest and leave the room for the item, save in the case of Other Registrable Interests or Non-Registrable Interests where you may first speak on the item as a member of the public if provision has been made for the public to speak. If the matter does not directly relate to your interest but still affects it then you must consider whether you are affected to a greater extent than most people and whether a reasonable person would consider your judgement to be clouded, if you are then you must leave the room for the item (although you may speak as a member of the public if provision has been made for the public to speak) or, if you are not, then you can declare the interest but still take part).

5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

## **PART 'A'**

6. **Ilfracombe and Lynmouth Harbour's Budget Trading Accounts** (Pages 19 - 20)  
Report by the Accountancy Services Manager (attached)
7. **Quarterly Designated Person Port Marine Safety Code Audit Report - Ilfracombe and Lynmouth Harbours** (Pages 21 - 24)  
Report by the Health and Safety Advisor (attached)
8. **Designated Persons Annual Report 2023** (Pages 25 - 44)  
Report by the Harbour Master (attached)
9. **Harbour Charges Review 2024/25** (Pages 45 - 56)  
Report by the Harbour Master (attached)
10. **Port Marine Safety Code - Audit Lynmouth Harbour 2023** (Pages 57 - 88)  
Report from ABP Mer (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. **Red Diesel**  
Harbour Master to report.
15. **Future Projects**  
Harbour Master to report.
16. **Harbour Community Forum**  
Harbour Master to report.

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

30.10.23

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The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
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5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

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**NORTH DEVON COUNCIL**

Minutes of a meeting of Harbour Board held at Ilfracombe Centre - Ilfracombe on Tuesday, 8th August, 2023 at 2.00 pm

PRESENT: Members:

Councillor

Councillors Williams and Wilson

Co-opted Members:

Bert Gear, Martin Clearly, Tim Gibbs and Nigel Thomas.

Officers:

Harbour Master and Independent Health and Safety Advisor.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received Councillor Wilkinson.

Councillor Williams took the Chair for the meeting.

**2. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 7 FEBRUARY 2023**

RESOLVED, that the minutes of the meeting held on 7<sup>th</sup> February 2023 (circulated previously) be approved as a correct record and signed by the Chair.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest announced.

**4. 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 former Health and Safety Advisor who was acting as the designated person for the purpose of this meeting.

The Designated person gave the Board the following highlights:

- The quarterly audits were carried out at Ilfracombe and Lynmouth Harbours on 4<sup>th</sup> July 2023.

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

## Ilfracombe actions completed:

- Work to replace all the electrical conduits on the Cove had been completed.
- A Contractor had now been appointed to carry out the work on the vertical crack on Old Quay Head. The work was likely to commence in September 2023.
- The Merchant Shipping (Watercraft) Order 2023 came in to force on 31st March 2023 and the proposed Harbour Revision Order when in force would give the Harbour Authority powers of General Directions to include Jet Skis under the definition of “vessels”
- Whilst it was agreed that maintenance of the Warp Shed on Stone Bench would be carried out by the Council, there was no work currently required for health and safety purposes.
- Duty Holder Training for Members had been held with twenty two Members attending. Those who were unable to attend the session were expected to watch the available recording of the session to ensure they undertook the training.
- The three yearly external harbour audit was carried out by ABPmer in June 2023. The final report for Ilfracombe harbour had been received. However, the final report for Lynmouth had not yet been received.
- Speed ramps had been installed to slow down vehicles as they enter the Pier car park.
- The Cove area had been resurfaced and the pedestrian walkway re-laid in a different coloured, recycled material which would not fade or wear out. The white line demarking the unprotected working quayside had been repainted.

In response to a question regarding cracks in the newly laid recycled surface, the Harbour Master advised that there was an issue with the installation in certain places but advised that the company would be returning to make all of the repairs for free once the weather improved.

In response to a further question, she advised that the newly laid surface had a life expectancy of a minimum of 20 years.

## Risk Management – Ilfracombe

- 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 had been removed for Accessibility Checking.

The topics audited were as follows:

- Drink/Drugs.
- Piloting, Towage and Bunkering.

- Licensing (Works, Tugs, Craft).
  - Permitting (Diving and Hot Works).
  - Auditing Internal /External.
  - Dangerous Vessels and Dangerous Substances.
  - Vessel Traffic Management.
  - Open Port Duty and Setting Dues.
  - Consultation & Consensus.
  - Enforcement.
  - Marine Safety Management System.
  - Marine Emergency Plan Emergency Planning (OPRC/Site Emergency.
  - AtoN and Wrecks.
- 
- New composite handrails were still to be fitted along RNLI steps. Quotes had now been obtained, and the work would be extended to include hand rails to the old Slipway and the Watersports Centre Slipway. The Harbour Master advised that those works would now likely take place over the winter months.
  - Work to the top rails along the wall together with new mooring rings and ladders on Quay Road had begun with one new ladder installed so far.
  - A drone was used on 6th July 2023 to provide a baseline assessment of the state of the surface of the Pier Car Park as there were many uneven areas and potholes which gave rise to trip hazards. The information gathered from this exercise had been collated and a folder created on the Corporate I drive to ensure that all of the data was in one accessible place. The information gathered had enabled officers to ascertain that the whole car park required a full resurface and a PAG bid was currently being developed for a redesign of the area to bring that to fruition.
  - Members had 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 had been delayed until such time as a full risk assessment could be carried out and mitigation measures identified and implemented to ensure the safety of users. The Harbour Master advised that following consultation with the Royal Lifesaving Society (RLSS), the Council had been advised not to call the proposed area a pool. This was in part to ensure that members of the public were aware that general swimming was not permitted unless you are part of a registered group who would be using the facility. The Council was therefore currently exploring alternative options for an appropriate name.
  - There was an option to open up Larkstone Cove for permitted swimming in the area up to the yellow marker buoys and there would be no lifeguard required in that area. However, this was due to be considered by the Council's Senior Management Team (SMT) on 1<sup>st</sup> September 2023.
  - The works to develop the proposed sea swimming area were scheduled to begin the last weekend of October 2023 and was 85% funded from external grants and 15% funded from harbour income.
  - The joints between the concrete landings and the slabs on the steps on East Face Quay were being scoured out by sea water action and would give rise to trip hazards if remedial work was not carried out. Old Quay Head outer steps were also starting to show signs of deterioration. The Harbour Master advised that she was currently awaiting the results of a consultative report for remedial works and for the First Landing lintel repairs.

- The wall at Stone Bench had bulged out slightly further but the catchment netting was working to limit movement.
- The concrete beam between the First Landing and the Pier above was showing signs of cracks, in the section above the steps. The Senior Engineer advised that intrusive testing or preferably scanning of the area should be carried out to establish the integrity of the beam, before any remedial work was carried out. Works required would be high pressure jetting, then spraying and sealing.
- Edge Protection risks had been under consideration following a recent fatality at another Harbour. The Ilfracombe Harbour Edge Protection Policy V.4 was due for review in July 2023. Ilfracombe Harbour has edge protection along most of the open edges, except for along the Cove as this was a working quayside and it would be impractical to fence along this edge. There was signage and a painted white line along the quayside to highlight that this was a working area with an unprotected edge. The other area of concern was at the end of Old Quay Head, which was strictly speaking also a working area, and there was signage to advise the public that this was the case, however it needed to be established if this was 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 was not a Public Right of Way, provide a chain across the entrance to the area that had unguarded edges, so that it was only accessed by those who needed to for work purposes.

#### Lynmouth actions completed – Lynmouth

- Two mooring balls on the Harbour Arm had been painted yellow to highlight their positions and prevent trip hazards.
- The three yearly external harbour audit was carried out by ABPmer in June 2023. The final report had 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.

#### Risk Management – Lynmouth

- 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.
  - Drink/Drugs.
  - Piloting, Towage and Bunkering.
  - Licensing (Works, Tugs, Craft).
  - Permitting (Diving and Hot Works).
  - Auditing Internal /External.
  - Dangerous Vessels and Dangerous Substances.
  - Vessel Traffic Management.
  - Open Port Duty and Setting Dues.
  - Consultation & Consensus.
  - Enforcement.
  - Marine Safety Management System.
  - Marine Emergency Plan Emergency Planning (OPRC/Site Emergency).

➤ AtoN and Wrecks.

- The Ilfracombe Harbour Master had reviewed the Lynmouth Marine Safety Management System and this version needed to be made available on the website. (V.7 Feb 2023) With regard to the legal status of Lynmouth as a harbour, the council was out to public consultation in July for a Harbour Empowerment Order, which would confirm North Devon Council as the Statutory Harbour Authority for Lynmouth and this work was ongoing.
- The new Solar Aid to Navigation lights were now ready to install. It was hoped that they would be installed on the new pole within the next few weeks. This could be done independently of when the National Grid came out to disconnect the electrical supply, which was planned for September 2023. A Notice would be issued to Mariners to advise of the works and the Harbour Master would inform the UK Hydrographic Office (UKHO) and Trinity House once the works were completed. Once the new AToNs were installed, these would 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 issue regarding the movement of the Sea Defence Boulders was currently under dispute with Devon County Council, but this would need to be resolved, due to the flooding risk. The Harbour Master advised that the Environment Agency had submitted a bid for £80K to procure a consultative report for the whole of the Lynmouth flood defences to explore the issue further and find an effective solution.
- Health and Safety at Ilfracombe Harbour continued 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 2023.
- As the status of Lynmouth Harbour as a Statutory Harbour Authority was still under consultation there were still aspects of the Port Marine Safety Code which did not apply. Much work had been carried out in Lynmouth and no new risks were identified within the audit.

**5. ILFRACOMBE AND LYNMOUTH HARBOUR'S BUDGET TRADING ACCOUNTS**

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

The Harbour Master advised that there had been £0.5m spent on harbour works over the three quarters.

There were no questions or comments from the Board.

The Board noted the financial situation of both harbours.

**6. APPOINTMENT OF TWO INDEPENDENT REPRESENTATIVES TO THE HARBOUR BOARD**

The Board considered a report regarding the appointment of two Independent Representatives to the Harbour Board (circulated previously), by the Corporate and Community Services Officer.

The Harbour Manager advised 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.

Two independent representative vacancies would arise on the Harbour Board on 24<sup>th</sup> November 2023 due to Mr Tim Gibbs and Mr Bert Gear reaching the end of their first four-year term. Mr Gear and Mr Gibbs had confirmed they were in agreement to take on a second 4 year term as Independent members on the Board, therefore an external recruitment exercise was not required.

RECOMMENDED, that Full Council agree the recommendation of the Harbour Board to appoint Mr Bert Gear and Mr Tim Gibbs as Independent Representatives to the Harbour Board for a second four-year term both beginning on 25<sup>th</sup> November 2023 until 24<sup>th</sup> November 2027.

**7. HARBOUR PLANS REVIEW**

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

The Harbour Master advised that as a Statutory Harbour, Ilfracombe Harbour was 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 were subject to periodic reviews and amendments. From time to time when deemed necessary for Harbour management a new policy or plan would be put in place.

She drew the Board's attention to the following points that were highlighted within the report:

- 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 complied with the code were committed to produce policies and plans covering a wide range of subjects and to review those documents on a regular timescales to ensure they continued to be fit for purpose.
- The review of those documents took into account current legislative regulations and relevant guides to good practice.
- There were three documents that had been reviewed as per the review schedule, these were as follows:
  - Marine Safety Management System (appendix A).
  - Marine Emergency Plan (appendix B).

➤ Edge Protection policy (appendix C).

- These now required a final review at board level before being adopted.
- There were no other options to be considered.
- There were no risks in adopting the recommendation.
- The three documents had been reviewed/ formulated and were in line with current accepted guidance and uphold the current legislative regulations.
- There was no impact on the community in adopting the recommendation.

In response to a question regarding the edge protection policy, the Harbour Master advised that the slipway had railings and replacement handrails on the old slipway to provide protection.

She added that permission to swim had been granted to the wild swimming commercial watersports operator at Larkstone Cove. However, lone swimming was not permitted and a new safety sign had been installed to warn that swimming beyond the marker buoys was not permitted.

She drew the Board's attention to appendices one, two and three of the report, which were as follows:

- The Marine Safety Management System (MSMS), which outlined the safety plan for the next three years and listed the members of the Board.
- The Marine Emergency Plan, the Harbour Master had identified that there was no section within the emergency plan with regards to raising the alarm for injuries sustained on board a vessel. So, this had now be included under 2.3 of the plan and outlined the necessary procedures which should be followed in the event of an emergency.
- Edge Protection Policy, was fully compliant. However, there were one or two actions required with regards to signage and the requirement of chain to be installed at Old Quay Head.

The Harbour Master added that the Harbour plans had been highlighted as one of the better examples of those assessed across the country.

RESOLVED, that the review of the following documents, which were attached to the report be approved:

- Appendix 1 - Marine Safety Management System;
- Appendix 2 - Marine Emergency Plan; and
- Appendix 3 - Edge Protection policy.

**8. ILFRACOMBE HARBOUR CONSULTATIVE FORUM**

The Board considered a report by the Harbour Master (circulated previously) regarding the Ilfracombe Harbour Consultative Forum.

The Harbour Master advised that the Port Marine Guide to Good Practice 2018 (MCGA), which was the accompanying document to the Port Marine Safety Code (PMSC) stated in section 3:

“Consultation that “Safety in the port marine environment was not just a matter for the organisation, its Officers, contractors or its authorised pilots. Users were 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 followed therefore that organisations needed to consult, as appropriate with two main groups, which were marine users, both commercial and leisure, and local interests and communities.”

She advised that the Ilfracombe’s Harbour Consultative Forum (The Forum) was formed in 2017 with its own constitution (appendix A) and up to 2020 it had performed some of the duties required under the code. However, since the advent of COVID 19; to date there had not been another forum meeting. This had left the Harbour Authority without an avenue to comply with section 3 of MCGA.

She drew the Boards attention to the following points within the report:

- Port marine operations were technical matters, which were well understood by experienced Harbour masters or port marine practitioners, but perhaps much less so by the wider public, including many recreational users.
- The importance of appropriate involvement of wider interests, which safeguarded the organisations position, whilst being mindful of the overall responsibility for managing safety in a harbour or facility rested with the organisation.
- That the safety management system was only effective if the organisation responsible took active measures to involve and secure the commitment of those involved. This applied both to the risk assessment, and to the subsequent operation, maintenance and ongoing development of the safety management system.
- The general aim of consultation on these occasions with users and other interests was to provide an opportunity for contributions to be made both on the identification of risk and its management. Risk management often depended less on formal regulation than on winning the understanding of those whose activities created the risk and securing their agreement to safe behaviour. Organisations were therefore encouraged to advertise that they were undertaking a risk assessment, and to seek ways of securing the widest possible response from those likely to have a meaningful contribution.
- There was a clear understanding that the Forum had not met 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.

Mr Gear added that he was Chair of the Forum in its current format for 10 years. However, attendance at the meetings had a tendency to fluctuate if there were particular issues that were affecting harbour users in their day to day work. He

explained that in his opinion the Forum would work more effectively if every registered boat owner was a member and there would not be so many meetings held unnecessarily.

In response, the Harbour Master advised that there didn't have to be an update from the Forum to every Harbour Board meeting and that updates could be provided on an annual basis. She added that the Forum meetings could also be held via Microsoft Teams or Zoom to facilitate better attendance levels.

**RECOMMENDED:**

(a) that Full Council approve the following:

- (i) that the Forum as it stood be dissolved and that a new Forum be constituted that better met the requirements of the Harbour and the Harbour Authorities requirements under section 3 of the MCGA; and
- (ii) that the name of the forum be changed to the "Ilfracombe Harbour Users Group".

**9. MARINE SAFETY PLAN**

The Board received an update from the Harbour Master regarding the Marine Safety Plan.

The Harbour Master advised that the safety plan was operating as it should be and that all of the relevant information was available on the Council's website.

**10. AIDS TO NAVIGATION**

The Board received an update from the Harbour Master regarding Aids to Navigation.

The Harbour Master advised that the solar lights, which had a beam that could be seen from two nautical miles out to sea were ready to be fitted. However, the posts that were already in situ required some adaptation prior to the installation of the new solar lights.

She added that the new solar lights for Lynmouth would be installed on mass on the 5<sup>th</sup> September 2023, which would require the lights to be off for three days.

The new lights had a GSM monitor fitted, which enabled software to be linked to mobile phones. So, if ever a light was to stop working, the Harbour Master would be notified immediately. The software also enable officers to generate reports for the operation of the system.

**11.            INFRASTRUCTURE UPDATE**

The Board received an update from the Harbour Master regarding infrastructure.

The Harbour Master regarding the environmental impact of the harbour adding that her goal was to ensure that the harbour was sustainable and that steps were taken now to future proof against potential impacts.

She outlined the interventions that were already in place, which were:

- The utilisation of composite materials
- The use of composite ladders around the harbour
- The installation of the fenders.
- The works to Old Quay Head were almost complete
- The ladders that were to be installed at the Cove were currently being manufactured.
- The facing to the hut on stone beach was currently being removed through acts of vandalism, this area could be adapted to bring changing facilities to the area once the sea pool was in place if the need was demonstrated.
- Whilst undergoing maintenance, areas of deterioration were identified on the fuel tank and the requirement to replace the tank was now being explored.

**12.            FUTURE PROJECTS**

The Board received an update from the Harbour Master regarding future projects.

The Harbour Master advised that Ilfracombe Harbour had received endorsement from the Royal Yachting Association as a recognised training centre.

She added that there were aspirations to deliver a multiuse training centre and that this had already led to a number of requests to utilise any future facilities that may be developed.

A business case had been developed for the Ilfracombe Maritime Centre of Excellence together with the development of subsequent business plans in time for approval by the relevant bodies. Tentative approaches had already been made to RMB Chivenor with regards to utilising their grounds as the marine firefighting facility, with the Brynsworthy Environment Centre also being a viable option.

In response to a question regarding the background to the project, the Harbour Master advised that the Royal Yachting Association could provide training courses to boat owners for vessels up to 24m. However, anything above that length would fall within the remit of the Maritime and Coastguard Agency and required a boat owner if commercially operated to undertake a mandatory 5.5 day qualification, which required renewal every five years (STCW 95).

She added that the majority of courses could be delivered in Ilfracombe but that maritime firefighting on vessels over 24m would have to be delivered at an

alternative location. However, Red One had confirmed that they could deliver this element of the training if the Council provided the necessary equipment; and there were potential locations for this, provided the correct foam rating was in place.

The Harbour Master confirmed that the Board would be kept informed of the process as it developed, adding that the ultimate vision was to build a Maritime Academy in Ilfracombe whilst being mindful to manage realistic expectations and work towards that vision.

In response to questions, the Harbour Master advised the following:

- The port management element would be included.
- Petroc were in the process of applying for university status.
- That mandatory Duty Holder training had been delivered to all Members.

### Bollard testing

The Harbour Master referred to an email that she had received from a company regarding the testing of bollards and advised that there had been three major instances around the world whereby a bollard has been pulled out of the Quay by the vessel resulting in injury.

She advised that there was one company that could undertake the required works and access small areas and that she had obtained an approximate quote of £12,410 or £4137 per annum (£344.75 per month) for the testing of 34 bollards each year over a three year period. There would be no charge for Lynmouth.

She explained that bollard testing was not currently a mandatory requirement at the current time. However, once it became a mandatory requirement the costs would increase significantly.

In response to a question regarding the frequency of testing once it became a mandatory requirement, the Harbour Master advised that it was likely that testing would be required on an annual basis.

She added that in accordance with the Council's financial procedures when a quote was over £5K, there was a requirement to go out to tender and obtain quotes. However, in this instance there was only one suitable company that could undertake the works required and a request for waiver could be obtained prior to funds being sought.

She further advised that the Board would be kept up to date on progress.

### RECOMMENDED:

- a) that a request be submitted to the Director of Resources and Deputy Chief Executive regarding the payment of £4137 per annum over a three year period to test 34 of the 62 bollards in the harbour; and

- b) that a request for waiver be submitted to allow the Council to appoint the appropriate company to undertake the works.

Aqua Superpower – High Power Marine Charging

The Harbour Master explained that a survey of the harbour had been undertaken by a company called Aqua Superpower for free installation of an Aqua75 high powered charger for cars and boats. This opportunity was being offered to all harbours around the country.

The proposed location of the proposed charger was on the solid harbour wall mounted on a concrete plinth, with the final location being determined by a site survey.

If the Board was to agree, the document would be signed and the Council would receive a percentage of the income generated.

**RESOLVED:**

- a) that the proposal of an Aqua75 high powered charged for cars and boats be approved; and
- b) that the Harbour Master notify the company of the Board's wish to proceed with the installation of the charger.

**13. HARBOUR COMMUNITY FORUM**

This item wasn't considered as the Town Clerk to Lynton and Lynmouth was not in attendance at the meeting.

Chair

The meeting ended at 3.37 pm

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

**Ilfracombe Harbour**

	Budget	Quarter 1 - Actual	Quarter 2 - Actual	Quarter 3 - Forecast	Full Year Actual
Operating Income	(98,750)	(63,043)	(29,025)	(19,295)	(628,894)
Operating Expenditure & Maintenance	218,737	40129.7	57,874	105,759	798,607
Overheads	39,250	9812.5	9812.5	9,811	35752.83
	257,987	49,942	67,687	115,570	834,360
Operating Deficit / (surplus)	159,237	-13100.62	38661	205466	205466
Contribution to reserves					
Bad Debt movements					
Interest					
	159237	-13100.62	38661	205466	205466
Net Deficit / (Surplus)	159237	-13100.62	38661	205466	205466

**Lynton & Lynmouth Harbour**

	Budget	Quarter 1 - Actual	Quarter 2 - Actual	Quarter 3 - Forecast	Full Year Actual
Operating Income	(4,418)	(3,922)	0	0	-3922
Operating Expenditure & Maintenance	7233	1048	192	620	11667
Overheads	24393	6059	6119	6089	24528
	31626	7107	6311	6709	36195
Operating Deficit/ (Surplus)	27,208	3185	6311	6709	32273
Net Deficit / (Surplus)	27208	3185	6311	6709	32273

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## HARBOUR BOARD MEETING: 7<sup>th</sup> November 2023

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

**Ilfracombe - 19<sup>th</sup> October 2023** Captain Georgina Carlo-Paat (Harbour Master)  
Jon Triggs (Director of Resources & Deputy Chief Executive)  
Tara Jenkins (Senior Engineer)  
Trevor Hill (Larkstone Hub Support Officer)  
Pamela Charles (Contract/Temporary H&S Adviser)

**Lynmouth - 19<sup>th</sup> October 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 A contractor is currently working to replace the cracked stone facing on Old Quay Head. Fortunately, there has been no failure of the foundations or the reinforced concrete behind the stone facing. The work is on target to be completed by 4<sup>th</sup> November 2023.
- 2.2 Work on Quay Road wall has been completed with all top rails removed, all waste bins removed, new mooring rings and new ladders fitted.
- 2.3 An Engineer's report has been received on the state of the concrete beam between the First Landing and the Pier above which is showing signs of cracks, in the section above the steps. The Senior Engineer advises that she has responded to the report as it is not clear if the solutions suggested will resolve the problem long term or just prevent further deterioration
- 2.4 The Royal Life Saving Society has completed a draft risk assessment report on the proposed sea pool. The report does not indicate if the control measures detailed in the report mean that the pool does not require Lifeguarding. The report will be referred to the next meeting of the Council Health, Safety and Welfare Committee on 21<sup>st</sup> November 2023.
- 2.5 A drone survey of the surface of the Pier Car Park was carried out on 6<sup>th</sup> July 2023 to provide a baseline assessment of the state of the surface as there are many

# Agenda Item 7

uneven areas and potholes which give rise to trip hazards. A further survey will be carried out next March after boats return to the water.

2.6 The Ilfracombe Harbour Edge Protection Policy was reviewed in July 2023.

2.7 An incident regarding a member of the public falling in to the water from the Cove area of the Harbour has been considered. No action is required, given the circumstances of the incident.

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

3.1 The three yearly, external harbour audit was carried out by ABPmer in June 2023. The final report has been received with no non-compliances noted

3.2 An internal audit of the following topics was carried out this quarter. There were no non compliances or non-conformities

- (i) Legislation, (Acts, Harbour Revision Orders, Byelaws) and Directions,
- (ii) Conservancy (survey, dredging),
- (iii) Duty Holder and DP Function,
- (iv) Competency and Training

3.3 Fitting of new composite handrails along the RNLI steps, the old Slipway and the Watersports Centre Slipway has been held up due to the Environment Agency (EA), querying the ownership of the handrails on the RNLI steps. The Harbour Master is to meet with the EA on 20<sup>th</sup> October 2023 to discuss the matter.

3.4 A quote has been obtained to carry out remedial work on the joints between the concrete landings and the slabs on the steps on East Face Quay and Old Head Quay which are sinking below the level of the steps and will give rise to trip hazards if remedial work is not carried out. The work will be carried out in the next financial year, April 2024.

3.5 The bulged wall at Stone Bench has not deteriorated any further and the catchment netting is working to limit movement. The wall will be kept under observation.

3.6 Edge Protection risks for Old Quay Head are still under consideration. It has been established that there is no Public Right of Way along Old Quay Head and it is proposed to install a code accessed gate to enable access only to those who require it for work purposes. Planning Permission will be required to install the gate.

3.7 Incidents of teenagers climbing on the Verity plinth and using one of the books on the plinth as a slide have been observed. The risk of falling in to the sea from the plinth has been considered and in the first instance larger signs advising that the plinth is not to be accessed due to safety reasons, will be installed on the railings and the current smaller sign removed.  
If this does not have the desired effect, consideration will be given to fixing anti-climb netting over the railings in this area.

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

4.1 The new Solar Aids to Navigation (AtoN) lights have been installed and the unmetered electrical supply has been disconnected. The Harbour Master has informed the UK Hydrographic Office (UKHO) and Trinity House that the works have been completed.

# Agenda Item 7

- 4.2 The new AToN have been signed up to the Local Aids to Navigation Reporting System (LARS), under the Harbour Master for Ilfracombe, to enable Lynmouth to fulfil the responsibility to maintain records of aids to navigation availability.
- 4.3 The responsibility regarding the movement of the Sea Defence Boulders rests with Devon County Council, so no further action is required by North Devon Council or Lynton and Lynmouth Town Council.

## 5. RISK MANAGEMENT – LYNMOUTH

- 5.1 The three yearly, external harbour audit was carried out by ABPmer in June 2023. The final report has been received with some non-compliances noted:
  - (i) The Lynmouth Harbour Safety Management System document does not contain any safety performance or Key Performance Indicators (KPI) expectations.
  - (ii) The Lynmouth Harbour Safety Management System document does not contain a policy on training, revalidation or maintenance of qualifications.
  - (iii) The Organisation cannot evaluate the objectives of the plan [set within the Section 2.2 of the Lynmouth Harbour Safety Management System] as none are set.
  - (iv) There is no Harbour Environmental Policy or guidance to port users on minimising damage to the marine environment for Lynmouth.

These non-compliances can be addressed with revisions to policies and plans making them fit for purpose for Lynmouth Harbour and minor changes to the Safety Management System document.

- 5.2 An internal audit of the following topics was carried out this quarter, although some matters do not apply, given the current non-statutory status of the harbour there were some non-compliances with regards to training requirements and documentation, as were reported in the external audit report.
  - (i) Legislation, (Acts, Harbour Revision Orders, Byelaws) and Directions,
  - (ii) Conservancy (survey, dredging),
  - (iii) Duty Holder and DP Function,
  - (iv) Competency and Training
- 5.3 The Lynmouth Marine Safety Management System (V.7 Feb 2023) still requires to be made available on the Council website.
- 5.4 The public consultation for a Harbour Empowerment Order, which will confirm North Devon Council as the Statutory Harbour Authority for Lynmouth has now closed and the legal process is continuing.

## 6. CONCLUSIONS

- 6.1 Health and Safety at Ilfracombe Harbour continues to be proactively managed by the Harbour Master, with many works now completed. Some works are underway and other works will be completed in the new financial year. New risks arising have been due to the actions of members of the public rather than a lack of safety management of the Harbour.

# Agenda Item 7

- 6.2 The status of Lynmouth Harbour as a Statutory Harbour Authority is still progressing and therefore there are still some aspects of the Port Marine Safety Code which do not apply. Much work has been carried out in Lynmouth, although documentation and training remain issues to be completed. No new safety risks were identified on this audit.

Pamela Charles  
Contract/Temporary H&S Adviser  
October 2023



## **North Devon Council**

Report Date: Tuesday, 7 November 2023

Topic: Designated Persons Annual Report 2023

Report by: Ilfracombe Harbour Master

### **1. INTRODUCTION**

- 1.1. The Port Marine Safety Code (PMSC) states that an organisation must publicly report on the PMSC performance annually.
- 1.2. The annual report has been formatted as a standalone document for ease of reference and to comply more fully with the requirements of the code

### **2. RECOMMENDATIONS**

- 2.1 That the 2023 annual report is accepted as complying with the code.

### **3. REASONS FOR RECOMMENDATIONS**

- 3.1. To comply with the Duty Holders obligations under the PMSC

### **4. REPORT**

- 4.1. The annual report sets out the main areas of the PMSC and reports on the Harbours performance for the given financial year.
- 4.2. The report also includes the financial status of both Harbours

### **5. RESOURCE IMPLICATIONS**

- 5.1. There are no financial implications contained within this report.
- 5.2. There are no manpower implications contained within this report

### **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: Positive
  - 8.1.2. Improving customer focus and/or : Positive
  - 8.1.3. Regeneration or economic development : Positive



## 9. CONSTITUTIONAL CONTEXT

9.1. Article of Part 3 Annexe 1 paragraph:1

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

11.2. Harbour Board Annual Report 2022

## 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



## HARBOUR BOARD

Annual Report 2023/24

November 2023



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## 1.0 CHAIRMAN'S' INTRODUCTION

This is my first Annual Report as Chairman of the North Devon Council Harbour Board and I would like to begin by thanking and praising the efforts of my predecessor, Geoff Fowler. His contributions over many years have helped shape the harbour as a centre for both industrial and recreational excellence. His involvement and vision for the Ilfracombe Water Sports Centre was recognised at the recent opening ceremony. It is a great asset for all of North Devon and is already proving to be a real success.

I would also like to praise the work undertaken by all of the Board. The knowledge and experience of the independent members is invaluable and is very much appreciated.

We are also very fortunate to have a truly professional set of staff who not only run the day to day tasks but also have informed and imaginative thoughts on the future direction of our harbours.

I look forward to continuing to develop the Harbour facilities with the valuable inputs of a very proactive Board.

I hope this Annual Report will reflect our Boards' determination to provide viability, accountability, and transparency for the maritime assets we manage.



### THE HARBOUR BOARD

The Board consists of eight members, with four being North Devon Councillors and four Independent Board members who are appointed following a skills audit.

The Harbour Board has been set up following best practice which was identified in the Municipal Ports Review and it operates as a committee of the Full Council. The Harbour Board is a non- executive function and reports to the Full Council.

Its role and function is described in the Councils constitution. It is a requirement under the constitution and the Port Marine Safety Code (The Code) that the Harbour Board will provide an annual report to North Devon District Council who are the Harbour Authority and Duty Holder on how it is managing the Harbours in a manner that is consistent with relevant policies, plans and legislation.

Over the last twelve months the Harbour Board has considered a number of issues.



## PORT MARINE SAFETY CODE

The Port Marine Safety Code (The Code) is primarily aimed at the 'Duty Holder' (i.e. Full Council) who is directly accountable for marine safety in harbour waters.

The Code was updated in November 2016 and sets out a national standard for every aspect of port marine safety. Its aim is to enhance safety for everyone who uses or works in the UK port marine environment. It is endorsed by the UK Government, the devolved administrations and representatives from across the maritime sector and whilst a failure to comply is not an offence in itself, a link may be drawn between a failure to implement the principles of the Code and prosecution under the Health and Safety legislation, therefore these bodies have a strong expectation that all harbour authorities will comply.

The Code is intended to be flexible enough so that any size of harbour or marine facility will be able to supply its principles in a way that is appropriate and proportionate to local requirements.

The new Code considers ten key areas which are, Duty Holder, Designated Person, Legislation, Duties and Powers, Risk Assessment, Marine Safety Management System, Review and Audit, Competence, Plan and Aids to Navigation.

The accompanying Guide to Good Practice on Port Marine Operations was updated in April 2018. This guide is intended to support and supplement the Port Marine Safety Code and contains useful information and more detailed guidance on a number of issues relevant to the management of port facilities.

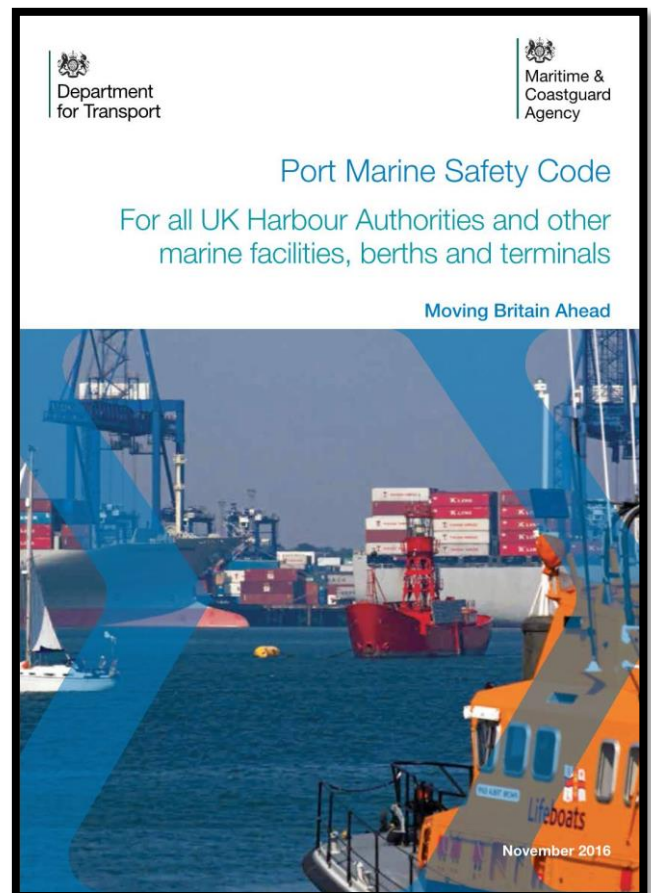
A letter of compliance with the code, which is required every three years, has

been sent by the Leader of North Devon District Council to the Maritime Coastguard Agency dated 3<sup>rd</sup> of February 2021 which is valid until February 2024.

The letter states that under the Code Ilfracombe Harbour meets the standards required and that Lynmouth Harbour does not at this time meet all of the standards required and that we as an authority are actively working towards bringing Lynmouth into full compliance.

Both Harbours underwent the three yearly external audit in July 2023 and the findings are in the process of being implemented.

The audits again found Ilfracombe to be in compliance with the code but Lynmouth, although vastly improved, still in non-compliance with code.



## OIL SPILL CONTINGENCY PLAN

Appendix 6

## PORT FACILITY SECURITY PLAN

In December 2022 the Port Security Committee met to consider the continuation of Ilfracombe Harbours status as a Cruise Ship Port of call. It was decided that due to lack of Cruise ships actually landing any passengers, the last being in 2015, that the security status should be rescinded.

If there comes a time when Cruise ships wish to call at Ilfracombe again the status can be reapplied for.

At the time of rescinding the status no cruise ships were booked for the next 3 years.

Cruise ship schedules are planned 5 years in advance.



These five year plans are a requirement under the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 which requires contingency plans for any harbour or oil handling facility offering berths alongside, on buoys or at anchor, to ships of over 400 GT or tankers (oil or chemical) of over 150 GT. Due to Ilfracombe's geographical position, Historical structures and surrounding areas of AONB and SSSI, Ilfracombe Harbour is required to hold an Oil Spill Contingency Plan (OSCP)

There is a need to be capable of responding to a Tier 1 oil spill, together with holding the appropriate stock of equipment, have a formal agreement in place for a Tier 2 response together with adequate training of the required Commanders and 1st Responders and exercising of the plan Ilfracombe's OSCP was approved by the Maritime and Coastguard Agency (MCA) in September 2022 and is valid until September 2027. Both the Harbour Master and their Deputy are trained 4P Commanders and we have 4 trained 2P 1<sup>st</sup> Responders.

To date Ilfracombe Harbour is in full compliance with the OSCP requirements.

Our Tier 2 contractors are Ambipar Response Limited.

There is no legal requirement for Lynmouth Harbour however, Ambipar is contracted to respond to all pollution events under the authority of North Devon Council this would include Lynmouth Harbour.

### PORT WASTE MANAGEMENT PLAN

The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 are applicable to any harbour or terminal within the UK. Every harbour authority operator has to provide waste reception facilities adequate to meet the needs of vessels normally using the harbour without undue delay to those vessels.

In addition to the provision of facilities, there is also a requirement to produce Port Waste Management Plans, valid for three years, for the harbours managed by the Council.

Ilfracombe Harbour submitted the plan for revalidation in May 2022 and was approved by the MCA 27<sup>th</sup> February 2023. The next submission is due February 2026.

This year also saw the installation of fit for purpose bin housings on the Pier and at each end of Quay Road, thanks to the hard work of NDC Litter Strategy Group, this enabled the old bins along Quay Road to be removed.

This has cleaned up the whole area and made the bins 'visible' to the public and greatly reduced the rubbish found along Quay Road.



### MARINE EMERGENCY PLAN

The Plan is prepared in accordance with the legal obligations placed on authorities that are contained within:

- The Dangerous Substances in Harbour Areas regulations 1987 (Regulations 26,27 and 28)
- Control of Industrial Major Accident Hazard Regulations 1984
- Public Health (Ships) Regulations 1979

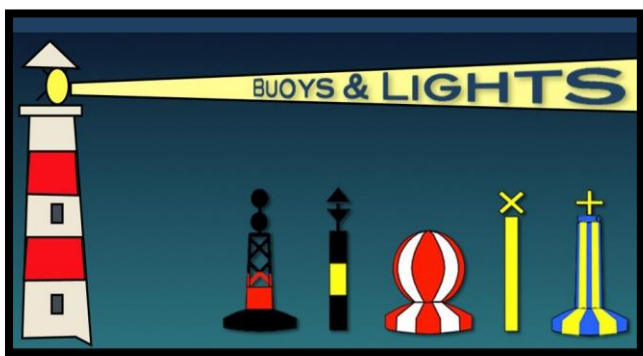
Ilfracombe Harbours Emergency Plan is up to date.

## DEVELOPMENT STRATEGY 2012-2026

Ilfracombe Harbour Board are committed to keeping its Development Strategy under review and updating it as necessary to provide a current document which informs potential developers and planners. Changing circumstances and recent business successes at the Harbour have identified a need to issue an Addendum to the 2012-2026 Strategy.

The Ilfracombe Harbour Board's Development Strategy is underpinned by 4 main economic drivers, namely;

- To increase the potential for the Harbour to support and take advantage of technological and economic development in the renewable energy sector.
- To provide accommodation for new Harbour related activities and support the flexibility and inter-changeability of existing and future Harbour related uses and operations.
- To support tourism and leisure activities in Ilfracombe and the wider North Devon area.
- To ensure that Ilfracombe Harbour retains its ability to function as a viable port and fulfils its role as a Lifeboat base.



## LOCAL AIDS TO NAVIGATION (ATONS)

It is a requirement under the Merchant Shipping Act 1995 (Section 198(1)) that an inspection of the Local Aids to Navigation is carried out annually by an officer from Trinity House Lighthouse Service with any deficiencies found to be rectified and reported back to them.

Both Ilfracombe and Lynmouth Harbour have received clear reports with no deficiencies reported from Trinity House.

In September 2023 all of Lynmouths Navigational lights were replaced along with new posts with solar powered lights and Lynmouth is now registered with Trinity House on the reporting system LARS.

Ilfracombe's outer Navigational lights (4) were also replaced with solar lights.

## ACTIVITIES UNDERTAKEN WITHIN THE HARBOUR

### COMMERCIAL

Ilfracombe Harbour has a number of commercial businesses they are divided into commercial fishermen and commercial day trip operators.

There are 9 registered fishing vessels with permanent moorings ranging from 15 to 7 metres in length.

There are 14 day trip vessels with permanent moorings ranging from Scenic Cruises to fast Rib adventures to Diving to day fishing. This year saw a new addition to the Harbour with a Fishing for Litter operator starting up who also run remote beach clean trips.

All of these businesses have premises and/or storage facilities on the Harbour.

On a seasonal basis the Lundy Ferry and supply vessel The Oldenburg operates out of Ilfracombe and the Lundy Company have offices and storage on the Harbour.

This year also saw the return of the paddle steamer PS Waverley to much delight and a very successful return it was, with fully or near fully booked trips on every Ilfracombe run.

Additionally, the Harbour has a number of marine related businesses catering to the Public, the Sea Aquarium / Café, S&P Fish Shop who sell locally caught produce from their own vessels and Walrus Fisheries who specialise in supplying North Devon Lobsters wholesale.

There are a number of commercial Water sports and Diving companies that use Ilfracombe harbour to operate out of and have storage space allocated.

### LEISURE

Ilfracombe Harbour has 63 permanent moorings for leisure vessels which are all allocated with an ever-growing waiting list.

The Harbour is home to a number of clubs they are the Gig Club, Y Sail, Canoe Club and the Sea Cadets. St Georges House have storage space allocated to them on the Harbour and are regular harbour users.

The Harbour has storage facilities for Kayaks and Dinghies which are at full capacity with 43 Kayaks and 18 dinghies currently within the 2 compounds.

Ilfracombe is an attractive destination for visiting yachts and the Harbour averages 845 overnight stays per annum. The effects of the Pandemic is still being felt with a reduction of overnight stays.

Ilfracombe Harbours Slipway is one of the most accessible slipways on this coast line. It is also the RNLI slipway and is a favourite launch site for Jet Skis and all manner of privately owned watercraft.

As a drying Harbour the inner top end of the Harbour bed regularly becomes a 'beach' and is again a favourite destination, as it dries to soft sand, for families to come for the duration.

To this end and to enable order to be kept a local business has been licensed by NDC to rent out deckchairs and this has kept the area clean and tidy when the deckchairs are out.

NDC maintains and manages visiting Yacht shower and toilet facilities situated in the Yacht Club, the usage charge is inclusive of the visitors mooring dues.

## NEW FOR 2023/24

### HARBOUR INFRASTRUCTURE

Over the winter of 2022/23 the harbour was again successful in gaining 75% external funding from the Marine Management Organisation to continue the improvement works. These works consisted of the following

- New 500kg landing davit for all fishermen to use
- More specialised fendering for the Cove berths
- Installment of Quay Edge protection to prevent further deterioration of the Cove edge where the mooring lines and chains wear the concrete edge away.
- Replacement of all inner Harbour ladders with specialised Port safety ladders.
- Installation of protection fendering for the ladders on Quay Wall and the installation of rated mooring eyes along the top of the Quay Wall.
- Installing additional storage compounds for the fishermen to help clear up the Cove and Old Quay Head areas.
- The resurfacing of the working area and the installation of a new pedestrian walkway with recycled marine waste, a percentage of which came from the Harbour commercial fishermen themselves.

These works are nearly completed with only a few elements still outstanding with all works expected to be finished by end of October.





Alongside the funded works the Harbour Authority (HA) also approved the resurfacing of the lower Cove area and Marine Drive.

The HA also approved the remedial works to the end of Old Quay Head where the stone facing had started to come away from the interior mass concrete, these works are due to be completed by end of October, and approved the cliff stabilisation works on the Cove and the works required to stabilise an area on Stone Bench.

## ILFRACOMBE SEA SCHOOL

In August this year the Harbour was granted recognition by the Royal Yachting Association (RYA) to be an approved training centre.

The Sea School offers Sailing and Powerboat practical courses

Along with a full range of theory classes.

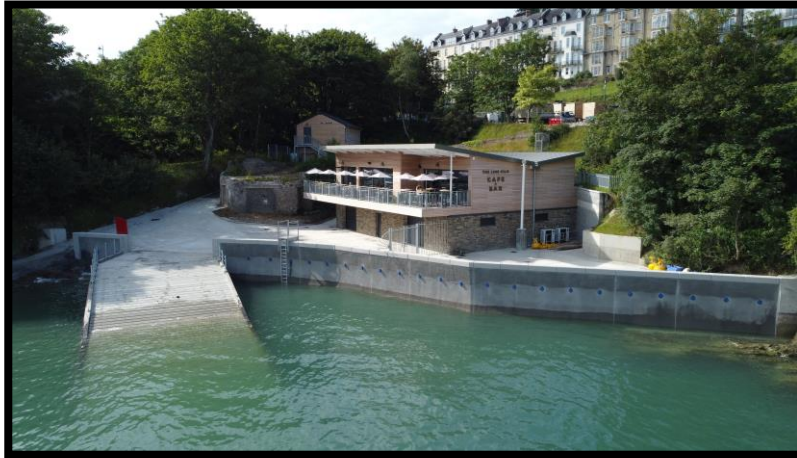
Ilfracombe Sea School is the only RYA training centre in North Devon offering this range of courses.



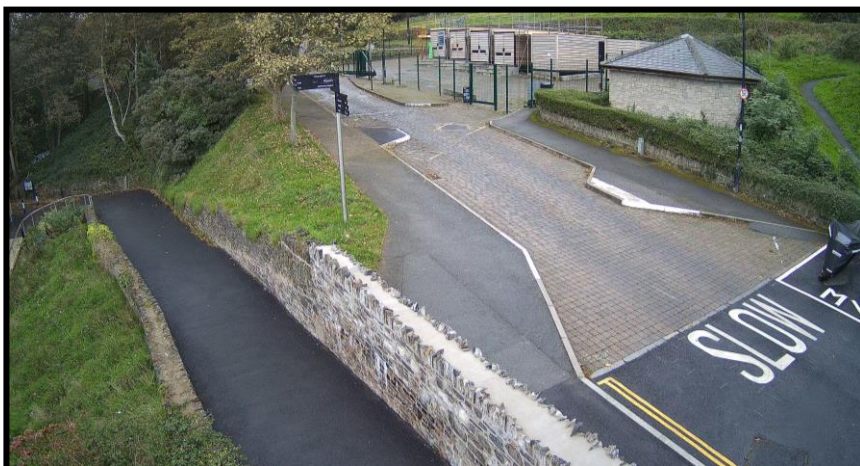
## LARKSTONE WATERSPORTS HUB

Appendix a

The long awaited Watersports Hub opened its doors on July 13<sup>th</sup> this year and is proving to be a great attraction to the area. Already since opening we have seen 1,636 users of the new facility, this is a combination of the Hub clubs, these being the Gig Club, the Canoe Club and Y Sail. The Lime Kiln Café have also reported above expected numbers during this time.



During this time also saw the installation of the new Watersports secure Commercial Operators Complex situated in the Upper Marine Drive Car Park. This offers storage for the 3 main operators, H2Outdoors, Active Escape and Coastal Swim Coaching along with bespoke changing room facilities and the use of the main Hub facilities which includes use of the showers and toilets on site. We were also delighted to be able to offer storage for the regional Scouts. We have instigated a 'day use' permit that allows for any visiting groups/schools the use of the complex and changing rooms along with the use of the main Hub facilities.



This year saw the replacement of the deteriorating handrails with new marine composite handrails and the successful repair of the Slipway.

### HARBOUR LEGISLATION

Since the powers review undertaken by Ashford's LLP in 2020 the Harbour Authority has been working towards a Harbour Revision Order for Ilfracombe Harbour and a Harbour Empowerment Order for Lynmouth Harbour, both of these have now completed the public consultation phase of the process. These orders have been sort to bring, in the first instance, both Harbours under the same authority and to bring all legislation up to date with the addition of General Directions which supersedes By Laws. General Directions will enable the Authority to establish up to date and fit for purpose operating directions for both Harbours.

### HARBOUR SIGNAGE

With the opening of the Hub we overhauled all of the Harbour main safety signage to include the Hub and the new designated channels to separate the non-powered and powered crafts.



## ENVIRONMENT

Ilfracombe Harbour is set within a Voluntary Marine Conservation Area and partly within an Area of Outstanding Natural Beauty and adjacent to a Marine Conservation Zone. Within its boundaries it has Grade 1 and Grade 2 Star listed buildings. It is adjacent to Sites of Special Scientific Interest and County Wildlife Sites and immediately adjacent to the Harbour is a site designated as a Scheduled Ancient Monument. Part of the Harbour footprint includes a section of the North Devon Heritage Coast and a Local Nature Reserve. All of these factors reflect the unique nature of the harbour, its long history and its place in the community.

As a Harbour and Public Authority there are certain legal duties that must be upheld contained within the Harbour Act 1964 the Environmental Protection act 1990 and the Natural Environment & Rural Communities Act 2006 amongst others.

To this end Ilfracombe has developed an Environmental Management Plan which is regularly reviewed and is up to date.

## PORTS GOOD GOVERNANCE GUIDANCE (MUNICIPAL PORTS REVIEW)

The Department for Transport (DfT) has published the new Ports Good Governance Guidance which is focused on corporate governance for all statutory harbour authorities in England. It includes sections relevant to all types of ports with specific detailed guidance on trust and local authority owned ports. This guidance is for all ports and harbours irrespective of whether they are managed as a trust, municipal or private port.

## HARBOUR BOARD REPORTS

During the last twelve months the Harbour Board has considered a number of reports.

- The Quarterly Designated Person reports
- Annual Charges review
- Quarterly updates on Aids to Navigation
- Quarterly updates on Harbour Security
- Quarterly updates on Infrastructure
- Quarterly reports from the Ilfracombe Harbour community forum
- Updates on Future Projects
- Final report on the Harbour powers review
- Ilfracombe Harbour Marine Emergency Plan
- Ilfracombe Harbour Marine Safety

### Management System

- Appointment of an independent member to the Harbour Board
- Lynmouth Harbour Marine Safety Management System



### SUMMARY PROFIT AND LOSS ACCOUNT AS AT 31 MARCH 2022

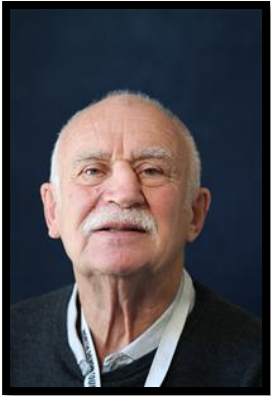
#### ILFRACOMBE HARBOUR

	2021/22	2022/23
<b>Operating Income</b>	(141,976)	(628,894)
Expenditure Operating and Maintenance	277,636	798,607
Overheads	<b>36,478</b>	<b>35,753</b>
<b>Total Expenditure</b>	314,114	834,360
Net Deficit/(Surplus)	172,138	205,465

#### LYNMOUTH HARBOUR

	2021/22	2022/23
Operating Income	(3,926)	(3,922)
Expenditure Operating and Maintenance	9,136	11,667
Overheads	20,928	24,528
<b>Total Expenditure</b>	30,064	36,195
Operating Deficit/(Surplus)	26,138	32,273

### APPOINTED MEMBERS



#### COUNCILLOR MALCOLM WILKINSON

##### **Board Chair**

**Party:** Liberal Democrats

**Ward:** Morteohoe



#### COUNCILLOR JUNE WILLIAMS

##### **Board Vice Chair**

**Party:** Liberal Democrats

**Ward:** Ilfracombe East



#### COUNCILLOR DANIEL TURTON

**Party:** Conservative

**Ward:** Ilfracombe East



#### COUNCILLOR SARA WILSON

**Party:** North Devon Independent

**Ward:** Ilfracombe West

## INDEPENDENT MEMBERS



### ILFRACOMBE TOWN COUNCILLOR BERT GEAR

Bert was born in Ilfracombe and is now retired after running his own business in the town for over 20 years.

He has been a town councillor for over 6 years.

Bert is a Trustee for the Ilfracombe Museum, and an Ex-Launch Authority for our RNLI Lifeboat.



### MR TIM GIBBS

After a career in the Merchant Navy ending as Chief Engineer, he spent many years working around the world in management with ship owners and shipyards. For the last 15 years he has undertaken a number of voluntary jobs and worked freelance on several large marine projects. He is a Chartered Engineer and a Fellow of the Institute of Marine Engineering, Science & Technology



### MR MARTIN J CLEARY MSC

Graduating as a mine surveyor in 1975 was the precursor to his appointment as statutory surveyor at collieries within the Staffordshire and Warwickshire coalfields. Following the closures of deep mines during the 1990's, He then qualified in Civil Engineering and Environmental Management. In the course of which he joined Robert Wynn and Sons, a specialist heavy lift company primarily serving the electricity supply industry and renewable energy sector throughout the UK. In 2001 Martin was appointed Director responsible for many ground breaking projects. Martin retired to Ilfracombe in 2015 where Martin and his wife and carried out a restoration of their Victorian home. Martin is a keen gardener and allotmenteer.



### MR NIGEL THOMAS

Nigel was born in Barnstaple and lived 40 plus years in Woolacombe. He trained as a Marine Engineer and went to sea with Shell Tankers. Then working for Appledore Shipyards he worked in Plymouth on Naval contracts. He then moved over to the operation of large jack up rigs, building the Second Severn Crossing and the Antirion bridge in Greece. Transferring back to the oil industry Nigel operated oil rigs in various world-wide locations, finally becoming a Rig Mover, Barge Engineer trainer and commissioner for new builds worldwide. Nigel finally came ashore 4 years ago. Nigel is an avid sailor with a yacht and a small RIB.

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## North Devon Council

Report Date: Tuesday, 7 November 2023

Topic: Harbour Charges Review 2024/25

Report by: Ilfracombe Harbour Master

### 1. INTRODUCTION

- 1.1. The Harbour Board have delegated authority to recommend changes to Harbour mooring and relevant miscellaneous charges to Full Council and it is considered that there are sufficient grounds to raise Harbour charges for the 2024-2025 season.
- 1.2. Rising maintenance costs and continuing pressure on the public purse require due consideration.

### 2. RECOMMENDATIONS

- 2.1. It is recommended that all mooring dues are increased by 5.0% and relevant miscellaneous charges are increased by 10%

### 3. REASONS FOR RECOMMENDATIONS

- 3.1. The continuing rises in the cost to repair, upgrade and to maintain the Harbour facilities for stakeholders and visitors have been mainly borne by NDC resources. It is felt that users of the Harbour and its facilities should continue to help bear part of these incurred costs

### 4. REPORT

- 4.1. Harbour charges are reviewed annually by the Harbour Board. The CPI for September 2023 was 6.3% and this is reflected in the recommendation of charges for the coming financial year.
- 4.2. The relevant miscellaneous charges to be increased are predominantly the visiting vessels dues and launch fees. The additional increase is to help bring the Harbour more in line with the majority of the other South West harbours, and also to cover the additional repair costs caused mainly by the visiting vessels unfamiliar with the unique characteristics of Ilfracombe Harbour.
- 4.3. It is recommended that some charges are rounded to enable easier on site collection.
- 4.4. Options Considered :
  - 4.4.1. Hold Charges at 2023-24 rates for all charges.
- 4.5. Reasons for rejecting options :
  - 4.5.1. Rejecting 4.3.1, holding charges at 2023-24 rates has been rejected as it fails to take into account the increasing financial burden of Harbour costs and improving services.



## 4.6. Consultation:

4.6.1. Consultation will be held once review has been approved by the Harbour Board.

## 4.7. Conclusion :

4.7.1. The income generated by the Harbour needs to increase to keep pace with inflation and increasing maintenance and service provision costs.

4.7.2. This is not considered to be a key decision

## 5. RESOURCE IMPLICATIONS

5.1. The recommendation will increase revenue in line with the rate of inflation and will help Ilfracombe Harbour to keep in touch with its competitors.

## 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 policy proposals

## 8. CORPORATE PRIORITIES

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

8.1.1. The commercialisation agenda: Positive

8.1.2. Improving customer focus and/or : Positive

8.1.3. Regeneration or economic development Positive

## 9. CONSTITUTIONAL CONTEXT

9.1. Article of Part 3 Annexe 1 paragraph: 1

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 2023-24 Harbour Charges



## 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

Appendix a

## Charges 2023 – 2024

### MOORING LICENCE HOLDERS

	<u>Per ft.(loa)</u>	<u>Per metre(loa)</u>
<u>Ground Moorings</u>		
Under 14ft Beam per annum	£20.16	£66.14
14ft or Over Beam per annum	£25.17	£82.57
<u>Commercial Vessels with Ground Moorings</u>		
Under 14ft Beam per annum	£23.87	£78.27
14ft or Over Beam per annum	£29.89	£98.03
<u>Fishing Vessels with Harbour Wall Moorings</u>		
Under 14ft Beam per annum	£31.53	£103.41
14ft or Over Beam per annum	£39.40	£129.31
<u>Commercial Vessels Carrying More than 12 Passengers with Wall Moorings</u>		
Under 14ft Beam per annum	£32.60	£106.95
14ft or Over Beam per annum	£41.63	£136.51
<u>Rowing Boats (with no other means of propulsion)</u>		
	£10.08	£33.06

### VISITING VESSELS

<u>Visiting Boats</u>	<u>Per ft.(loa)</u>	<u>Per metre(loa)</u>
Per day	£ 0.60	£ 1.97
Per week	£ 3.65	£ 11.95
Per fortnight	£ 6.40	£ 21.00
Per 21 days	£ 9.00	£ 29.40
Per month	£ 12.30	£ 40.30
Per summer (3 months)	£ 31.15	£ 102.10

# ILFRACOMBE HARBOUR

Appendix a

## Charges 2023 – 2024

### PASSENGER VESSELS

#### Mooring Fees for Passenger Vessels (overnight stop only)

Per day	£0.55
---------	-------

#### Harbour Dues for Passenger Vessels (per visit)

Per GRT	£0.09
---------	-------

Per PAX	£0.39
---------	-------

(The GRT element of Harbour Dues is not paid if remaining alongside overnight when mooring fees become payable)

### MISCELLANEOUS CHARGES

#### Stop and Shop

< 4 Hours	£8.00
-----------	-------

#### Cargo

Per Tonne Loaded/disembarked	£0.94
------------------------------	-------

#### Launch Charge (no trailer)

Per day	£9.50
Per week	£28.50
Six Monthly	£92.00

#### Launch + Trailer Park

Per day	£14.50
Per week (Day Use)	£63.50
Six Monthly (Day Use)	£140.00

Annual Permanent Storage	£243.45
--------------------------	---------

# ILFRACOMBE HARBOUR

## Charges 2023 – 2024

### Dinghy/Kayak Storage

Dinghy for Mooring Licence Holder	Per annum	£70.00
Kayaks or Non Licence Holder Dinghy	Per annum	£80.00

### Electricity

Cables (with marine connections)	Available on request
----------------------------------	----------------------

### Water

Hoses (with Harbour connector)	Available on request
--------------------------------	----------------------

### Winter Storage for Boats (Non mooring licence holders)

Contact Harbour Office for availability

### **Note:**

Harbour Charges are payable within the Harbour Authority area in accordance with and under the provisions of The Harbours Act 1964 ss. 26-31.

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# ILFRACOMBE HARBOUR

Appendix b

## Charges 2024 – 2025

### MOORING LICENCE HOLDERS

	<u>Per ft.(loa)</u>	<u>Per metre(loa)</u>
<u>Ground Moorings</u>		
Under 14ft Beam per annum	£21.17	£69.45
14ft or Over Beam per annum	£26.43	£86.70
<u>Commercial Vessels with Ground Moorings</u>		
Under 14ft Beam per annum	£25.07	£82.19
14ft or Over Beam per annum	£31.39	£102.93
<u>Fishing Vessels with Harbour Wall Moorings</u>		
Under 14ft Beam per annum	£33.11	£108.58
14ft or Over Beam per annum	£41.37	£135.78
<u>Commercial Vessels Carrying More than 12 Passengers with Wall Moorings</u>		
Under 14ft Beam per annum	£34.23	£112.30
14ft or Over Beam per annum	£43.71	£139.93
<u>Rowing Boats (with no other means of propulsion)</u>		
	£10.58	£34.71

### VISITING VESSELS

<u>Visiting Boats</u>	<u>Per ft.(loa)</u>	<u>Per metre(loa)</u>
Per day	£ 0.66	£ 2.17
Per week	£ 4.02	£13.15
Per fortnight	£ 7.04	£ 23.10
Per 21 days	£ 9.90	£ 32.34
Per month	£ 13.53	£ 44.33
Per summer (3 months)	£ 34.27	£ 112.31

# ILFRACOMBE HARBOUR

Appendix b

## Charges 2024 – 2025

### PASSENGER VESSELS

#### Mooring Fees for Passenger Vessels (overnight stop only)

Per day Per Foot	£0.57
------------------	-------

#### Harbour Dues for Passenger Vessels (per visit)

Per GRT	£0.09
---------	-------

Per PAX	£0.41
---------	-------

(The GRT element of Harbour Dues is not paid if remaining alongside overnight when mooring fees become payable)

### MISCELLANEOUS CHARGES

#### Stop and Shop

< 4 Hours	£8.80
-----------	-------

#### Cargo

Per Tonne Loaded/disembarked	£0.99
------------------------------	-------

#### Launch Charge (no trailer)

Per day	£10.00
Per week	£70.00
Six Monthly	£92.00

#### Launch + Trailer Park

Per day	£14.50
Per week (Day Use)	£63.50
Annual (Day Use)	£154.00

# ILFRACOMBE HARBOUR

## Charges 2024 – 2025

### Dinghy/Kayak Storage

Dinghy for Mooring Licence Holder	Per annum	£70.00
Kayaks or Non Licence Holder Dinghy	Per annum	£80.00

### Electricity

Cables (with marine connections)	Available on request
----------------------------------	----------------------

### Water

Hoses (with Harbour connector)	Available on request
--------------------------------	----------------------

### Winter Storage for Boats (Non mooring licence holders)

Contact Harbour Office for availability

### **Note:**

Harbour Charges are payable within the Harbour Authority area in accordance with and under the provisions of The Harbours Act 1964 ss. 26-31.

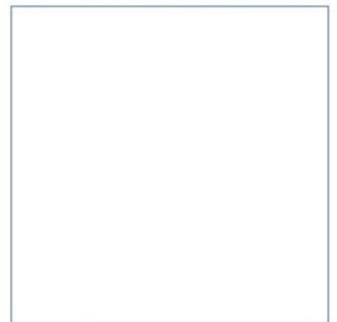
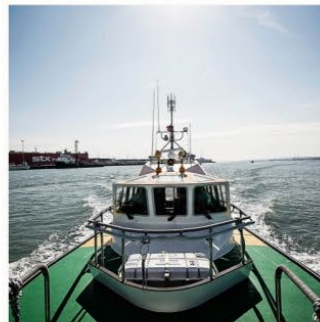
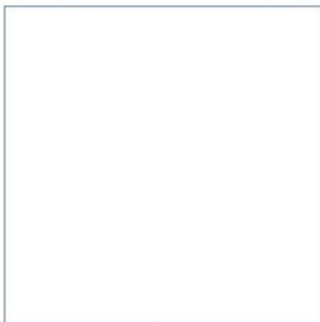
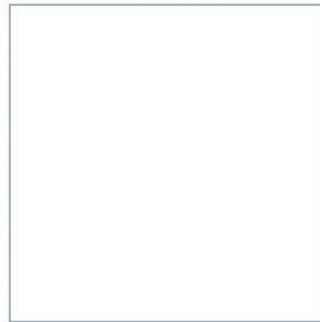
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North Devon Council

## Port Marine Safety Code

Audit: Lynmouth Harbour 2023

August 2023



Innovative Thinking - Sustainable Solutions

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# Port Marine Safety Code

Audit: Lynmouth Harbour 2023




August 2023



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Released (Author)	Approved (Quality Manager)	Authorised (Project Director)
Harry Aitchison	Richard Vaughan	Monty Smedley
		

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### Authors

H.J. Aitchison

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### ABPmer

Quayside Suite, Medina Chambers, Town Quay, Southampton, Hampshire SO14 2AQ  
T: +44 (0) 2380 711844 W: <http://www.abpmer.co.uk/>

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## 1 The Port Marine Safety Code

The Port Marine Safety Code ('the Code') sets out a national standard for every aspect of port marine safety. Its aim is to enhance safety for everyone who uses, or works in, the UK port marine environment. It is authored by the UK Government, supported by the devolved administrations and representatives from across the maritime sector and, whilst the Code is not mandatory, these bodies have a strong expectation that all harbour authorities will comply. The Code is applicable both to Statutory Harbour Authorities and to other marine facilities, which may not have statutory powers; these are collectively referred to throughout the Code as 'organisations' (DfT/MCA, 2016).

In reading this audit report, the Council should note the following extract from the Code:

*"The Code does not contain any new legal obligations but includes (amongst other things) references to the main legal duties which already exist. Failure to comply is not an offence in itself. However, the Code represents good practice as recognised by a wide range of industry stakeholders and a failure to adhere to good practice may be indicative of a harbour authority being in breach of certain legal duties. Moreover, the organisation may suffer reputational damage if it has publicly committed to the Code's standards and then fails to meet them."*

(DfT/MCA, 2016)

In order to measure compliance with the Code, the table below sets out the 10 Duty Holder responsibilities, and corresponding cross-references with sections of the Code, which this audit has considered.

No	PMSC Duty Holder Responsibilities		PMSC Section Reference
1	Duty Holder	Formally identify and designate the Duty Holder, whose members are individually and collectively accountable for compliance with the Code and their performance in ensuring safe marine operations in the harbour and its approaches.	1.6-1.8, 1.10, 1.16-1.17
2	Designated Person	A 'Designated Person' must be appointed to provide independent assurance about the operation of the marine safety management system. The designated person must have direct access to the Duty Holder.	1.11-1.12
3	Legislation	The Duty Holder must review and be aware of their existing powers based on local and national legislation; seeking additional powers if required in order to promote safe navigation.	2.3-2.6, 4.3-4.5
4	Duties and Powers	Comply with the duties and powers under existing legislation as appropriate.	1.3-1.5, 1.9, 1.13-1.15, 3.1-3.14, 4.2, 4.6-4.20, 4.25-4.32
5	Risk Assessment	Ensure all marine risks are formally assessed and are eliminated or as low as reasonably practicable in accordance with good practice.	2.7-2.11
6	Marine Safety Management System	Operate an effective marine safety management system which has been developed after consultation, is based on formal risk assessment, and refers to an appropriate approach to incident investigation.	2.12-2.17, 2.19-2.23, 2.25, 2.29
7	Review and Audit	Monitor, review and audit the risk assessment and marine safety management system on a regular basis – the independent designated person has a key role in providing assurance for the Duty Holder.	2.2, 2.24, 2.30-2.32
8	Competence	Use competent people (i.e., trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.	2.18
9	Plan	Publish a safety plan showing how the standard in the Code will be met and a report assessing the performance against the plan at least every 3 years.	2.26-2.28
10	Aids to Navigation	Comply with directions from the General Lighthouse Authorities and supply information and returns as required.	4.21-4.24

## 1.1 About the Harbour Authority

North Devon Council (NDC) is the owner and operator of Lynmouth Harbour located on the northern edge of Exmoor. The harbour is managed as part of the 'Lynton Agency Agreement' by Lynton and Lynmouth Town Council. The harbour is located at the mouth of the River Lyn, down-river of the confluence of the East Lyn and West Lyn rivers. The harbour is accessed through a narrow channel which is scoured and maintained by river flow. A low-lying causeway borders the channel and acts as an informal training wall, the causeway was historically used as a low water landing area. The navigation channel is marked with wooden pile-markers, the entrance to the harbour's berthing area is marked with port and starboard posts with navigation lights. Given the open nature of the harbour mouth, at high water, swell waves can penetrate up-river and into the harbour's berthing area.

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

The harbour accommodates approximately 30 to 40 small craft; nearly all vessels are locally owned recreation craft with occasional visiting vessels during summer months. As the harbour dries, vessels must be able to safely take the bottom. The harbour is also used by one wildlife tour operator running two boats and a shellfish potting vessel. Many of the harbour users are members of the Lynmouth Sailing Club (LSC), the club also operates two rowing gigs which are launched and stored on the grass banks up-river of the harbour entrance. The harbour has two slipways, one at its landward end and one running along the inner side of the Pier. These slipways provide access for tenders and trailer launched craft. Navigation up-river is restricted by the air draught of the footbridge connecting the east and west sides of Lynmouth.

Lynton is located 150 m above Lynmouth. The Town Council offices, which provide the services and functions for the harbour are located at Lynton Town Hall.

## 2 Purpose and Method

### 2.1 Purpose of the audit

NDC has contracted ABPmer to provide a Port Marine Safety Code compliance audit for Lynmouth Harbour. This audit seeks to establish if NDC is compliant with the requirements of the PMSC (the Code) for its marine facilities in Lynmouth. The scope of the audit includes a review of NDC's performance against the standard laid out within the latest edition of the Code. Any aspects that do not comply with, or fully address, the requirements of the Code will be identified, and recommendations for improvement will be made.

### 2.2 Audit outcomes

The following definitions are used in the audit report:

**Non-compliance:** is a failure to adhere to a legal requirement such as an Act, Order or its Regulations. The Port Marine Safety Code requires organisations to confirm compliance with the requirements of the Code. Therefore, Port Marine Safety Code audits are designed to test the requirements of the Code with any failure to comply identified as a 'non-compliance'.

**Non-conformity:** is an opportunity for the management system to improve through the identification of a requirement that is not met. Non-conformities are not regulatory but relate to the port or harbour's own operational instructions which are not met or fully met. Any non-conformities identified through the audit process are identified in bold text in the report.

**Evidence:** Non-compliances and Non-conformities are identified through factual evidence sampled during the audit.

#### 2.2.1 Outcomes

The audit report uses the following outcomes:



**Non-Compliance:** a non-compliance with the requirements of the Code which are a breach of legal obligations or may compromise marine safety, environmental safety or present a significant reputational risk. Recommendations for addressing non-compliances are identified in red.



**Observation:** refers to an improvement opportunity such as an update to information, procedural change, or a non-conformity with local operating instructions. Whilst observations are defined as improvement opportunities, addressing them may improve the overall system standard. Recommendations for addressing observations are identified in yellow.



**Satisfactory:** a system component that meets or exceeds the requirements of the Code. Items of best practice are identified in bold.

**Not applicable:** part of the Code that is not relevant to the Organisation being audited.

## 2.3 Audit date and criteria

The audit was carried out via Microsoft teams on the 20 June 2023 and remotely, using the Microsoft Teams video conferencing facility. The latest version of the PMSC, and the accompanying Guide to Good Practice (GtGP), has been used as the benchmarking standard. The Appendix tables to this report contain the test questions and evidence, noting down compliance, non-compliance and observational remarks. The audit tables also identify the paragraph numbers from the Code (DfT, 2016) and relevant sections of the Guide to Good Practice (DfT, 2018), for cross reference purposes.

## 2.4 Auditors

The following auditors conducted this audit.

Team Member:	Initials	Company, Designation
Harry Aitchison	HJA	ABPmer, Maritime Consultant Internal Auditor for Quality Management Systems (QMS ISO 9001)

## 2.5 Auditees

The following individuals participated in the audit.

Team Member:	Initials	Role/Designation
Kevin Harris	KH	Town Clerk
Malcolm Wilkinson	MW	Councillor and Harbour Board (Vice-Chair)
Jon Triggs	JT	North Devon Council Designated Person (PMSC)




## 3 Audit Summary

This audit has been conducted based on information available to the Auditor. It is known from records provided by His Majesty's (HM) land registry that the Council is the owner of a large proportion of the harbour's built assets and infrastructure.

The Council's records do not confirm if Lynmouth is a 'Statutory Harbour Authority' (SHA). This audit has therefore been conducted on the basis that the Council is an 'Organisation' as specified within the Code, in that: *"The Code is applicable both to statutory harbour authorities and to other marine facilities which may not have statutory powers and duties. These are collectively referred to throughout the Code as 'organisations'"*.

Furthermore, *"It is strongly recommended that organisations or facilities which are not a statutory harbour authority, such as marine berths and terminals, seek a proportionate compliance with the Code through the adoption of a formal risk assessment process and the implementation of a marine safety management system"*.

This Audit has been conducted on the basis that Lynmouth Harbour is not a SHA and the full range of duties and powers of a SHA are not applicable. The summary presented below identifies that an 'organisation' running a marine facility, the Council at Lynmouth Harbour is **found to be non-compliant** with the requirements of the Port Marine Safety Code.

Number	Key Measures Ten-point 'health check'			
1	Duty Holder	0	2	9
2	Designated Person	0	0	2
3	Legislation	0	0	8
4	Duties and Powers	0	2	13
5	Risk Assessment	0	5	6
6	MSMS	2	1	32
7	Review and Audit	0	0	3
8	Competence	1	2	3
9	Plan	1	5	5
10	Aids to Navigation	0	1	2
Total		4	16	83

The following items do not meet the requirements laid out in the Code:

1. The Lynmouth Harbour Safety Management System document does not contain any safety performance or Key Performance Indicators (KPI) expectations.
2. The Lynmouth Harbour Safety Management System document does not contain a policy on training, revalidation or maintenance of qualifications.
3. The Organisation cannot evaluate the objectives of the plan [set within the Section 2.2 of the Lynmouth Harbour Safety Management System] as none are set.
4. There is no Harbour Environmental Policy or guidance to port users on minimising damage to the marine environment for Lynmouth. Section 7.0 of the MSMS states that there is one.

These non-compliances can be addressed with revisions to policies and plans making them fit for purpose for Lynmouth Harbour and minor changes to the Safety Management System document. The council may also wish to organise these policies so they are more accessible and ensure training is adequately filed and accessible for the officers of the harbour.

The PMSC audit identified 16 observations relating to improvement opportunities for management consideration. The following points identify the more significant items, the detailed findings being presented in Appendix A. The following are noted:

- Modifications to the risk management spreadsheet to capture additional details.
- Introduce KPI's for the marine safety plan.
- Consider including a representation for Lynmouth Harbour on the harbour board.
- Update plans and policies for Lynmouth Harbour and have them accessible on the North Devon District Website, similar to other marine ports.
- Ensure training records are maintained for all harbour employees.

It should also be noted that a number of best practice approaches are being used at Lynmouth Harbour, these include:

- A training matrix is presented in the MSMS which determines the essential and optional training requirements for each of the officer's position within Lynmouth Harbour.
- Internal auditing functions are conducted effectively at Lynmouth Harbour. Evidence from internal audits and the engagement of the Designated Person is an area of best practice.
- There has been a legal review into the legal powers for Lynmouth which helped determine the need for further work on creating fit for purpose local legislation.

## 4 References

DfT, 2016. Port Marine Safety Code, Department for Transport (DfT), November 2016.

DfT, 2018. A Guide to Good Practice on Port Marine Operations Prepared in conjunction with the Port Marine Safety Code 2016, Department for Transport (DfT), February 2018.

ISO 9001: Quality Management Systems. International Organization for Standardization.

### 4.1 Websites

<http://southwest.coastalmonitoring.org>

<https://democracy.northdevon.gov.uk/ieListDocuments.aspx?CId=300&MId=955&Ver=4>

<https://northdevon.gov.uk/business/ilfracombe-harbour/ilfracombe-harbour-board>

<https://www.gov.uk/government/publications/marine-licensing-exempted-activities>

<https://www.lyntonandlynmouthtowncouncil.gov.uk/lynmouth-harbour/port-marine-safety-code/>

<https://www.northdevon.gov.uk/business/ilfracombe-harbour/ilfracombe-harbour-visiting-boat-information>

<https://www.northdevon.gov.uk/media/378812/environmental-plan-new-issue-aug-18.pdf>

<https://www.visitmyharbour.com/harbours/bristol-channel/lynmouth-harbour>

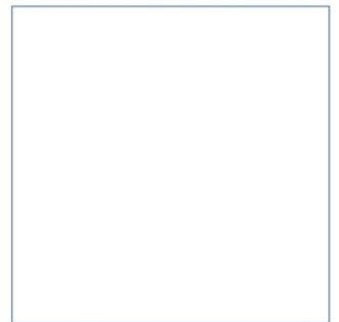
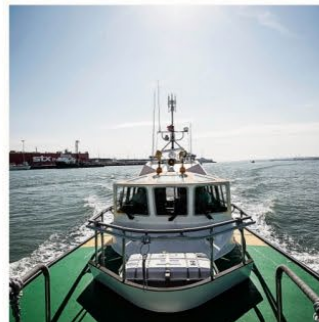
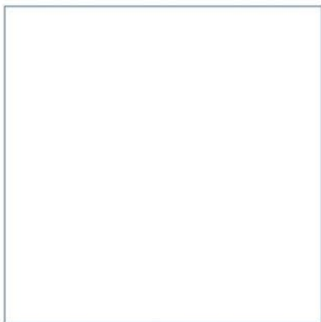
## 5 Abbreviations/Acronyms

AtoN	Aid(s) to Navigation
CERS	Consolidated European Reporting System
CHA	Competent Harbour Authority
DfT	Department for Transport
GLA	General Lighthouse Authority
GtGP	Guide to Good Practice on Port Marine Operations
HEO	Harbour Empowerment Order
HM	Her Majesty's
IMO	International Maritime Organization
ISO	International Organization for Standardization
JCB	Construction Equipment/Plant
KPI	Key Performance Indicator
LH-SMS	Lynmouth Harbour Safety Management System
LLA	Local Lighthouse Authority
LLTC	Lynton & Lynmouth Town Council
LPS	Local Port Service
LSC	Lynmouth Sailing Club
MAIB	Marine Accident Investigation Branch
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Notes
MMO	Marine Management Organisation
MSMS	Marine Safety Management System
n/a	Not Applicable
NDC	North Devon Council
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation
PEC	Pilotage Exemption Certificates
PMSC	Port Marine Safety Code
QMS	Quality Management System
SAC	Special Areas of Conservation
SHA	Statutory Harbour Authority
SOSREP	Secretary of State's Representative
SPA	Special Protection Area
UK	United Kingdom
UKHO	United Kingdom Hydrographic Office
VTs	Vessel Traffic Service

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

# Appendix



Innovative Thinking - Sustainable Solutions

# A Detailed Audit Findings

## A.1 PMSC Section 1 – Accountability for Marine Safety

PMSC /GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.3-1.5	Duties and Powers	Is the Organisation's Duty of Care for users of the harbour, port of facility stated?	<b>Satisfactory</b> – the 'Lynmouth Harbour Safety Management System (LH-SMS) states that: <i>"Lynton and Lynmouth Town Council, as Agents for North Devon District Council are cognisant of their responsibility for the management and running of the harbour plus its environs in relation to marine operations and port undertakings within its control. LTC understands its statutory and common law duties which include an obligation to conserve and facilitate the safe use of the harbour and an express duty to take such action it considers necessary for the maintenance, operation, improvement and conservancy of the harbour."</i>		HJA_001	HJA
		Are local Acts and Orders identified?	<b>Satisfactory</b> – from Council records, there is no known Harbour Empowerment Order (HEO) or other relevant harbour Acts or Orders. HM Land Registry identifies Council owned assets. Anecdotal information identifies that the Highways Agency and NDC own or operate the remainder of the built harbour assets in Lynmouth. The Council is therefore a marine facility owner and operator of these facilities.		HJA_002	HJA
		Is the Harbour, Docks and Piers Clauses Act 1847 incorporated into local Acts and Orders?	<b>Not applicable</b> – as there is no known SHA nor other relevant harbour Acts or Orders, the provision of 'The Harbour, Docks and Piers Clauses Act 1847' are not applied at Lynmouth.		n/a	HJA

PMSC /GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.6 – 1.7	The Duty Holder	Has the organisation published and confirmed who the Duty Holder is?	<p><b>Satisfactory</b> – the LH-SMS in Section 3.1.1 identifies the Duty Holder as the 'North Devon Full Council (NDC) as Lynmouth Harbours' owners hold the role of Duty Holder under the PMSC. Section 4.2 of the LH-SMS describes the function of the Harbour Board.</p> <p><b>Satisfactory</b> – the LH-SMS in Section 3.1.3 described the responsibilities and function of the Harbour Board.</p> <p><b>Observation</b> – the Governance of the 'NDC Harbour Board' includes four Councillors and four locally appointed individuals. If the Board's remit covers Lynmouth it may be appropriate to consider Lynmouth representation within the Board's membership.</p> <p><b>Observation</b> – The Sub-Committee is not identified in the Lynmouth harbour organisational breakdown section 1.3.3. it is instead referred to as the Lynton and Lynmouth town council and within section 3.1.8 it is referred to as the harbour user group.</p>	<p><b>Recommend</b> – Board Governance is reviewed at the next opportunity to include representation for Lynmouth Harbour.</p> <p><b>Recommend</b> –there feels to be some confusion on the name and makeup of the Sub-committee in its purpose within the MSMS. Consider rewording and aligning the definitions within the report.</p>	<p>HJA_001 HJA_003 HJA_004</p> <p><a href="https://northdevon.gov.uk/business/ilfracombe-harbour/ilfracombe-harbour-board/">https://northdevon.gov.uk/business/ilfracombe-harbour/ilfracombe-harbour-board/</a></p>	HJA
1.8	The Duty Holder	Are the Duty Holder's responsibilities for compliance with Code defined?	<b>Satisfactory</b> – the LH-SMS (in Section 3.1.1 identifies the Duty Holders' responsibilities under the Code.		HJA_001	HJA
1.10	The Duty Holder	Does the Duty Holder (Harbour Board members) have a clear understanding of the port's marine activities and MSMS?	<p><b>Satisfactory</b> – reporting by the Town Clerk is made on maintenance matters.</p> <p><b>Satisfactory</b> – the harbour is regularly inspected and audited; the findings are reported to the harbour board regularly.</p>		<p>HJA_001 HJA_006 HJA_007 HJA_008</p>	HJA

PMSC /GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.10	Cont. The Duty Holder	Has the Duty Holder (Harbour Board members) been provided with a clear brief or training on their role under the requirements of the Code?	<b>Satisfactory</b> – the Lynton and Lynmouth Town Council Mayor has received Duty Holder training.		HJA_014	HJA
1.11-1.12	The Designated Person	Has the Harbour Authority appointed an individual as the Designated Person?	<b>Satisfactory</b> – the LH-SMS in Section 3.1.4.1 states: <i>"The role of Designated Person as defined in the Port Marine Safety Code is Jon Triggs the Director of Resources and Deputy Chief Executive for North Devon Council"</i> .		HJA_001	HJA
		Is the Designated Person's role explained in the MSMS?	<b>Satisfactory</b> – the LH-SMS in Section 3.1.4 identifies the role of the Designated Person for Lynmouth Harbour.		HJA_001	HJA
1.13	Chief Executive [or equivalent]]	Have executive and operational responsibilities for marine safety been clearly assigned?	<b>Satisfactory</b> – the 'Harbour Board' has assigned Lynton and Lynmouth Town Council as agents for NDC who have delegated authority over the harbour (asper section 1.0 of the MSMS).		HJA_001	HJA
		How is marine safety funded within the organisation?	<b>Satisfactory</b> – harbour staff have approved spending limits for maintenance. The Council property team also has planned and costed maintenance activities.		HJA_001	HJA
1.9, 1.14 – 1.15	Harbour Master	Have executive and operational responsibilities for marine safety been clearly assigned?	<b>Satisfactory</b> – there is no appointed Harbour Master as Lynmouth Harbour is not considered to be a SHA. The Harbour Master from Ilfracombe is the 'Marine Advisor' for Lynmouth. The town clerk is responsible for all matters related to marine safety (Section 3.1.5 of the LH-SMS).		n/a	HJA
		Does an officer with responsibilities for marine safety attend Board meetings?	<b>Satisfactory</b> – the Town clerk and the Ilfracombe harbour master (as the Lynmouth marine advisor) attend the Harbour board meetings.		HJA_015 HJA_016	HJA
1.16 – 1.17	The Organisation's Officers	Does the MSMS provide details of the organisation's Officers and their responsibilities for marine safety?	<b>Satisfactory</b> – the Authority's officers are identified in LH-SMS Section 3.1. The role of the Town Clerk, Council works foreman and staff, and marine advisor are all described with their responsibility to maintain marine safety under the code stated.		HJA_001	HJA

## A.2 PMSC Section 2 – Key Measures Needed to Secure Marine Safety

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.2	Further guidance	Does the organisation review any of the following: <ul style="list-style-type: none"> <li>MAIB digest / reports</li> <li>MCA health check trends</li> </ul>	<b>Satisfactory</b> – Harbour Master at Ilfracombe brings to the attention of the Town Clerk any matters of relevance from the MAIB digest or MCA Health Check trends.		Anecdotal	HJA
2.3 – 2.6	Review existing powers	Does the Harbour Authority have an understanding of local legislation?	<b>Satisfactory</b> – from Council records, there is no known HEO or other relevant harbour Acts or Orders. HM Land Registry information of asset ownership is held on file. The harbours legislation has been reviewed internally and externally with a decision made to undertake a HEO which is currently underway.		HJA_003	HJA
		Are local Acts and Harbour Orders referenced in MSMS?	<b>Not applicable</b> – Lynmouth Harbour is not a SHA so does not have any local Acts or Harbour Orders.		n/a	HJA
		Have the Harbour Authority's existing powers been reviewed?	<b>Satisfactory</b> – NDC commissioned an Acts and Order legal review which confirm Lynmouth Harbour has no local Acts or Orders. <b>This is noted as a best practice approach.</b> A HEO is being undertaken.		n/a	HJA
		Is the organisation's jurisdiction mapped and clear?	<b>Satisfactory</b> – HM Land Registry information of asset ownership is held on file.		HJA_018 HJA_019	HJA
2.7 – 2.11	Use of formal Risk Assessment	Have risks associated with marine operations been assessed and a means of controlling them deployed?	<b>Satisfactory</b> – the Council maintains a list of risk assessments for the harbour, which is managed by the Town Clerk. The current set of Risk Assessments are dated 2019 (version 5). In total, there are 15 risk assessments covering a range of hazards scenarios with summary actions by Council staff and the User Group. Given the type and size of the harbour operations, these assessments should be considered as a best practice approach. Anecdotal evidence for annual review.		HJA_001 HJA_009	HJA

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.7 – 2.11	Cont. Use of formal Risk Assessment	Cont. Have risks associated with marine operations been assessed and a means of controlling them deployed?	<p><b>Observation</b> – whilst the second row of Sheet 1 is marked '2019 (v5)' and the document saved name indicates it was reviewed in 2023. Other than this there is no revision history. It is important to evidence a review history for assessments.</p> <p><b>Observation</b> – the authoring and review of the assessments is not stated. It is important that those carrying out risk assessments are identified and have been trained to do so. This cannot be evidenced from the information presented.</p> <p><b>Observation</b> – the risk assessment list does not contain certain marine risks such as 'marine pollution', 'vessel fire', 'grounding' etc. These are foreseeable risk in all harbours.</p> <p><b>Observation</b> – the risk assessments summarise a 'level' of risk as H/M/L. For Likelihood this is not clear as all risk are 'L' with no definition of acronyms in the first cell.</p> <p><b>Observation</b> – the Code's Guide to Good Practice recommends that assessments consider:</p> <ul style="list-style-type: none"> <li>▪ Effect to people;</li> <li>▪ Effect to the environment;</li> <li>▪ Effect/loss/damage to the Organisations property; and</li> <li>▪ Effect on the business or amenity.</li> </ul>	<p><b>Recommend</b> – consider adding a revision table either in a separate document or a separate sheet within the excel document. Record reviews and amendments to the risk assessment with a dated record.</p> <p><b>Recommend</b> – in addition to adding a review table ensure there is a space to add who undertook the review of the risk assessments.</p> <p><b>Recommend</b> – ensure that the risk assessments include marine related risk.</p> <p><b>Recommend</b> – add H/M/L at the top of the column similar to the Level column to identify what the acronym means.</p> <p><b>Recommend</b> – adding description that recognises the effect a certain hazard has on the four criteria mentioned in the guide to good practice section 4.3.18.</p>	HJA_001 HJA_016	HJA

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.7 – 2.11	Cont. Use of formal Risk Assessment	How does the organisation ensure those undertaking marine risk assessment are competent in the role?	<b>Satisfactory</b> – the Council provides a health and safety risk assessment advisor; in addition, the harbour risk assessments are reviewed during internal audit.  <b>Satisfactory</b> – the training matrix identifies that marine risk assessment training is essential for the marine advisor and Town clerk. Anecdotal evidence suggests both the Marine Advisor and Town Clerk have had risk assessment training in the past.		HJA_001 HJA_003	HJA
		Are stakeholders included in marine risk review/assessments?	<b>Satisfactory</b> – harbour risk assessments are periodically brought to the attention of the harbour user group. The risk assessment spreadsheet records: <i>"Lynton &amp; Lynmouth Town Council (LLTC) manage the Harbour on a daily basis via a User Group; Chaired by a Councillor."</i>		HJA_009	HJA
		Does the MSMS prescribe the review frequency for risk assessments?	<b>Satisfactory</b> – the LH-SMS identifies a review frequency within section 13.0 as being <i>'Lynmouth Harbour's risk assessments are either reviewed as new risks emerge or identified; or following an incident in which our assessments have proven to be sub-optimal, or annually, whichever is the most frequent'</i> .		HJA_001 HJA_009	HJA
		Is a system of Dynamic Risk Assessment used?	<b>Satisfactory</b> – dynamic risk assessment is address in the LH-SMS in section 13.1.		HJA_001	HJA
2.12-2.14	Implement a MSMS	Is there an MSMS? Does this incorporate policies and procedures? The MSMS must incorporate a regular and systematic review of its performance.	<b>Satisfactory</b> – an MSMS is in place (termed the LH-SMS within this audit). The latest edition from Council records is dated October 2022 and issued as Version 7.  <b>Observation</b> – the document amendment record shows Version 7 as released October 2023; however this is also determined a draft version of the report.	<b>Recommend</b> – update with the website with the final version of the LH-SMS.	HJA_001  <a href="https://www.lyntonandlynmouthtowncouncil.gov.uk/lynmouth-harbour/port-marine-safety-code/">https://www.lyntonandlynmouthtowncouncil.gov.uk/lynmouth-harbour/port-marine-safety-code/</a>	HJA
2.15	MSMS standards and KPIs	Does the MSMS detail KPIs and/or make a statement about performance in the organisation's annual report?	<b>Non-compliant</b> – the LH-SMS does not contain any safety performance or KPI expectations. Anecdotal evidence provided for a discussion to include KPIs but this has yet to be actioned upon.	<b>Recommend</b> – adding measurable marine safety performance criteria for Lynmouth Harbour.	HJA_001	HJA

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.16	MSMS assigning responsibility	Does the MSMS explicitly assign responsibility for appropriate safety/conservancy matters?	<b>Satisfactory</b> – the LH-SMS in Section 6.0 identified Conservancy Duty and Section 12.0 identifies the responsibility for incident reporting and investigation.		HJA_001	HJA
2.17	MSMS Consultation	Are forum/consultation meetings held?	<b>Satisfactory</b> – the harbour has an active Harbour User Group. The group's activities are fundamental to the safe and effective running of the harbour. Daily checks are carried out, evidence sighted. The Harbour User Group are referenced multiple times in the LH-SMS.		HJA_001	HJA
2.18	Competence standards	Are personnel qualified and trained for their marine safety role?	<p><b>Satisfactory</b> – the LH-SMS in Section 4.0 titled 'TRAINING, AWARENESS AND COMPETENCE: <i>"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"</i>.</p> <p><b>Satisfactory</b> – the LH-SMS Section 4.1 contains a training matrix that states the essential and optional training required for each council staff position. This is considered as an area of best practice.</p> <p><b>Observation</b> – not all essential training has been undertaken for example the town clerk has not undertaken GMDSS training nor is there a port radio to use.</p>	<p><b>Recommend</b> – ensure all essential training is undertaken as per the training matrix or re-evaluate the training required per role.</p>	HJA_001 HJA_003	HJA
		Is there a policy on revalidation or maintenance of qualifications in place?	<b>Non-compliant</b> – the LH-SMS states that the training policy should be held with the town clerk however a policy was not provided.	<b>Recommend</b> – ensure a policy exists and that it is excisable	HJA_001	HJA
		Is there a list of the organisation's staff, training received, qualifications held and/or experience required for their role?	<p><b>Satisfactory</b> – the Lynton and Lynmouth officer forms part of the council estate. Training for officers are identified within the LH-SMS.</p> <p><b>Observation</b> – during the audit no form of training or qualifications determined by the MSMS could be identified for the Council staff at Lynmouth.</p>	<b>Recommend</b> – ensure all essential training is undertaken as per the training matrix and that a training record is kept up to date for the organisation.	HJA_001	HJA

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.19 – 2.22	Incident reporting and investigation	Does the MSMS identify the organisation's instruction regarding: <ul style="list-style-type: none"> <li>reporting</li> <li>recording of incidents</li> <li>investigation</li> <li>enforcement (if relevant).</li> </ul>	<b>Satisfactory</b> – the LH-SMS in Section 12.0 'Incident Reporting and Investigation' identifies that: <i>"The Town Clerk will maintain a log of any incident or accident reported. If the incident is reportable this will be carried out under the RIDDOR regulations (to the HSE) or to the MAIB following Marine Guidance Note 564 'Marine casualty and marine incident reporting'".</i>		HJA_001	HJA
GtGP 13.2	Incidents involving Death or Crime	Are procedures in place for incidents involving death or crime?	<b>Satisfactory</b> – the LH-SMS section 12.0 identifies the actions to take in the event of Death or Crime.		HJA_001	HJA
GtGP 13.9	Incident publication	Does the Harbour Authority disseminate information from accident investigations?	<b>Satisfactory</b> – outputs from incident reports are made internally to the Council. There have been no MAIB reportable incidents.		HJA_001	HJA
2.23	Incident statutory reporting	Are procedures for reporting incidents to the MAIB in place?	<b>Satisfactory</b> – the LH-SMS in Section 12.0 'Incident Reporting and Investigation' states that: <i>"If the incident is reportable this will be carried out under the RIDDOR regulations (to the HSE) or to the MAIB"</i> . In addition, MGN 564 is referenced for guidance in marine incident reporting.		HJA_001	HJA
2.24	Monitoring performance and auditing	Has the MSMS been subject to audit (internal and/or external)?	<b>Satisfactory</b> – evidence of the last external PMSC Audit carried out by the ABPmer in 2021 was sighted. Evidence of internal audit carried out by the Health and Safety Adviser sighted. Audit reports are presented to the Harbour Board by the Health and Safety Adviser and the Designated Person. This is an area of best practice.		HJA_001 HJA_002 HJA_003 HJA_006 HJA_007 HJA_008	HJA
2.25	Enforcement	Are local officers aware of enforcement powers and responsibilities?	<b>Satisfactory</b> – from Council records, there is no known HEO or other relevant harbour Acts or Orders. The Council has no specific harbour enforcement powers at Lynmouth.  <b>Observation</b> – the 'Lynmouth Sailing Club (LSC) Dinghy Park By-laws' are published on the Council's harbour website. The LSC document is a set of user rules.	<b>Recommend</b> – as there are no powers to issue Byelaws, the document title is misleading. The document should be renamed to avoid confusion.	<a href="https://www.lyntonandlynmouthtowncouncil.gov.uk/lynmouth-harbour/">https://www.lyntonandlynmouthtowncouncil.gov.uk/lynmouth-harbour/</a>	HJA
Cont. 2.25	Cont. Enforcement	Is there a policy on enforcement and prosecution in place?	<b>Not applicable</b> – Lynmouth Harbour is not a SHA so does not have powers to enforce.		n/a	HJA

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.26	Publication of plans and reports	Does the organisation commit itself to developing policies and procedures to satisfy the requirements of the Code?	<p><b>Satisfactory</b> – the Authority commits itself in Section 2.1 to '<i>adopted a health &amp; safety management system in compliance with the principles set out in the Port Marine Safety Code</i>' which involves putting in place controls, plans and policies for various marine operations or emergencies.</p> <p><b>Observation</b> – within section 2.1.1 where the NDC commits to a health and safety policy. The link to the policy is inactive.</p>	<p><b>Recommend</b> – update the link to the health and safety policy ensuring the policy is in place and up to date.</p>	HJA_001	HJA
2.27	Plan assessment	Is an assessment of the organisation's performance against the plan published?	<p><b>Satisfactory</b> – Section 2.2 is titled 'Marine Safety Plan for Marine Operations' This plan provides a statement of intent for the harbour and states its commitment to marine safety.</p> <p><b>Non-compliant</b> – the plan does not identify the organisations performance against the plan nor is there published evidence of the performance as required by section 2.27 of the code.</p>	<p><b>Recommend</b> – gather monitoring information for audits and set KPI's to allow a performance review to take place.</p>	n/a	HJA
2.28	Safety plan for marine operations	Is a 'Safety Plan for Marine Operations' published (every three years).	<p><b>Satisfactory</b> – the Authority commits itself in its 'Safe Marine Operations Policy' contained as Section 1 of the LH-SMS.</p> <p><b>Observation</b> – the Code provides detail on the anticipated 'Safety Plan for Marine Operations'. The 'Marine Safety Plan for Marine Operations' contained as Section 2.2 of the LH-SMS fulfils this requirement. However, there are no stated objectives.</p> <p><b>Observation</b> – as the safety plan sits within the MSMS and is not dated it is hard to determine that it is reviewed on a three yearly basis.</p>	<p><b>Recommend</b> – update the Marine Safety Plan for Marine Operations and include objectives for the harbour.</p> <p><b>Recommend</b> – consider storing your safety plan separately or date within the MSMS so it can be reviewed on a three yearly basis.</p>	n/a	HJA
2.29	Consensus	Has the Harbour Board maintained consensus with harbour users and service providers about safe navigation?	See this Audit Report, Section 2.17.		n/a	HJA

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.30 – 2.32	Monitoring compliance	Has the Harbour Authority confirmed compliance with the PMSC for the port to the MCA within the last three years?	<p><b>Satisfactory</b> – the Organisation has reported that Lynmouth is actively working towards compliance with the Code. NDC has written in February 2021 to confirm that Ilfracombe Harbour is Compliant with the Code.</p> <p><b>Observation</b> – Lynmouth is currently stated as not being compliant with the code.</p>	<p><b>Recommend</b> – once partial compliance can be confirmed it is suggested that the MCA is updated the status of Lynmouth Harbour.</p>	HJA_020	HJA
GtGP 2.2.3 (Also, Code Executive Summary)	Monitoring compliance	Has the Harbour Authority confirmed all organisations within its jurisdiction comply with the requirements of the Code?	<b>Not applicable</b> – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA

### A.3 PMSC Section 3 – General Duties and Powers

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.1 – 3.4	Safe and Efficient Port Operations	Does the Duty Holder have regard to efficiency, economy and safety of operation in respect to the services and facilities provided?	<b>Satisfactory</b> – the LH-SMS in Section 2 commits to delivering its responsibility for 'safe use of the harbour' and 'safe working practices'.		HJA_001	HJA
3.5	Open port duty	Is the port or harbour subject to Open Port Duty?	<b>Not applicable</b> – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
3.6 – 3.6	Conservancy duty	How does the harbour authority conserve the harbour?: <ul style="list-style-type: none"> <li>Survey as regularly as necessary</li> <li>Place navigation marks in optimum positions</li> <li>Keep 'vigilant watch' for any sea bed changes</li> <li>Keep hydrographic records</li> <li>Ensure hydrographic information is published</li> <li>Update UKHO with chart information.</li> </ul>	<p><b>Satisfactory</b> – from Council records, there is no known HEO or other relevant harbour Acts or Orders. However, the Council does have a common law duty of care to marine users of the harbour. Hence, conservancy responsibilities apply. The LH-SMS in section 6.0 addresses the following topics:</p> <ul style="list-style-type: none"> <li>▪ Navigational Aids</li> <li>▪ Wrecks</li> <li>▪ Admiralty Charts</li> <li>▪ Hydrography</li> <li>▪ Dredging</li> <li>▪ Notices to Mariners</li> </ul> <p><b>Satisfactory</b> – Lynmouth Harbour has recently contracted a hydrographic survey by the same contactor as Ilfracombe and evidence has been sighted.</p> <p><b>Observation</b> – it is stated that within the LH-SMS that Lynmouth harbour is the LLA, however without an Act or Order providing this function, this cannot be verified.</p>	<p><b>Recommend</b> – update the LH-SMS to remove reference to Lynmouth being an LLA until such status is acquired.</p>	<p>HJA_001</p> <p><a href="http://southwest.coastalmonitoring.org">http://southwest.coastalmonitoring.org</a></p>	HJA
3.7	Updates provided to UKHO	Does the organisation have an Agreement with UKHO, and/or do they provide survey information to UKHO?	<b>Satisfactory</b> – there is no specific Lynmouth Agreement with the UKHO. There is a bilateral agreement between Ilfracombe Harbour and UKHO (which could be extended to include Lynmouth Harbour).		n/a	HJA

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 1.9.11, and 7.8	Licensing, Regulating Harbour Works and Dredging?	Does the harbour authority have the power to licence works?	<b>Satisfactory</b> – the Council conducts maintenance dredge activity once or twice a year using a JCB with dredge material placed on the foreshore to bolster the sea defence. There are no marine licences in place for Lynmouth to undertake this activity, however the MMO has been contacted and the MMO has deemed the quantity to be insignificant and not requiring a Marine Licence. It should be noted if greater quantity of material is removed from the seabed then the MMO should be further consulted on the activity.		HJA_001	HJA
3.8	Environmental duty	Does the Organisation understand its obligations: <ul style="list-style-type: none"> <li>▪ Nature conservation Section 48A of Harbours Act 1964</li> <li>▪ Obligations for SPA, SACs under Habitat Regs.</li> <li>▪ Compliance with The Natural Environment and Rural Communities Act</li> </ul>	<b>Satisfactory</b> – Section 2.3 of the LH-SMS states that there is an environmental Plan which is taken from Ilfracombe and Section 7.0 states that there is an environmental protection policy.  <b>Observation</b> – the environmental plan and policy were not located during the audit.	<b>Recommend</b> – consider updating the Lynmouth section of the NDC website with applicable plans and policies similar to that done for Ilfracombe, the plan that Ilfracombe has may be able to be shared with Lynmouth if it is relevant and referenced within the plan itself.	HJA_001	HJA
3.9	Civil Contingency & Emergency Plan	Does the MSMS include reference to marine emergencies?	<b>Not applicable</b> – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
GtGP 6.2.4, 6.5	Emergency Planning / Pollution control	Does the MSMS include emergency planning and oil pollution response?	<b>Satisfactory</b> – the LH-SMS Section 11.0 identifies Emergency Response. Lynmouth does not have (or require) an OPRC Plan. However, the Council can access basic stocks of oil pollution equipment maintained locally by HM Coastguards based in Lynmouth.		HJA_001	HJA
		Does the port/harbour carry out emergency exercises?	<b>Satisfactory</b> – the Council exercises its wider contingency plans.		n/a	HJA
3.10 – 3.11	Powers and review	Has the Harbour Authority reviewed its powers?	See this Audit Report, Section 2.3-2.6.		n/a	HJA
3.12 – 3.14	Revising Duties and Powers	Evidence of Harbour Revision Orders, or Harbour Closure.	<b>Not applicable</b> – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA

## A.4 PMSC Section 4 – Specific Duties and Powers

PMSC /GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.2	Appointment of Harbour Master	Is there a Harbour Master appointment for the port?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA. A Maritime Advisor is appointed by NDC to assist the Organisation's Officers with matters of Marine Safety.		n/a	HJA
4.3 – 4.5	Byelaws	Does the organisation have powers to make Byelaws, are these published?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
		Date of last byelaw review?	n/a		n/a	HJA
4.6 – 4.7	Special Directions	Are the Harbour Master's powers of Direction shown in the MSMS, how is delegation identified?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
4.8	General Directions	Are the powers of General Directions available to the Harbour?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
		When were General Directions last reviewed?	n/a		n/a	HJA
4.9	Harbour Directions	Are Harbour Directions used and published?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
4.10 GtGP 6.4	Dangerous Vessels	Does the MSMS (or other plan) make provision for giving directions to dangerous vessels?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
		Is the role of the SOSREP acknowledged?	n/a		n/a	
GtGP 6.2	Dangerous Substances/goods	Are there clear requirements for declaration of dangerous substances/goods?	Not applicable – the LH-SMS in Section 7.0 identifies that: <i>"Hazardous or dangerous cargoes are not currently handled at Lynmouth Harbour."</i>		HJA_001	HJA

PMSC /GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 8.4	Vessel Traffic Management	Is vessel traffic managed within the port area, how is this achieved?	Not applicable – there is no requirement to actively manage vessel traffic as Lynmouth Harbour is not considered to be a SHA.		HJA_001 <a href="https://www.visitmyharbour.com/harbours/bristol-channel/lynmouth-harbour">https://www.visitmyharbour.com/harbours/bristol-channel/lynmouth-harbour</a>	HJA
Cont. GtGP 8.4	Cont. Vessel Traffic Management	Cont. Is vessel traffic managed within the port area, how is this achieved?	<b>Satisfactory</b> – There is sufficient information for visiting vessels on the approaches and the harbour in the Nautical Almanac.  <b>Observation</b> – it may be useful to publish a guide or information for visiting vessels on the website.	<b>Recommend</b> – consider updating the Lynmouth section of the NDC website with information for visiting vessels.	HJA_001 <a href="https://www.visitmyharbour.com/harbours/bristol-channel/lynmouth-harbour">https://www.visitmyharbour.com/harbours/bristol-channel/lynmouth-harbour</a>	HJA
		Is vessel traffic monitoring information passed to the MCA by quickest means?	Not applicable – there is no CERS requirement.		n/a	HJA
		Has the need for VTS/LPS been reviewed recently?	Not applicable – there is no requirement to manage vessel traffic as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
GtGP 13.2.2	Drink and drugs	Do staff know what to do if they suspect that a mariner (master, pilot, seaman) has committed an offence whilst on duty?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
4.11 GtGP 9.0	Pilotage	Is the port a CHA?	Not applicable –Lynmouth Harbour is not a CHA.		n/a	HJA
		Has the requirement for pilotage been reviewed?	Not applicable – this is not relevant as Lynmouth Harbour is not a CHA.		n/a	HJA
4.12 GtGP 9.4	Pilotage Directions	Are Pilotage Directions issued?	n/a		n/a	HJA
		Were stakeholders consulted during the drafting phase of the most recent Pilotage Direction?	n/a		n/a	HJA
4.13 GtGP 9.4	Authorisation of pilots	Is the process for appointing Pilots referenced to in the MSMS?	n/a		n/a	HJA

PMSC /GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.14 GtGP 9.4.31	Pilot Training	Does the CHA implement the international regulations on the training and certification and operational procedures for pilots contained within International Maritime Organisation (IMO) resolution A960?	n/a		n/a	HJA
GtGP 9.5.43	Pilotage	Does the authority operate an effective Pilot Fatigue Management System?	n/a		n/a	HJA
4.15 – 4.16 GtGP 9.5	Pilot Exemption Certificates	Is a clear process for the issuing of PECs published?	n/a		n/a	HJA
Cont. 4.15 – 4.16 GtGP 9.5	Cont. Pilot Exemption Certificates	Are the requirements equivalent to those for an authorised pilot?	n/a		n/a	HJA
GtGP 8.10	Recreational navigation	Are recreational users of the harbour considered?	See this Audit Report, Section 8.4		n/a	HJA
GtGP 8.7.15 – 8.8.10	Port Passage Plan	Is there a published passage plan?	See this Audit Report, Section 8.4		n/a	HJA
4.17 – 4.20	Collecting Dues	Are dues clearly defined?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
4.21-4.23	Aids to Navigation (AtoN)	Are defects and rectification of defects recorded?	Satisfactory – Aids to Navigation are inspected by harbour staff. Evidence of harbour inspections sighted.		HJA_001 HJA_013	HJA
4.24	GLA returns	Are returns made to the General Lighthouse Authority (GLA)?	Satisfactory – the last Trinity House (GLA) inspection was carried out in February 2023. The Inspection report and letter was provided as evidence. The Aids to Navigation were found to be in good and efficient order.		HJA_012	HJA
4.25-4.32	Wrecks, Abandoned or unserviceable vessels	Does the MSMS refer to powers for dealing with wrecks?	Satisfactory – the LH-SMS Section 6.2 details the process for addressing wrecks in the harbour in coordination with the relevant regulators.		HJA_001	HJA
GtGP 9.4.17 - 9.4.21	Pilot Launches	Do pilot boats meet statutory requirements and appropriate Codes?	Not applicable – pilot boats do not operate out of Lynmouth Harbour.		n/a	HJA

PMSC /GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP - 10	Towage Operations	Does the organisation produce towage guidelines?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
		Is there a process for approving towage providers?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
		Are non-routine tows pre-approved / managed by the organisation?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
GtGP 1.9.11	Licensing Harbour Tugs?	Does the harbour authority have the power to licence tugs?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
GtGP - 10.4	Diving Operations (commercial)	Is there a process for managing commercial diving?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
GtGP - 10.4	Diving Operations (recreational)	Is there a process for managing recreational diving?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
GtGP - 6.7.3	Hot Work Permits	Is there a process for managing Hot Works?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA
GtGP – 6.7.3	Bunkering	Is there a process for managing Bunkering?	Not applicable – small scale refuelling of recreational vessels occurs in the harbour (from hand-held fuel containers). There are no bunkering facilities.		n/a	HJA
GtGP – 11.3, 11.4	Regulation of Port Craft, Pilot Launches and Workboats	Does the Authority have a procedure for regulating port craft?	Not applicable – this is not relevant as Lynmouth Harbour is not considered to be a SHA.		n/a	HJA

## Contact Us

ABPmer

Quayside Suite,  
Medina Chambers  
Town Quay, Southampton  
SO14 2AQ

T +44 (0) 23 8071 1840

F +44 (0) 23 8071 1841

E [enquiries@abpmer.co.uk](mailto:enquiries@abpmer.co.uk)

[www.abpmer.co.uk](http://www.abpmer.co.uk)

