



## 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, 11TH FEBRUARY 2025 at 2.00 pm.**

Members of the Harbour Board

Councillor Wilkinson (Chair)

Councillors Patrinos, Turton, Williams and Wilson

Co-opted Members:

Martin Cleary, Bert Gear, Tim Gibbs and Nigel Thomas

### **AGENDA**

1. Apologies for Absence
2. To approve as a correct record the minutes of the meeting held on 5 November 2024 (Pages 7 - 14)  
(attached).
3. Items brought forward which in the opinion of the Chair, should be considered by the meeting as a matter of urgency
4. Declarations of Interest  
Please 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. **Quarterly Designated Person Port Marine Safety Code Audit Report - Ilfracombe and Lynmouth Harbours** (Pages 15 - 20)  
Report by Environmental Health Manager (attached).
7. **Ilfracombe and Lynmouth Harbour's Budget Trading Accounts** (Pages 21 - 22)  
Report by Accounts Manager (attached).
8. **Harbour Charges review 2025/26** (Pages 23 - 34)  
Report by Harbour Master (attached).
9. **Recruitment of Independent Member to Harbour Board (Lynmouth representative)**  
Harbour Master to report.
10. **Marine Safety Plan**  
Harbour Master to report.
11. **Aids to Navigation**  
Harbour Master to report.
12. **Infrastructure Update**  
Harbour Master to report.  
  
(a) Environmental Consideration  
Harbour Master to report.
13. **Future Projects**  
Harbour Master to report.
14. **Lynton and Lynmouth Harbour Community Forum** (Pages 35 - 36)  
Report by Lynton and Lynmouth Town Clerk (attached).
15. **Harbour Advisory Committee Members** (Pages 37 - 52)  
Report by Harbour Master (attached).

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

3.02.25



## **North Devon Council protocol on recording/filming at Council meetings**

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

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

### **Notes for guidance:**

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.



This page is intentionally left blank

**NORTH DEVON COUNCIL**

Minutes of a meeting of Harbour Board held in the Platinum Room - Larkstone Water Sports Hub on Tuesday 5th November 2024 at 2.00 pm

PRESENT: Members:

Councillor Wilkinson (Chair)

Councillor(s) Williams

Co-opted Members:

Martin Cleary, Tim Gibbs and Nigel Thomas

Officers:

Ilfracombe Harbour Master and Director of Resources and Deputy Chief Executive

Also Present in person:

Councillor Norman

**28. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Wilson, Bert Gear and Kevin Harris.

Apologies were also received from Councillor Turton after the meeting.

**29. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 6 AUGUST 2024**

RESOLVED that the minutes of the meeting held on 6 August 2024 (circulated previously) be approved as a correct record and signed by the Chair.

**30. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR, SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY**

The Chair had attended the Strategy and Resources Committee the day before (Monday 4 November 2024), where the item of the Pier Car Park resurfacing was considered. In particular, the feedback received from the responses to the consultation seeking car park layout improvements was considered. The Strategy and Resources Committee agreed to proceed with the resurfacing of the car park works but requested that the Ilfracombe Regeneration Board or similar group were to discuss at a meeting what they would like to happen along Quay Road and the use of the Pier Carpark.

The Harbour Master added that it needed to be understood that there were limitations on what could not be changed; Quay road could not be fully pedestrianised due to the Open Port Duty legislation and no building could take place on Pier car park, as this space was required for the boats over winter months. Clear communication was required so the limitations were understood.

In response to a question, the Director of Resources and Deputy Chief Executive advised that an initial discussion would need to take place with the Ilfracombe Regeneration Board to obtain a steer from them.

The Harbour Master added that works to the resurfacing of the car park would not be started before March 2026.

**31. DECLARATIONS OF INTEREST**

No declarations of interest were announced.

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

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

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

- A correction to the title of the second column on page 18 of the agenda was needed, so it read Quarter 4 Forecast not Full Year Forecast.
- The net expenditure was forecast to be lower than the last two years.
- All on track and no material variances. The accounts did include income from the Water Sports Hub and the Sea School which reduced the net cost of the service.
- The net expenditure total forecast figure for Lynmouth Harbour was slightly higher than the last couple of years but overall was within budget and no variance reported.

The Board noted the accounts.

**33. HARBOUR CHARGES REVIEW 2025/26**

The Board considered a report by the Harbour Master (circulated previously) regarding Harbour Charges Review 2025/26.

The Harbour Master highlighted the following:

- The increase to charges for the next financial year, 2025/26, was to go up in line with CPI (Consumer Price Index) at 2.2%.
- Due to the current economic environment that the launch and storage charges be held at current rates.
- Some charges to be rounded to enable easier on site collection.
- The charges were still lower than those of other areas along the coast.
- Ilfracombe was one of the few places that allowed jet skis to launch and this attracted more visitors as a result.



RESOLVED:

- (a) That all mooring dues be increased by 2.2% and relevant miscellaneous charges are increased by 2.2% or held at current rates; and
- (b) Consultation be carried out with Harbour users.

**34. DESIGNATED PERSONS ANNUAL REPORT 2024**

The Board considered a report by the Harbour Master (circulated previously) regards the Designated Persons Annual Report 2024.

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

- On page 32 of the agenda, the year referred to under 3.0 of the contents should be 2024 not 2023.
- On page 44 of the agenda, the year should be 2024 to make the title: Summary Profit and Loss Account as at 31 March 2024.
- Oil Spill Contingency Plan, as detailed on page 36 of the agenda, was compliant and had been approved by the Maritime and Coastguard Agency.
- Any contractors working on the Harbour had to have their own Oil Spill Contingency Plan.
- Ambipar Response Limited were contracted to respond to all pollution events under the authority of North Devon Council and so this would include Lynmouth Harbour.
- There was a valid Port Waste Management Plan in place, approved by the Maritime and Coastguard Agency in February 2023.
- The Marine Emergency Plan was tested when a drill exercise was carried out on 23 October 2024.
- The exercise would be carried out at Bideford harbour next year and it was hoped 256 passengers would be on board a ship to help manage a full evacuation.
- The next Oil Spill drill was planned to be carried out as a multi-agency exercise in March 2025.
- As agreed at the last Harbour Board meeting the Ilfracombe Harbour Business plan was a rolling five year plan and super ceded the Development Strategy 2012-2026.
- The formation of a new Advisory Board had been approved and this was nearing completion.
- The high number of Out of Hours (OOS) recorded for the Aids to Navigation lights at Old Quay were due to the old wiring needing replacement that took longer than expected.
- Activities Undertaken for Commercial and Leisure as detailed on pages 39 and 40 of the agenda received positive comments.
- Sea school lessons had been held with 42 courses run across a range of ages, the youngest student being 12 and the oldest being 75.
- A good number of people had been recorded as using the Watersports Hub, with 5537 people actively getting out on the water to date this year. This did not include the wild swimmers (as cannot be recorded) which could add 500 to the total.

- No complaints received when the buoys were put in to demarcate where wild swimmers could safely swim.
- Lynmouth Harbour was mentioned on page 42 of the agenda and it was confirmed that we were still waiting for the Secretary of State for final sign off on the Harbour Empowerment Order.
- Page 43 of the agenda listed all the reports that came through the Harbour Board for consideration.
- Page 44 of the agenda detailed the budget accounts for both Ilfracombe and Lynmouth.

RESOLVED that the Board accept that the 2024 annual report is in compliance with the Port Marine Safety Code.

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

The Board considered a report by the Emergency Planning Officer (circulated previously) regarding the Quarterly Designated Person Port Marine Safety Code Audit report – Ilfracombe and Lynmouth Harbours.

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

- The audit of both harbours was carried out on 11 October 2024.

Actions completed since previous inspection – Ilfracombe

- At its meeting of 23 September 2024 the Governance Committee approved the establishment of a formalised Advisory Committee (the Ilfracombe Harbour Advisory Committee).
- The Advisory Board would be made up of harbour users and its formation ensured compliance with the Harbour Revision Order and the Port Marine Safety Code.
- The Harbour Board now had delegated power to formally approve appointments to the advisory committee.
- Grating on Stone Bench had been replaced with a reinforced base and grating of a composite material, other gratings would be replaced to match.
- Additional signage had now been added in prominent positions, prohibiting fishing and crabbing due to these activities interfering with vessel movements in the Outer Harbour.
- Mooring bollards had been tested to a 10 ton capacity and certified.

Risk Management – Ilfracombe

- An internal audit of the following topics carried out this quarter; no non-conformities or non-compliances were identified:
  - i. Legislation, (Acts, Harbour Revision Orders, Byelaws) and Directions;
  - ii. Conservancy (survey, dredging);
  - iii. Duty Holder and DP (Designated Person) Function; and
  - iv. Competency and Training.

- The bulged wall at Stone Bench was continuing to be monitored by the Harbour Master. There had been further movement and works would be required to address the issue. The Senior Engineer would obtain quotes for the work, which would likely take place in February/March 2025 (weather dependent).
- Additional wording was still required to be painted along the edge protection line on the Cove side of the Harbour. Two new cranes were to be installed on the Cove side requiring the repainting of the white line, additional wording would be added at this time. Works due to be completed March 2025.
- A loose fender had been noted on Pier Head, investigation had revealed there were only two brackets on this fender and the washers were perished. Works to replace was hopefully to be carried out by Teignmouth Maritime Services.
- An update from the Harbour Master was given at the meeting:
  - A local diver had investigated all the fenders. It was discovered that many different methods had been used to install the fenders and most would require attention. This was not an imminent failure of the fenders but 18 in total needed works, which would be carried out within the course of next year, 2025.
- New handrails were being sourced for the steps down to First Landing, along with some non-corrosive railings. During the audit visit on 11 October 2024, it was decided two rails would be sufficient for safety.
- Works to Cove Cliff face had been signed off. As part of a rolling programme of inspections, the vegetation was to be removed to allow the inspection of bolts and nets. This was an annual programme starting across Council assets in the spring of 2025.
- Boats out on the Pier side of the harbour had been carried out as planned on 22 October 2024. The boats out on the Cove side of the Harbour scheduled for 28 October 2024 had to be rearranged to Friday 8 November 2024 (this was due to the school halt-term).

### Actions completed since previous inspection – Lynmouth

- White line painting had been carried out across the edge of the step onto the slipway as well as across the top of the slipway.
- The Foreman vacancy had been filled with a “Leading Hand” i.e. a local worker who had worked on the Harbour previously.

### Risk Management – Lynmouth

- An internal audit of the following topics was carried out this quarter. One non-conformity was identified in relation to the training required by the Town Clerk and outside workforce:
  - i. Legislation, (Acts, Harbour Revision Orders, Byelaws) and Directions;
  - ii. Conservancy (survey, dredging);
  - iii. Duty Holder and DP (Designated Person) Function; and
  - v. Competency and Training.
- The Lynmouth coastal study had been carried out with additional assessment of wave impact and overtopping analysis along the Causeway. The stage 2 draft report was due to be received by the Senior Engineer shortly.

- The issue of seawater pouring through the joints between stones along a stretch of sea wall had been raised with Devon County Council, Highways Department. The Town Clerk for Lynton and Lynmouth had submitted a Freedom of Information request to determine ownership of the wall.
- There was still evidence of algal growth on the Rising Sun steps and the edge of the slipway. Seaweed was observed on the lower steps of the Harbour Arm which would be removed and treated as part of a rolling process every four to six weeks, or as necessary.
- An application to the Exmoor National Park Authority had been made in relation to planning permission for the placing of CCTV cameras on the Rhenish Tower. Still awaiting a decision on the application.
- The purpose of CCTV installation was to provide visibility on the harbour and could be accessed for flood monitoring. The cameras would be placed up under the castellation so as not to be visible on the listed structure.
- The Rising Sun steps required remedial works to prevent further deterioration. Quotes for the works had been obtained by the Harbour Master and were expected to be carried out before the year-end.
- Damaged stonework on the overflow holes at the top end of the Harbour would be repaired as part of an Environmental Agency project.

In conclusion, the Director of Resources and Deputy Chief Executive confirmed that Health and Safety at Ilfracombe Harbour continued to be proactively managed by the Harbour Master. The status of Lynmouth Harbour as a Statutory Harbour Authority was still progressing and, therefore, there were still some aspects of the Port Marine Safety Code that do not apply. Health and Safety at Lynmouth Harbour was currently managed by the Town Council Clerk.

The Board noted the report and its updates.

**36. RECRUITMENT OF INDEPENDENT MEMBER TO HARBOUR BOARD**

The Board considered a report by the Harbour Master (circulated previously) regarding the Recruitment of an Independent Member to the Harbour Board.

The Board noted the recruitment process to be undertaken to recruit a fifth Independent Member, with ties to Lynmouth.

**37. MARINE SAFETY PLAN**

No update was given as included in the Annual report.

**38. AIDS TO NAVIGATION**

No update was given as included in the annual report.

**39. INFRASTRUCTURE UPDATE**

The Board received an update from the Harbour Master in relation to Infrastructure.

The Harbour Master advised of the following:

- Cracks on the stones at Old Quay Head needed works carried out to repair as they were sinking. This would require 3 to 4 days of work to be carried out by the company who originally installed the stones.
- One MMO funding application was still open which was for the replacement of landing davits. The two swing davits at Old Quay Head would remain in place and the boat owners would become responsible for their upkeep and maintenance.
- Three davits on the Cove would be removed. The final funding would be used to replace with two cranes capable of lifting 500 kg each. The cost to the Council would be an additional £6,000, which was within the original business case costs.
- The davits would be leased to the fishermen encouraging an element of responsibility.
- Safety connectors had been disengaged on the broken crane. The Council would meet the cost of repair, £1,500, on this occasion but not in the future.
- The fuel pump had not been changed since 2013 and it had reached the point where the electrics were not working efficiently. Although the pump was up and working it was starting to fail and would need replacing.
- The cost of repainting the Harbour railings would be in the region of £10,000 to £15,000 and only last three to four years before needed doing again.
- The Harbour Master was looking into the cost of replacing all the railings with a black steel, which would not need replacing or painting again.

**40. ENVIRONMENTAL CONSIDERATION**

No update was given.

**41. FUTURE PROJECTS**

The Board received an update on Future Projects.

The Harbour Master advised of the following:

- A period of consolidation to grow what had been put into place would be required. The next steps on from the Sea School would be to set up a Marine Academy.
- The firefighting training was most likely to be undertaken at Petroc, they had the grounds to enable these facilities to be put in place.
- Quotes to follow for the cost of the unit.
- Potentially Brynsworthy Environment Centre could be used for fire extinguisher training for the Sea Fish training course.
- The Harbour Master would continue to run the Sea School in the interim but it would be passed onto another member of staff once it became too time consuming for the Harbour Master to manage.

**42. ILFRACOMBE HARBOUR ADVISORY COMMITTEE**

The Board received an update in relation to the Ilfracombe Harbour Advisory Committee.

The Harbour Master advised that now it had been agreed to form an Advisory Committee an invite was to go out to interested parties. A list of names wishing to sit

on the Advisory Committee would be brought to the February 2025 Harbour Board meeting for consideration. It was anticipated the first Advisory Committee meeting would take place in April 2025.

**43. LYNTON AND LYNMOUTH TOWN COUNCIL HARBOUR SUB-COMMITTEE MINUTES**

The Board considered the minutes of the Lynton and Lynmouth Town Council Harbour Sub-Committee meeting held on 23 October 2024.

The Board noted the minutes of the Harbour Sub-Committee.

**44. TO CONSIDER FUTURE DATES OF THE HARBOUR BOARD**

The Board considered the proposed future dates of meetings.

In light of a request from Councillor Patrinos, who would struggle to attend due to a clash of meetings, the Board agreed to consider moving future meetings to the second Tuesday of the month at 2 pm, not 2.30 pm as stated in the agenda.

RESOLVED that the clerk investigate whether moving meetings to the second Tuesday of the month would cause clashes with any other meetings and report back in February with a revised timetable of dates.

Chair

The meeting ended at 3.35 pm

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

## HARBOUR BOARD MEETING: 11<sup>th</sup> February 2025

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

#### Ilfracombe – 10th January 2025

Captain Georgina Carlo-Paat (Harbour Master)  
Jon Triggs (Director of Resources & Deputy Chief Executive)  
Daryl Littlejohns (Environmental Health Manager)  
Alex Miles (Emergency Planning Officer)  
Pamela Charles (Contract/Temporary H&S Adviser)

#### Lynmouth - 10th January 2025 (Virtual Attendance)

Captain Georgina Carlo-Paat (Harbour Master)  
Jon Triggs (Director of Resources & Deputy Chief Executive)  
Kevin Harris – Lynton & Lynmouth Town Council Clerk  
Daryl Littlejohns (Environmental Health Manager)  
Alex Miles (Emergency Planning Officer)  
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 Three quotes have been received for the instillation of the two new cranes on the Cove side.
- 2.2 The Senior Engineer initiated the tendering process for the bulged wall at Stone Bench at the end of 2024, awaiting results.
- 2.3 Duty Holder Refresher Training for Councillors has been booked for Wednesday 7<sup>th</sup> May. The training will be delivered by ABPmer.

## **3.0 RISK MANAGEMENT- ILFRACOMBE**

- 3.1 An internal audit of the following topics was carried out this quarter;
- i. Environmental Duty
  - ii. Risk Assessment
  - iii. Incident Reporting and Investigation
  - iv. Plans & Reporting/Consensus & Monitoring
  - v. Harbour owned/operated craft – *Not currently applicable*
- 3.2 Two non-compliances and two non-conformities were identified during the internal audit. The non-compliances and non-conformities were under the topics of Environmental Duty and Risk Assessments. An action plan has been agreed with the Harbour Master to address these.
- 3.3 The bulged wall at Stone Bench is continuing to be monitored. There has been further movement and some rocks have been dislodged from the wall but are still contained within the catchment netting. The senior engineer initiated the tendering process at the end of 2024. The work is expected to be completed by February or March 2025.
- 3.4 A tendering waiver is pending approval for the installation of two new cranes on the Cove side, as the MMO procurement procedure was utilised instead of the DCC portal due to timeframe. The scope of the work includes the installing the two cranes, painting of a white line and wording along the edge protection line on the Cove side of the Harbour. Completion is anticipated by March 2025. Following the installation of the new cranes there is an option for the old davit crane to be leased to the trawlers.
- 3.5 The loose fender identified during the November 2024 audit has been temporarily secured with strapping as a precautionary measure. Teignmouth Maritime Services has completed an assessment of the fenders at Pier Head, and the Harbour Master is awaiting quotes for the necessary repair work.
- 3.6 The Harbour Master is currently in discussion with suppliers regarding new non corrosive railings for the steps down to First Landing. The proposed railings will be constructed of black GRP with an inner steel core. It is hopeful work will commence by April.
- 3.7 The edge of some steps leading to first landing have been identified as worn. This is being proactively managed by the Harbour Master and an action plan has been identified, this will involve the replacement of the black tread like for like.
- 3.8 The Royal Life Saving Society report regarding the use of the Sea Pool is still outstanding. This has been followed up by the Harbour Master. Once received this will be provided to Senior Management Team for consideration.



- 3.9 Ilfracombe Harbour sustained some damage during Storm Darragh, including two lampposts, tiles on the chapel roof and the carpark sign. The Harbour Master has developed a work plan to carry out the necessary repairs.
- 3.10 The Harbour Revision Order for Ilfracombe Harbour is progressing and advice received from the external solicitor suggests we will receive a result this year.
- 3.11 Boats will go back in early April.

## **4.0 ACTIONS COMPLETED FROM PREVIOUS INSPECTIONS- LYNMOUTH**

- 4.1 Bollards have been painted white on the slipway
- 4.2 Algal growth on the Rising Sun steps and the edge of the slipway has been treated and are being managed as part of the work programme.
- 4.3 The Town Clerk has received quotes from Ambipar response in relation to risk assessment training required to address the non-conformity identified in the November Audit.

## **5. RISK MANAGEMENT – LYNMOUTH**

- 5.1 An internal audit of the following topics was carried out this quarter.
  - i. Environmental Duty
  - ii. Risk Assessment
  - iii. Incident Reporting and Investigation
  - iv. Plans & Reporting/Consensus & Monitoring
  - v. Harbour owned/operated craft – *Not currently applicable*
- 5.2 One non-compliance and an observation was identified during the internal audit under Plans & Reporting.
- 5.3 Observations – Plans & Reports
  - a) The Duty Holder has not confirmed compliance or planned timescales for compliance with the Port Marine Safety Code and to the Marine & Coastguard Agency. It was recommended in the APBmer External Audit 2023 that “once partial compliance can be confirmed it is suggested that the MCA is updated”.

*Every three years, the duty holder should sign a statement describing their organisation’s compliance with the Code. If the organisation is not compliant, or not fully compliant, the statement should also describe the organisation’s intentions for achieving compliance, including planned timescales [PMSC paragraph 2.30].*

- b) The Lynmouth Harbour Safety Management System needs to contain measurable marine safety objectives or key performance indicator expectations for annual performance publication [MSMS 16.1].

*“A statement about the standard of the organisation’s performance should be included in the duty holder’s annual report” [PMSC 2.15].*

- 5.4 The Senior Engineer has received the stage 2 report of the Lynmouth Study carried out by Royal HaskoningDHV. The Senior Engineer will review the study with the consultant and a short update will be provided to the Lynton & Lynmouth Town Clerk to share with the Harbour User Group.
- 5.5 The stretch of sea wall where sea water is pouring through the joints needs repointing. It is believed to be an EA responsibility and the senior engineer is awaiting a clarification response from the Environment Agency.
- 5.6 The application for CCTV on Rhenish Tower has been approved by Exmoor national park. The Harbour Master has consulted with building control. The Harbour Master will organise a start date for the work, likely to be after March when the weather improves.
- 5.7 Harbour Master to start the tendering process on the DCC portal for the remedial work required for the Rising Sun further deterioration. Obtained quotes for this work. It is hoped these works will be carried out before year end.
- 5.8 Lynton & Lynmouth Town Clerk is awaiting a response from the EA with regards to the damaged stonework on the overflow holes at the top end of the Harbour.
- 5.9 The Harbour Empowerment Order for Lynmouth Harbour is progressing. Advice received from the external solicitor indicates a result in 2025.

## **6. CONCLUSIONS**

- 6.1 Health and Safety at Ilfracombe Harbour continues to be proactively managed by the Harbour Master. Some new risks were identified during this audit but all have action plans to resolve.
- 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.
- 6.3 Health and Safety at Lynmouth Harbour is currently managed by the Town Clerk. There are some matters which are ongoing and these are being actively followed up.

# Agenda Item 6

Alex Miles  
Emergency Planning Officer  
January 2025

Daryl Littlejohns  
Environmental Health Manager  
January 2025

This page is intentionally left blank

**Ilfracombe Harbour**

|  | Budget         | Quarter 1 - Actual | Quarter 2 - Actual | Quarter 3 - Actual | Full Year Forecast | Total - Forecast |
|--|----------------|--------------------|--------------------|--------------------|--------------------|------------------|
| Operating Income <sup>(1) (3)</sup>                    | (480,780)      | (136,368)          | (191,245)          | (164,174)          | (11,007)           | (502,795)        |
| Operating Expenditure & Maintenance <sup>(2) (4)</sup> | 596,220        | 152,438            | 241,192            | 155,814            | 46,777             | 596,220          |
| Overheads  | 32,100         | 7,075              | 7,075              | 7,075              | 10,875             | 32,100           |
|  | <u>628,320</u> | <u>159,513</u>     | <u>248,267</u>     | <u>162,889</u>     | <u>57,652</u>      | <u>628,320</u>   |
| Operating Deficit / (surplus)                          |                | 23,145             | 57,021             | (1,286)            | 46,644             |                  |
| Contribution to reserves                               |                |                    |                    |                    |                    |                  |
| Bad Debt movements                                     |                |                    |                    |                    |                    |                  |
| Interest   |                |                    |                    |                    |                    |                  |
|  | <u>147,540</u> | <u>23,145</u>      | <u>57,021</u>      | <u>(1,286)</u>     | <u>46,644</u>      | <u>125,525</u>   |
| Net Deficit / (Surplus) <sup>(5)</sup>                 | <u>147,540</u> | <u>23,145</u>      | <u>57,021</u>      | <u>(1,286)</u>     | <u>46,644</u>      | <u>125,525</u>   |

**Lynnton & Lynmouth Harbour**

|                                     | Budget        | Quarter 1 - Actual | Quarter 2 - Actual | Quarter 3 - Actual | Full Year Forecast | Total - Forecast |
|-------------------------------------|---------------|--------------------|--------------------|--------------------|--------------------|------------------|
| Operating Income                    | (4,872)       | (3,150)            | (1,086)            | 0                  | (636)              | (4,872)          |
| Operating Expenditure & Maintenance | 7,977         | 1,677              | 608                | 346                | 5,346              | 7,977            |
| Overheads                           | 44,349        | 9,959              | 10,981             | 11,693             | 11,716             | 44,349           |
|                                     | <u>52,326</u> | <u>11,636</u>      | <u>11,589</u>      | <u>12,039</u>      | <u>17,062</u>      | <u>52,326</u>    |
| Operating Deficit/ (Surplus)        | <u>47,454</u> | <u>8,486</u>       | <u>10,503</u>      | <u>12,039</u>      | <u>16,426</u>      | <u>47,454</u>    |
| Net Deficit / (Surplus)             | <u>47,454</u> | <u>8,486</u>       | <u>10,503</u>      | <u>12,039</u>      | <u>16,426</u>      | <u>47,454</u>    |

<sup>(1)</sup> The budget for operating income shows the sale of gas oil as a gross figure - £338,800

<sup>(2)</sup> The budget for operating expenditure and maintenance shows the sale of gas oil as a gross figure - £324,500  
Points 1 and 2 shows that North Devon Council is due to make a budget surplus through the sale of gas oil by £14,300

<sup>(3)</sup> Following the opening of the Ilfracombe Watersports Centre and Ilfracombe Sea School, we have now introduced the operating income from both of these streams into the trading account.

<sup>(4)</sup> Following the opening of the Ilfracombe Watersports Centre and Ilfracombe Sea School, we have now introduced the operating expenditure and maintenance from both of these streams into the trading account.

<sup>(5)</sup> The expenditure budget excluding capital finance for the 2024-25 financial year is £628,320. The income budget for the 2024-25 financial year is £480,780 returning a net deficit of £147,540 to NDC.

This page is intentionally left blank



## North Devon Council

Report Date: Tuesday, 11 February 2025

Topic: Harbour Charges review 2025/26

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 2025-2026 financial year.
- 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 2.2% and relevant miscellaneous charges are increased by 2.2% or held at current rates.

### 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 2024 was 2.2% and this is reflected in the recommendation of charges for the coming financial year.
- 4.2. It is recommended that some charges are rounded to enable easier on site collection.
- 4.3. It is recommended that, with due consideration to the current economic environment, the launch & storage charges are held at the current rates.

#### 4.3. Options Considered:

- 4.3.1. Hold all Charges at 2024-25 rates.

#### 4.4. Reasons for rejecting options:

- 4.4.1. Rejecting 4.3.1, holding all charges at 2024-25 rates has been rejected as it fails to take into account the increasing financial burden of Harbour costs and improving services.



## 4.5. Consultation:

4.5.1. Consultation was held with all Harbour users following the Charges approval by the Harbour Board on 5<sup>th</sup> November 2024, the following responses were received;

4.5.2. From S&P Trawlers- ‘As you would appreciate any increase in charges for us at the moment are not too welcome in the financial environment we are all living in, I appreciate the need to put up the fees but I would like to point out that this has been one of the worst financial years that our companies have ever experienced and profit margins are almost zero at the minute, with high fuel prices and interest rates these are all adding up to make it very difficult to run our business, so any reduction would be helpful on our side.’

From Waverley Excursions – ‘Thanks for that, no issues.’

Multiple positive responses from vessel owners were also received.

## 4.6. Conclusion:

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

4.6.2. This is not considered to be a key decision

## 5. RESOURCE IMPLICATIONS

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

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 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. 2024-25 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

This page is intentionally left blank

# ILFRACOMBE HARBOUR

## Charges 2025 – 2026

### MOORING LICENCE HOLDERS

|  | <u>Per ft.(loa)</u> | <u>Per metre(loa)</u> |
|--|---------------------|-----------------------|
| <b><u>Ground Moorings</u></b>  |                     |                       |
| Under 14ft Beam per annum  | £21.64              | £70.98                |
| 14ft or Over Beam per annum  | £27.01              | £88.61                |
| <b><u>Commercial Vessels with Ground Moorings</u></b>                                |                     |                       |
| Under 14ft Beam per annum  | £25.62              | £84.00                |
| 14ft or Over Beam per annum  | £32.08              | £105.19               |
| <b><u>Fishing Vessels with Harbour Wall Moorings</u></b>                             |                     |                       |
| Under 14ft Beam per annum  | £33.84              | £110.97               |
| 14ft or Over Beam per annum  | £42.28              | £138.77               |
| <b><u>Commercial Vessels Carrying More than 12 Passengers with Wall Moorings</u></b> |                     |                       |
| Under 14ft Beam per annum  | £34.98              | £114.77               |
| 14ft or Over Beam per annum  | £44.67              | £143.01               |
| <b><u>Rowing Boats (with no other means of propulsion)</u></b>                       |                     |                       |
|  | £10.81              | £35.47                |

### VISITING VESSELS

| <u>Visiting Boats</u> | <u>Per ft.(loa)</u> | <u>Per metre(loa)</u> |
|-----------------------|---------------------|-----------------------|
| Per day               | £ 0.67              | £ 2.22                |
| Per week              | £ 4.11              | £13.44                |
| Per fortnight         | £ 7.19              | £ 23.61               |
| Per 21 days           | £ 10.12             | £ 33.05               |
| Per month             | £ 13.83             | £ 45.31               |
| Per summer (3 months) | £ 35.02             | £ 114.78              |

# ILFRACOMBE HARBOUR

## Charges 2025 – 2026

### PASSENGER VESSELS

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

|                  |       |
|------------------|-------|
| Per day Per Foot | £0.58 |
|------------------|-------|

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

|         |       |
|---------|-------|
| Per GRT | £0.09 |
|---------|-------|

|         |       |
|---------|-------|
| Per PAX | £0.42 |
|---------|-------|

(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 | £10.00 |
|-----------|--------|

#### Cargo

|                              |       |
|------------------------------|-------|
| Per Tonne Loaded/disembarked | £1.00 |
|------------------------------|-------|

#### Launch Charge (no trailer)

|         |        |
|---------|--------|
| Per day | £10.00 |
|---------|--------|

|          |        |
|----------|--------|
| Per week | £60.00 |
|----------|--------|

|             |        |
|-------------|--------|
| Six Monthly | £95.00 |
|-------------|--------|

#### Launch + Trailer Park

|         |        |
|---------|--------|
| Per day | £15.00 |
|---------|--------|

|                    |        |
|--------------------|--------|
| Per week (Day Use) | £75.00 |
|--------------------|--------|

|                       |         |
|-----------------------|---------|
| Six Monthly (Day Use) | £155.00 |
|-----------------------|---------|

# ILFRACOMBE HARBOUR

## Charges 2025 – 2026

### 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.

This page is intentionally left blank



## North Devon Council

Report Date: Tuesday, 5 November 2024

Topic: Harbour Charges review 2025/26

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 2025-2026 financial year.
- 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 2.2% and relevant miscellaneous charges are increased by 2.2% or held at current rates.

### 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 2024 was 2.2% and this is reflected in the recommendation of charges for the coming financial year.
- 4.2. It is recommended that some charges are rounded to enable easier on site collection.
- 4.3. It is recommended that, with due consideration to the current economic environment, the launch & storage charges are held at the current rates.

#### 4.3. Options Considered:

- 4.3.1. Hold all Charges at 2024-25 rates.

#### 4.4. Reasons for rejecting options:

- 4.4.1. Rejecting 4.3.1, holding all charges at 2024-25 rates has been rejected as it fails to take into account the increasing financial burden of Harbour costs and improving services.

## 4.5. Consultation:

4.5.1. Consultation was held with all Harbour users following the Charges approval by the Harbour Board on 5<sup>th</sup> November, the following responses were received;

4.5.2. From S&P Trawlers- ‘As you would appreciate any increase in charges for us at the moment are not too welcome in the financial environment we are all living in, I appreciate the need to put up the fees but I would like to point out that this has been one of the worst financial years that our companies have ever experienced and profit margins are almost zero at the minute, with high fuel prices and interest rates these are all adding up to make it very difficult to run our business, so any reduction would be helpful on our side.’

From Waverley Excursions – ‘Thanks for that, no issues.’

Multiple positive responses from vessel owners were also received.

## 4.6. Conclusion:

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

4.6.2. This is not considered to be a key decision

## 5. RESOURCE IMPLICATIONS

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

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 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. 2024-25 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

This page is intentionally left blank

## LYNTON AND LYNMOUTH TOWN COUNCIL

### MINUTES OF A MEETING OF THE HARBOUR SUB-COMMITTEE HELD AT LYNTON TOWN HALL ON WEDNESDAY 22 JANUARY 2025 AT 5.00PM

|                            |   |
|----------------------------|---|
| <b>Present</b>             | <b>Councillors</b><br>A Hobbs<br>J Patrinos                             |
| <b>Officers</b>            | Harbour Master – G Carlo-Paat<br>Town Clerk, Town Council Secretary     |
| <b>Also in attendance:</b> | N Davey<br>T Piper<br>W Bowden<br>R Cluett<br>J Gubb-Fradgley<br>A Mold |
|                            | A Glover<br>M Piper<br>A Dove<br>J Kelway<br>W Bartlett                 |

**1. APOLOGIES for absence**

Apologies were received from Councillor Rodway, and harbour users M Shute, P Perriam, R Perry, P Minoli, S Minoli

**2. PUBLIC QUESTION TIME**

Nothing to report.

**3. MINUTES**

The minutes of the meeting 23 October 2024 were confirmed as an accurate record and signed as such by the Chair

**4. NDC HARBOUR BOARD**

Harbour Board minutes of 5 November 2024 are attached to the signed minutes. Next meeting of the Harbour Board will be on 11 February 2025.

**5. MOORINGS ALLOCATION**

- Harbour users were advised of the increase in the cost of moorings for 2025/26 season. Cost has gone up from £8.10 per foot to £8.50 per foot.
- Payment will be required up-front before any boats will be allowed in the Harbour. Letters will go out early February.
- Town Clerk asked about dinghy's still in the harbour.
- A request was received for a mooring swap. The boat on mooring 34 has been sold but will be staying on that mooring. So the previous owner will move to mooring 43.

**6. HARBOUR SAFETY & COMPLIANCE**

- The quarterly harbour safety audit was been carried out with no identified issues.
- Whilst there is a current Harbour risk assessment prepared by the Town Clerk, staff under PMSC and MSMS require bespoke 'Marine'

## **LYNTON AND LYNMOUTH TOWN COUNCIL**

Risk Assessment training, therefore this will be undertaken on 26 February 2025 by Town Clerk and Workforce Leading Hand plus Harbour Master and Deputy Harbour Master who will do a refresher.

### **7. HARBOUR MAINTENANCE**

- Workforce are now responsible for doing the daily harbour checks and will use paper copies until this is carried out via an app.
- 4 more tubs of algae treatment have been received with thanks to the Harbour Master.
- Mooring 'cannon balls' on the harbour arm have been painted, and the ones on the slipway will be re-done

### **8. LYNMOUTH COASTAL STUDY**

The Final Report from this study will soon be going out and will detail all coastal issues examined, including groynes. Once read by all parties there will be a consultation period where feedback will be required.

### **9. USERS WORKING GROUP**

Harbour arm drain vents surrounding stonework needs repair. Town Clerk will chase EA Bryn Williams on time frame for this work.

### **10. SAILING CLUB**

Nothing to report apart from 2025 dates for Regatta (12 July) and Raft Race (23 August). Sailing Club will submit the usual requests for permission.

### **11. NEXT MEETING**

Will be held on *Wednesday 23 April 2025, 5pm in Lynton Town Hall.*

The meeting closed at 5.30pm

Chairman



## North Devon Council

Report Date: Tuesday, 11 February 2025

Topic: Harbour Advisory Committee Members

Report by: Ilfracombe Harbour Master

### 1. INTRODUCTION

- 1.1. In August 2024 the formation of the Ilfracombe Harbour Advisory Committee was approved by the Board. Within the constitution a number of organisations were stated to represent all the users of the Harbour and they would be invited to put forward a name or names to sit on the committee.
- 1.2. Those persons put forward would need to be approved by the Board prior to the first committee meeting.

### 2. RECOMMENDATIONS

- 2.1. That the names put forward in section 4, Report, are approved by the board to represent the organisations as set out in the advisory committee's constitution.
- 2.2. In light of the multiple names put forward to represent the Commercial Day Trip vessels under 4.2.2 that for this organisation the constitution be changed to allow the approval of two (2) members to represent them.

### 3. REASONS FOR RECOMMENDATIONS

- 3.1. To fulfil the terms of the approved constitution and enable the committee to hold their first meeting under the new structure.
- 3.2. To allow the advisory committee the flexibility to best suit their needs.

### 4. REPORT

- 4.1. Under section 11.0 of the Ilfracombe Harbour Advisory Committee the following organisations have been identified as those best suited to be a member of the committee to represent the Harbour User's needs.
- 4.2. The organisations are as follows with the proposed members name or names alongside.
  - 4.2.1. Ilfracombe Fishing Association – Mr Nick Fox
  - 4.2.2. Commercial Day Trip Vessels – Mr Paul Barbeary, Mr Ben Benghey, Mr Mark Hutchings & Mrs Nancy Hutchings
  - 4.2.3. Ilfracombe Yacht Club- Mr Ross Stanway
  - 4.2.4. Private Independent Vessels Owners – Mr Ricky Hill
  - 4.2.5. Ilfracombe Anglers Association - No name put forward at this time
  - 4.2.6. Local Dive Clubs – Mr Tom Candy
  - 4.2.7. RNLI – No name put forward at this time
  - 4.2.8. Larkstone Hub Watersports Clubs – Mr Bob Thompson & Mr Lee Gooch



- 4.2.9. Larkstone Hub Commercial watersports Operators – Mr Matthew De Havilland
- 4.2.10. Harbour Businesses' – No name put forward at this time
- 4.2.11. Environmental representative – Mr Lawrence Raybone
- 4.2.12. Ilfracombe Town Council – Cllr Jon Quinn
- 4.2.13. Ilfracombe Business & Tourism Association – Mr Mark Heather
- 4.2.14. Harbour Residents Association – No name put forward at this time

## 5. RESOURCE IMPLICATIONS

- 5.1. There are no resource implications 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. 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. Ilfracombe Harbour Advisory Committee constitution
- 11.2. Port Marine Safety Code
- 11.3. Draft Harbour Revision Order
- 11.4. Ports Good Governance Guide



## 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

This page is intentionally left blank





# ILFRACOMBE HARBOUR ADVISORY COMMITTEE CONSTITUTION

## CONTENTS

|  |    |
|--|----|
| 1.0 Document Control .....                     | 3  |
| 1.1 Record of Reviews & Amendments .....       | 3  |
| 2.0 Legal Requirement.....                     | 4  |
| 3.0 Introduction .....                         | 5  |
| 4.0 Structure .....                            | 6  |
| 4.1 Quorum.....                                | 6  |
| 4.2 Meeting Frequency.....                     | 8  |
| 4.3 Meetings & Meetings Notification .....     | 7  |
| Agendas.....                                   | 7  |
| 4.4 Administration.....                        | 6  |
| 4.5 Attendance of Others.....                  | 8  |
| 5.0 Membership .....                           | 8  |
| 6.0 Advice to the Harbour Board.....           | 10 |
| 7.0 Advice to the IHAC.....                    | 10 |
| 8.0 Role and Responsibilities of Members ..... | 11 |
| 8.2 Chair & Vice Chair.....                    | 6  |
| 9.0 Future Amendments.....                     | 11 |

## 1.0 DOCUMENT CONTROL

This document is subject to a tri- annual, 3 yearly, review and periodic amendment as required

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

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

Email: [harbourmaster@northdevon.gov.uk](mailto:harbourmaster@northdevon.gov.uk)

Phone: 01271 862108

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

## 1.1 RECORD OF REVIEWS & AMENDMENTS

| <i>Review (R)<br/>Amendment (A)</i> | <b>Date</b> | <b>Description of changes</b> |
|-------------------------------------|-------------|-------------------------------|
|                                     |             |                               |
|                                     |             |                               |
|                                     |             |                               |
|                                     |             |                               |
|                                     |             |                               |

## 2.0 LEGAL REQUIREMENT

- 2.1 Ilfracombe Harbour is owned and operated by the Local Authority (LA), North Devon District Council (The Council). The Council is the appointed Statutory Harbour Authority. The benchmark for the standards and best practices to which it is expected by the Government that NDC will run the Harbour are set out in The Ports Good Governance Guidance (PGGG) published by the Department for Transport in 2018. The (PGGG) says that;

*“A LA owned Harbour is in general operated for the benefit of stakeholders including the local community and can be an important local asset. LA owned ports also operate within the governance and decision making structure of the overall decision making structure of the LA. LA owned Harbours are part of the LA and so ultimately accountable to elected Council members and the local electorate.”*

In Principle *“LA owned ports should engage fully and effectively with a range of relevant stakeholders”*

- 2.2 Within the draft Harbour Revision Order for Ilfracombe Harbour under;

### Part 6 MISCELLANEOUS AND GENERAL

#### Advisory bodies 31.—

(1) The Council must establish one or more advisory bodies which the Council must (except in an emergency) consult on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of the harbour and their navigation.

(2) The Council must make arrangements for every such advisory body to meet not less than twice a year.

(3) The Council must take into consideration within a reasonable period any matter, recommendation or representation which may from time to time be referred or made to it by such an advisory body whether or not that advisory body has been consulted by the Council on the matter, recommendation or representation so referred or made.

(4) Any advisory body established under this article must consist of such number or numbers of persons appointed by the Council as the Council from time to time considers appropriate.

(5) Appointments to any such advisory body must be made by the Council in accordance with a scheme prepared by it for that purpose and the scheme must provide for the appointment of persons who, in the opinion of the Council, are representative of persons having an interest in the functioning of the harbour.

Excerpt from the PGGG;

*“Effective engagement with stakeholders is essential for all SHAs to maintain or improve understanding of the harbour by its stakeholders.*

*Engagement is equally important to understand stakeholder’s views about the harbour and key issues from their perspective.*

*All SHAs should therefore seek to engage effectively with a wide range of stakeholders.*  
*Principles*

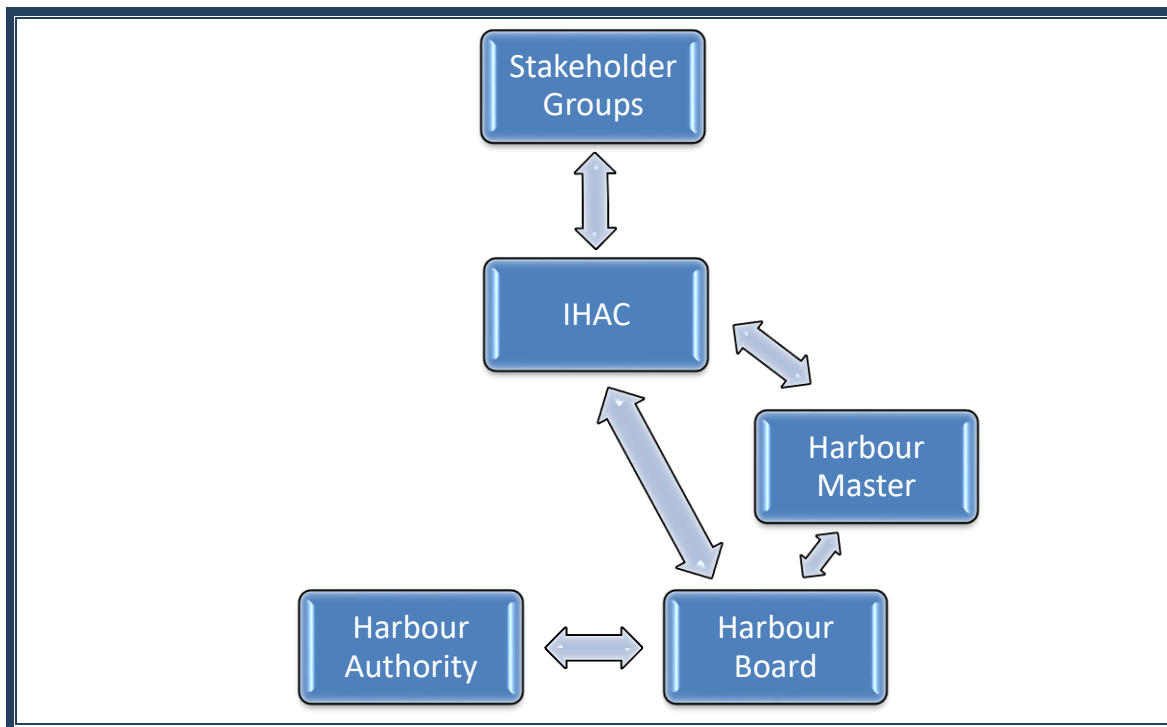
- All SHAs should engage effectively and openly with a wide range of stakeholders that have an interest in their harbour.*
- SHAs should periodically assure themselves that stakeholders have been identified and that engagement with them is appropriate and effective.*
- SHAs should also consider how the voice and views of stakeholders can be taken into account in their work, including in governance*

*Different stakeholders may well have different views and interests on particular matters, which may not be consistent. It is important for SHAs and boards to engage with their stakeholders to consider these views and reflect them, where appropriate in the governance and operation of the harbour.”*

This constitution endeavors to set down the structure, membership, and roles responsibilities in line with the legal duties as stated within the draft HRO and the guidance of the PGGG.

## 4.0 Structure

- 4.1. The Council as the appointed The Harbour Authority (HA) shall consult the Ilfracombe Harbour Advisory Committee (IHAC) on matters substantially affecting the maintenance, improvement, conservation, protection and regulation of the harbour and its navigation.
- 4.2. The Council has duly formed a subcommittee, the Harbour Board, to make recommendations to the Harbour Authority, on the approval of the Marine Safety Plan, and all other plans and policies or on other issues affecting all Harbours administered governed by the council.
- 4.3. The Harbour Board shall take into consideration recommendations and representations on any substantial matter which may from time to time be referred to them by the IHAC whether or not the IHAC has been consulted by the Harbour Board on the matter, recommendation or representation so referred or made.
- 4.4. The IHAC will act as one of the conduits for communication between the HA, by way of the Harbour Board, and all of its Harbour stakeholders.



## 5.0 QUORUM

- 5.1. The IHAC will have a quorum of six appointed members.

## 6.0 APPOINTMENTS

### 6.1 CHAIR, VICE CHAIR AND SECRETARY

- 6.1.1 At the first meeting after 1<sup>st</sup> April in each year, IHAC members must elect one of their number to be Chair of their meetings, one member to be Vice Chair and one member to be the Secretary for the following year. Only in exceptional circumstances should the Chair serve more than 3 years as Chair

or should the individual appointed as the Chair be an individual that has not been a member of the IHAC for at least two years.

- 6.1.2 If neither the Chair nor Vice Chair are able to attend a particular meeting, the members of the IHAC may appoint a chair for that meeting from amongst those present.
- 6.1.3 If the appointed secretary is unable to attend a particular meeting then the Vice Chair will act as secretary for that meeting, if the vice chair is unable to attend a particular meeting the members of the IHAC may appoint a secretary for that meeting from amongst those present.

## 7.0 MEETINGS & MEETINGS NOTIFICATION

- 7.1 At least four clear days' notice shall be given to all IHAC representatives, together with a written agenda and relevant papers, preferably by e-mail.
- 7.2 Copies of all agenda and supporting documents shall be supplied to the Harbour Master acting on behalf of the Harbour Board and the HA , to the above timeframe.
- 7.3 Notice of all meetings and subsequent approved minutes will be posted on the Councils Website under the Harbour section.

---

## 8.0 AGENDAS & MINUTES

- 8.1 The Agenda for each IHAC meeting will be approved by the Chair who is responsible for circulating the agenda as per
- 8.2 All agenda items should be sent to the secretary not less than seven days prior to the meeting notification schedule to enable time for the agenda to be drawn up and for the Chair to approval prior to circulating to the members.
- 8.3 Agendas shall, as a minimum;
- 8.4 Approve the minutes of the committee's previous meeting.
- 8.5 Consider the minutes of the previous meeting of the Harbour Board and comment as required.
- 8.6 Raise new points for consideration by the Harbour Board
- 8.7 The Minutes taken by the secretary will be commensurate with modern business practice and be brief, succinct and to the point.
- 8.8 The Minutes shall be written up by the secretary and circulated by the Chair in good time prior to the next meeting to allow committee members time to circulate to those they represent and receive any comments.

## 9.0 MEETING FREQUENCY

9.1 The Council shall require the IHAC to meet not less than 2 times per year, once as the AGM, meetings should not be less than 4 weeks prior to the Harbour Boards published committee dates. This is to enable the IHAC minutes to be included on the Harbour Boards agenda. The Council may call occasional ad hoc meetings if there is a particular requirement.

9.2 IHAC meetings shall be attended either in person at the appointed venue or virtually via a suitable platform.

## 10.0 ATTENDANCE OF OTHERS

10.1 The Harbour Master and one Harbour Board member or other representative may attend IHAC meetings at the discretion of the Harbour Board or by request of the IHAC Chair or other representative. This will be for the purpose of listening and providing information and not for the purpose of taking part in the decision making process.

10.2 Stakeholders other than IHAC members may attend relevant IHAC meetings but may only speak at the discretion of the IHAC Chair. Permission to speak shall not be withheld unreasonably but shall always be subject to the appropriateness of the matter and the manner of the individual. The number of these stakeholders who may attend an IHAC meeting is normally limited to 3, for reasons of safety and comfort.

## 11.0 MEMBERSHIP

11.1 The IHAC shall consist of one representative from such organisations as the HA consider appropriate. Unless and until changed under paragraph 9.1, there will be one representative from each of the following bodies:

- Ilfracombe Fishing Association
- Commercial Day Trip Vessels
- Ilfracombe Yacht Club
- Private Independent Vessels Owners
- Ilfracombe Anglers Association
- Local Dive Clubs
- RNLI
- Larkstone Hub Watersports Clubs
- Larkstone Hub Commercial watersports Operators
- Harbour Businesses'
- Environmental representative
- Ilfracombe Town Council
- Ilfracombe Business & Tourism Association
- Harbour Residents Association (See Note)

Note - Residents shall reside no further than Broad St to the West and no further than Hillsborough Rd to the South of the Harbour



- 11.2 Each Stakeholder Group will have an equal vote.
- 11.3 In the event of voting being equal on an issue the Chair will defer any resolution to a subsequent meeting, which will take place immediately after the meeting where there has been an equal vote.
- 11.4 In the event that the second vote remains equal then the Chair's vote shall count as two votes.
- 11.5 Appointments to the IHAC shall be subject to the approval of the Harbour Board and made by them after receiving the nominations from the membership organisations from time to time. The Chair of the IHAC in consultation with the Harbour Board is to undertake a periodic review of the committee to ensure that the composition and size remain relevant and appropriate and that relevant stakeholder groups are represented, and is to make recommendations as to any changes to the HA.
- 11.6 All representatives from Associations shall be from a properly constituted Organisation.
- 11.7 Only representatives from membership organisations which can demonstrate to the Commissioners that they are significant in the affairs of the Harbour will be appointed to the IHAC.
- 11.8 A member of the IHAC shall hold office for the term of three years from the date of appointment and at the end of that period shall be eligible for reappointment for a further three year term. It is hoped that a regular rotation of the members of the IHAC can be achieved, and to that end representative organisations will be asked to consider a change in the identity of a representative after two consecutive and subsequent terms served by an individual. For the avoidance of doubt, if the representative Organisation considers that the individual continues to be the most suitable representative for it on the Committee, then the individual can serve further term(s).
- 11.9 If during the term of appointment of any person, after consultation with the Chair of the IHAC, the Harbour Board consider that a member of the Committee is not properly fulfilling their role, duties or responsibilities as a member of the Committee or fairly representing the organisation that the person concerned represents, the Harbour Board may remove that person from the Committee and shall request that organisation to nominate a replacement representative for approval and appointment.
- 11.10 A member may resign their seat at any time by notice in writing (or e-mail) to the Chair. If this situation occurs the Chair will submit to the Harbour Board a new member for consideration.
- 11.11 The list of IHAC members will be published by the Council on the Harbour website page, with changes made public as they occur.

## 12.0 ADVICE TO THE HARBOUR BOARD

- 12.1 The PGGG recommends that The Harbour Board should consult stakeholders on significant decisions where appropriate.
- 12.2 The Department of Transport also states that it “*does not envision that all decisions should be consulted on as there are likely to be occasions where this will not be practicable, for example due to timing considerations, or appropriate, for example due to commercial reasons or as it concerns staff-related issues. Boards are responsible for taking decisions on all issues that come before it, having considered and weighed the views and advice received including from stakeholders*”
- 12.3 Summary minutes and all accompanying papers of any IHAC meeting will be considered by the Harbour Board at their next appropriate meeting.
- 12.4 The Harbour Board will give due consideration to the advice contained within such minutes and papers in their decision making.
- 12.5 The Chair/Vice-Chair of the IHAC may attend meetings with the Harbour Board to enlarge upon and discuss issues of special concern or importance if agreed between the Chairman of Harbour Board and the Chair/Vice-Chair of the IHAC. A request for such attendance must be made at least one week before the Harbour Boards meeting.
- 12.6 Consultation will take place at the earliest practical opportunity with clarity as to the specific areas where the Harbour Board is seeking particular advice.

## 13.0 ADVICE TO THE IHAC

- 13.1 The Harbour Board will report on decisions made by the Council by way of the Harbour Master or member of the Harbour Team, other than those that are considered by the Council to be commercially sensitive or involve personnel matters.
- 13.2 Where advice to the Council by way of the Harbour Board from the IHAC is rejected, an explanation will be provided by the Harbour Board in writing; this is to be included in the minutes of the Harbour Boards Committee meeting.

## 14.0 ROLE AND RESPONSIBILITIES OF MEMBERS

- 14.1 The role of an IHAC member is to be an active participating member of the Committee and to assist the Committee in serving its principal purpose, which is to ensure that there is effective and efficient communication between the Council, Harbour Board and the stakeholders.
- 14.2 A member of the IHAC has the following responsibilities:
- 14.3 To attend meetings of the Committee, if, on occasion, they are unable to attend then an alternative representative from the same represented body will be nominated by the member to attend in their place.
- 14.4 Dissemination of salient information from the meetings to the membership of their nominating organisation.
- 14.5 Provision of feedback to the Committee from the membership of their nominating organisation.
- 14.6 Act in a reasonable manner within the Committee and allow all Committee members the opportunity to express their opinion.
- 14.7 To use information provided to IHAC members, whether written or oral, solely for the purposes of consultation within the Committee and fulfilling their responsibilities as listed above.

## 15.0 FUTURE AMENDMENTS

- 15.1 Future amendments to this Constitution may be made by the Harbour Board after consultation with the IHAC.

This page is intentionally left blank