



Public Document Pack

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

M. Mansell, BSc (Hons),
F.C.P.F.A.
Chief Executive.

HARBOUR BOARD

A meeting of the Harbour Board will be held in the Ilfracombe Centre - Ilfracombe on **TUESDAY, 4TH JUNE, 2019 at 2.00 pm.**

Members of the Harbour Board

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

Councillors Campbell and Turton

Co-opted Members:

Mr Cleary, Kift and Knill and one vacancy.

AGENDA

1. Apologies for Absence
2. To approve as a correct record the minutes of the meeting held on 5th February 2019 (Pages 5 - 10)
3. Items brought forward which in the opinion of the Chairman should be considered by the meeting as a matter of urgency
4. Declarations of Interest
(Please complete the form provided at the meeting or telephone Corporate and Community Services to prepare a form for your signature before the meeting). Items must be re-declared when the item is called, and Councillors must leave the room if necessary).
5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

PART 'A'

6. **Appointment of Independent Representatives to the Harbour Board.** (Pages 11 - 12)
Report by Harbour Master. (Attached).
7. **Designated Person Audit Report.** (Pages 13 - 16)
Report by Health and Safety Officer. (Attached).

8. **Marine Safety Management System** (Pages 17 - 52)
Report by Harbour Master. (Attached).
9. **Port Marine Safety Code**
Harbour Master to report.
10. **Harbour Master Update**
Harbour Master to report.
11. **Waste Management Plan** (Pages 53 - 66)
Report by Harbour Master. (Attached).
12. **Harbour Forum Update.**
Chairman of Ilfracombe Harbour Forum to report.

PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

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

27.05.19



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NORTH DEVON COUNCIL

Minutes of a meeting of the ILFRACOMBE HARBOUR BOARD held at the Ilfracombe Centre, Ilfracombe on Tuesday 5th February 2019 at 2.00 p.m.

PRESENT: Members:

Councillor Meadlarkin (in the Chair)

Councillor Campbell

Co-opted Members:

Mr Cleary, and Mr Knill.

Officers:

Harbour Master, Health and Safety Officer and Corporate and Community Services Officer (AD).

Also Present:

Mr Jenkins

35 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Fowler, Mr Kift and Captain Joint.

36 MINUTES

RESOLVED that the minutes of the meeting held on 13th November 2018 (circulated previously) be approved as a correct record with the addition under minute 32 of; “the Ilfracombe Harbour Board were seeking clarification of the legal standing between North Devon Council and Ilfracombe Harbour for the purposes of Insurance cover.” and signed by the Chairman.

37 DECLARATIONS OF INTEREST

The following declarations of interest were announced:

Councillor Campbell All items – personal interest as undertook occasional work for Landmark Trust (Lundy Island)

Mr Knill All items – personal interest as a boat owner, members of the Ilfracombe Yacht Club and secretary of YSail.

**38 QUARTERLY DESIGNATED PERSON AUDIT REPORT –
ILFRACOMBE HARBOUR**

The Health and Safety Officer updated the board with the findings of the quarterly designated person audit held on 22nd January 2019, (circulated previously) in respect of the actions undertaken following the previous audit inspection, risk management and conclusions reached.

A visit to Lynmouth Harbour had been undertaken in November 2018 to discuss ways the Designated Person audits could encompass Lynmouth Harbour. It was agreed that the Ilfracombe Harbour Master would act as Maritime Advisor to Lynton and Lynmouth Town Council and that health and safety audits would be carried out in a similar manner to those currently performed at Ilfracombe. If the Board were in agreement it was planned to amalgamate the two Harbours, (Ilfracombe and Lynmouth) into one Board. If the two Harbours were amalgamated Lynmouth boat users who visited Ilfracombe Harbour would no longer pay fees, similarly Ilfracombe boat users visiting Lynmouth would not pay fees.

The Harbour Master advised the Board that she had qualified as a Port Facility Security Officer (PFSO) the status of which maybe dependant on the Harbour installing a CCTV system. There may be a 24 month grace period beyond which if the CCTV system had not been installed status would be lost. One quote for a new CCTV system had been received with two more being sought. The Port Facility Security Plan (PFSP) was going through the approval stage with the Department for Transport at present and all conditions would be forwarded to the Board once received.

The Designated Person had confirmed that the Marine Safety Management System was working effectively thus ensuring compliance with the Port Marine Safety Code.

RECOMMENDED that;

- (a) The powers and duties of the Ilfracombe Board in the North Devon Council's constitution be amended to reflect the amalgamation of the two harbours, Ilfracombe and Lynmouth, and renamed the Harbour Board,
- (b) The membership of the board to comprise four North Devon District elected members, three representing Ilfracombe and one representing Lynton and Lynmouth and four independently elected members, and;
- (c) The quarterly Health and Safety audit for Lynmouth commence from May 2019.

RESOLVED:

(d) That the quarterly designated person audit report be noted.

39 ILFRACOMBE HARBOUR CHARGES REVIEW

The Board were updated on the outcome of the consultation undertaken as reported by the Harbour Master (circulated previously) regarding a review of the charges for the Ilfracombe Harbour.

The Independent member of the Board, Mr Knill, who had declared a Personal Interest as a boat owner and was, therefore, a fee payer abstained from the vote.

RECOMMENDED that the Ilfracombe Harbour charges be increased by 2.7% for 2019-20.

40 ILFRACOMBE HARBOUR PERSONNEL WATERCRAFT (PW) POLICY

The Board considered the Ilfracombe Harbour Personnel Watercraft (PW) Policy (circulated previously).

The Harbour Master explained that with the increased numbers of the use of jet skis (also known as personnel watercraft) there was the need for a policy setting out the equipment needed to ensure safety on the water.

The Board discussed the geographical area covered by the Harbour Master's jurisdiction and whether this should be extended to encompass Hele Bay the advantage of this would be to give the Harbour Master the ability to pursue misdemeanours legally.

RESOLVED that the Harbour Master would investigate the possibility of adding Hele Bay to Ilfracombe Harbour under the existing Bye-Law.

The Harbour Master advised that a Memorandum of Understanding (MoU) had been drafted and if adopted the Personnel Policy could enable other Harbours to sign up to the MoU.

RESOLVED that the Ilfracombe Harbour Personnel Watercraft (PW) Policy be adopted.

41 ILFRACOMBE HARBOUR ADVERTISING POLICY

The Board considered the Ilfracombe Harbour Advertising Policy, (circulated previously).

The Harbour Master advised the Board this policy was a resurgence of an existing policy from 1996. The revised policy didn't include leafletting and was for the creating of advertising boards to a uniform size and appearance.

The permissible area where such activity could be carried out was defined to North Devon Council land.

RESOLVED that the Ilfracombe Harbour Advertising Policy be adopted.

42 PORT MARINE SAFETY CODE

The Harbour Master provided an update to the Board on the Port Marine Safety Code which included the following:

- The waste management plan was due to expire on 3rd June 2019 and this policy was verified by the Maritime and Coastguard Agency (MCA), the Harbour Master would email all Members the revised plan.
- The Safety Management System (SMS) policy was due for review prior to May 4th 2019 and the Harbour Master would email all members the revised plan.
- Also due to expire in June 2019 was the Emergency plan as this was not externally reviewed this could be considered at the June Harbour Board meeting.
- The Harbour Master was changing the Passenger Licence slightly by introducing a check ride as part of the process before a licence was issued.
- The Harbour Revision Order was still awaiting consideration in parliament and unlikely to be looked at until after 25th April 2019 subsequently this was causing a delay on works beginning on the water sports centre. The Harbour Master advised that a request for an extension to the deadline on the spending of the grant awarded should be put forward to the Coastal Communities Fund.
- The Harbour Master was seeking expert advice on options to implement safe navigation methods for the increased number of non- propulsion traffic that would arise due to the water sports centre.

43 HARBOUR MASTER UPDATE

The Harbour Master provided an update to the Board as follows:

- The Harbour Master was seeking approval from the Board for the release of funds to commission a local artist to draw images of the Harbour without the kiosks on site. The safety of visitors accessing the Harbour was the message behind removing the kiosks and this would be demonstrated by an artist's illustration.
- The waiting room renovation was progressing with doors on order and a muralist enlisted to draw on the walls. Old photos of the Harbour were to be displayed on the walls along with a map.

RESOLVED that the Harbour Master use funds from the Harbour Board's budget of £1500 to commission a local artist.

- Structural damage had been sustained on the first landing of the pier. It was determined that the whole structure would need to be replaced as the damage

has occurred not as a result of wear and tear but a defect in the works that had been carried out.

- The Harbour Master was pleased to advise that Ilfracombe was to be the first Harbour in the country to pioneer the use of a Waste Shark. It was being sponsored by the World Wildlife Fund (WWF) and Sky. Sky would be covering the launch taking place on Monday 25th February 2019. The Waste Shark was designed to clear unwanted debris, such as plastics, oils and pollutants from the water.
- In conjunction with the launch of the Waste Shark another new initiative had been signed up to which would collect and repurpose the waste collected thus avoiding it being sent to landfill.
- The Harbour Master informed the board that the proposed Public Spaces Protection Order (PSPO) to restrict the leafletting and anti-social behaviour on the Harbour and adjacent areas was in its public consultation period and due to go before the council on the March 2019 agenda.

44 HARBOUR FORUM UPDATE

The Board considered the notes of the Ilfracombe Harbour Community Forum held on 22nd January 2019 (circulated previously and tabled).

The Harbour Forum representative advised that a renewed direction for the Forum was being looked at.

The Harbour Master advised that she had been informed that an outstanding placement of a bin at Quay Field Path was due next week.

In response to a question about the situation of bins the Chairman said that there was a sponsored bin scheme run by North Devon Council and this would be a good opportunity to look to update the recycling bins around the Harbour.

The Chairman gave thanks to the current Harbour Master and the recently retired Harbour Master for all their hard work he went on to thank all Members for their input to the Board over the last four years.

Chairman

The meeting ended at 3.40 p.m.

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

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REPORT TO: HARBOUR BOARD

Date: 4th June 2019

**TOPIC: APPOINTMENT OF INDEPENDENT REPRESENTATIVES
TO THE HARBOUR BOARD**

REPORT BY: HARBOUR MASTER

1 INTRODUCTION

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

2 RECOMMENDATIONS

- 2.1 To note the recruitment process to be undertaken to fill the positions for two Independent representatives on the Board as detailed in paragraph 4.3 of the report.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To recommend the recruitment process to be undertaken to fill the positions for Independent representatives on the Board.

4 REPORT

- 4.1 An Independent representative vacancy arose on the Harbour Board due to Captain Joint giving his resignation for the position of Independent Member of the Harbour Board on 13th February 2019. A competitive appointments process will need to be carried out to fill this vacancy.

- 4.2 Mr Kiff's third term of office is due to expire on 24th November 2019. In accordance with Part 3 of the North Devon Council constitution appointments may be renewed at the discretion of the Council for a maximum of two four year terms after which any further service on the Board can only be achieved following a competitive appointments process.

- 4.3 Therefore, it is suggested that the competitive appointments process to fill both positions be undertaken as follows:

- 4.3.1 That the vacant positions be advertised in the local press and on the North Devon Council's website.

4.3.2 That suitable candidates be invited for interview and that the Interview Panel consist of Councillor Fowler (Chairman) and the Harbour Master.

4.3.3 That at the Board meeting in August 2019 consideration be given to the recommendation for appointment to fill the vacant positions on the Board.

4.3.4 That the recommendation of the Harbour Board be considered by full Council on 25th September 2019.

5 RESOURCE IMPLICATIONS

5.1 Costs for advertisement will be met from existing budgets.

6 CONSTITUTIONAL CONTEXT

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

7 STATEMENT OF CONFIDENTIALITY

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

8 BACKGROUND PAPERS

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

- Report to the Ilfracombe Harbour Board on 8th May 2018.

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

9 STATEMENT OF INTERNAL ADVICE

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

Author: Harbour Master, Captain G Carlo-Paat

Date: 21st May 2019

Ilfracombe Harbour Board Meeting: 4th June 2019

Quarterly Designated Person Audit Report - Ilfracombe & Lynmouth Harbours

Ilfracombe- Captain Georgina Carlo-Paat (Harbour Master), and Pamela Charles (H&S Adviser) Wednesday 15th May 2019

Lynmouth- Kevin Harris, (Town Clerk), Chris Sleep (Mayor) and Pamela Charles Thursday 16th May 2019

1. PURPOSE OF REPORT

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

2. ACTIONS COMPLETED FROM PREVIOUS INSPECTIONS- ILFRACOMBE

- 2.1 The metal gratings, gates and hand rails replacement programme is progressing. Gratings on Stone Bench have been replaced and the hand rail on the First Landing have been replaced. The next hand rail to be replaced will be the one on Old Quay Head inner steps.
- 2.2 The first laser scan of the Harbour has been completed for the South Quay, report sent to Engineers for assessment. Further scans of the Car Park area, Stone Bench, East Face and Harbour floor to follow.
- 2.3 NavMoor were commissioned to carry out an inspection of the Aids for Navigation and will be producing a report with a five year plan for the maintenance of the light.
- 2.4 The lintel over the end of the Lundy Office building has been replaced.
- 2.5 New security doors have been fitted to the waiting room. (Requirement of International Ship and Port Facility Security (ISPS) Code)
- 2.6 Inspection for ISPS took place on 16th May by a representative of the Secretary of State for Transport. ISPS status regained to enable cruise ships to call.
- 2.7 Three new kiosks have been installed on the quay side
- 2.8 The damaged landing platform on First Landing has been structurally repaired and made good.
- 2.9 A Waste Management Plan has been completed. Results of a survey carried out by the Harbour Master indicated that better facilities were required for Old

Quay Head, Fishing and Commercial areas of the Harbour. The Trade Waste bin currently by the Harbour Master's Office will be relocated to outside the Fisherman's Store Huts and the fishermen will be responsible for taking it to the end of the path for weekly collection by North Devon Council. Two wheelie bins will be placed outside the Harbour Master's Office which will be collected daily. The Harbour Master is seeking to provide some recycling facilities at three locations on the Harbour.

- 2.10 New secure fencing has been installed on the Cove car park, to the right of the toilet block.

3. RISK MANAGEMENT- ILFRACOMBE

- 3.1 An audit of the Ilfracombe Harbour Authority Marine Emergency Plan by the Health & Safety Advisor found no deficiencies.
- 3.2 Improvements to CCTV have been approved. A report will be presented to Full Council in July 2019
- 3.3 ABPmer have been commissioned to carry out a Safety of Navigation Risk Survey of the Harbour, primarily in relation to the new Water sports Centre. This will identify the risks, how these risks can be mitigated and the cost to North Devon Council of doing so.
- 3.4 The inner steps on Old Quay Head will be fitted with a new hand rail, black with yellow fixings and the middle step (which has a steeper riser than the other steps) will be highlighted with a non-slip composite material cover in yellow.
- 3.5 Replacement of the worst of the dock ladders will be carried out with a composite material ladder. The fixing at the 2m depth will be highlighted yellow, along with the top step, for health and safety reasons.
- 3.6 The Harbour Master is investigating the restructuring of the barriers around the First Landing steps. One of the new kiosks now provides a permanent barrier, so the existing barrier could be removed from behind the kiosk and a new barrier fitted to protect against the dropped edge of the path beyond the kiosk.
- 3.7 Although the walkway and road have been re tarmacked in part on the working side of the harbour, the pedestrian walkway has not been re marked with paint/coloured tarmac so the pedestrian path is not clear for users to see. Marking of this will be delayed until the work on the Water sports Centre has been completed.
- 3.8 The Oil waste tank in the compound will be fenced within the compound and a new access gate be provided which will be accessed using the same key as used for the fuel tank. This will mean harbour users do not need access to the main compound to gain access to the tank and they will only need to carry one key.
- 3.9 The roof to the fuel tank is awaiting painting.

Agenda Item 7

- 3.10 There has been some recent fender damage to fenders on the Cove. Temporary measures will be taken until such time as a more permanent solution can be carried out.
- 3.11 One of the sliding doors to the fishermen's huts on Old Quay Head is still in need of repair as possible health and safety risk, responsibility of the lessee. Property and Technical to follow up.
- 3.12 Plan to install new electrical conduits on Old Quay Head. This will require English Heritage Approval. No further progress.
- 3.13 A risk assessment for animals washing up in the harbour needs to be written.

4. ACTIONS COMPLETED FROM PREVIOUS INSPECTIONS- LYNMOUTH

- 4.1 Metal mooring points along the harbour side slip way had been painted white.
- 4.2 Footholds had been made in the roadside of the harbour wall in line with the ladders and holes had been drilled into the top of the wall in readiness for the new ladder extension rails that are being manufactured. Instructions on the use of these new ladder hand holds will be included in the Harbour Users Code of Conduct, placed on the Harbour website and on the Harbour User Groups Noticeboard.
- 4.3 The Rhenish Tower walkway surface had been repaired and made good.
- 4.4 NavMoor were commissioned to carry out an assessment of the Aids for Navigation (AIN) and will be producing a report. This report will not be recommending that a further AIN light, be installed inland of the harbour.

5. RISK MANAGEMENT – LYNMOUTH

- 5.1 The Harbour Risk Assessment had been approved by the Lynton & Lynmouth Town Council on 15th May. Amendment required to wording in the Method Statement to reflect Ken Miles as new Designated Person and Ilfracombe Harbour Master as Marine Advisor.
- 5.2 To minimise the risks to persons using the harbour side slip way, signage will be placed at the top and bottom of the slip way advising that this is a working harbour and access is restricted to harbour users.
- 5.3 A hand rail will be fitted to the wall on the left hand side of the slip way.
- 5.4 The worn white line will be repainted at the top of the slipway.
- 5.5 The worn white paintwork at the edge of the steps up to the slipway will be repainted.
- 5.6 Signage will be placed at the flood wall end of the Harbour Arm advising that the Arm is for emergency use only.

Agenda Item 7

- 5.7 Work had been started to insert a gate in the flood wall for use by boat users and Emergency Services, however this work had halted due to involvement of The Environment Agency. Site meeting to be arranged to discuss type of gate suitable.
- 5.8 The surface of the Causeway was worn and likely to be slippery. The Causeway has to be maintained in order to comply with the deeds. The causeway is used by boatmen and passengers boarding boats at half tide and therefore the surface needs to be maintained for health and safety reasons.
- 5.9 Worn steps will require repair. Composite material being used at Ilfracombe Harbour (para 3.4) will be used if found to be successful.

6. CONCLUSIONS

- 6.1 Health and Safety at Ilfracombe Harbour is being proactively managed by the Harbour Master.
- 6.2 The Harbour Master has been offering assistance to the Town Clerk at Lynmouth Harbour and health and safety is being proactively managed at Lynmouth Harbour.
- 6.3 There are some on-going works at both harbours but these are progressing well.

Pamela Charles
H&S Adviser
May 2019

ILFRACOMBE HARBOUR MARINE SAFETY MANAGEMENT SYSTEM

(MSMS)

Version 2
May 2019

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DOCUMENT CONTROL

This is a controlled document which is subject to periodic review and amendment. Major changes will be issued as a new version with all minor amendments to that version annotated by a decimal point e.g. V2 will become V2.1, V2.2 etc.

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

Email: harbourmaster@northdevon.gov.uk
 Phone: 01271 862108
 Post: Harbour Masters Office, The Quay, The Pier, Ilfracombe EX34 9EQ

HARBOUR BOARD MEMBERS [IN ALPHABETICAL ORDER BY SURNAME]

Councillor J Campbell
 Mr M Cleary
 Councillor G Fowler (Chair)
 Mr A Kift
 Mr C Knill
 Councillor D Turton
 Councillor M Wilkinson (Vice Chair)

OFFICERS

| | |
|----------------------|-----------------------|
| Captain G Carlo-Paat | Harbour Master |
| Mr E Simpson | Deputy Harbour Master |

DESIGNATED PERSON

| | |
|--------------|--|
| Mr Ken Miles | Chief Executive North Devon District Council |
|--------------|--|

ILFRACOMBE HARBOUR COMMUNITY FORUM

Members to include representatives from the following stakeholder groups

| | | |
|----------------------------|---|-----------------------------------|
| Commercial Fishing boats | RNLI | Licensees/Restauranteurs |
| Passenger Boats | Ilfracombe Yacht Club | Environmental Management |
| Angling Charter Boats | Ilfracombe Anglers Association | North Devon Aqua Club |
| Dive Charter Boats | Ilfracombe Town Council | Residents including Lantern Court |
| Crab/Lobster Boats | Ilfracombe & District Tourist Association | Ilfracombe Pilot Gig Club |
| Private Independent Owners | Y Sail | Harbour Development Group |
| Harbour Association | | |

1. INTRODUCTION

North Devon District Council is the Statutory Harbour Authority for Ilfracombe Harbour and is charged with the managing, maintaining and improvement of Ilfracombe Harbour within its duly nominated limits. This carries a number of duties which include but are not limited to;

- I. A duty to keep the Harbour open for shipping & unshipping of goods, the embarking & landing of passengers (on payment of dues) also known as ‘Open Port Duty’.

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

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

[Part VIII Merchant shipping Act 1995 - <http://www.legislation.gov.uk/ukpga/1995/21/part/VIII>]

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

[Environmental Protection Act 1990 - <https://www.legislation.gov.uk/ukpga/1990/43/contents>]

- IV. A general duty for the safe and efficient running of port marine operations. Having regard to the efficiency, economy and safety of operation of the services and facilities provided as well as ensuring that appropriate resources are made available for discharging their marine safety obligations.

[PMSC - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/564723/port-marine-safety-code.pdf]

1.1 PORT MARINE SAFETY CODE REQUIREMENTS

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

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

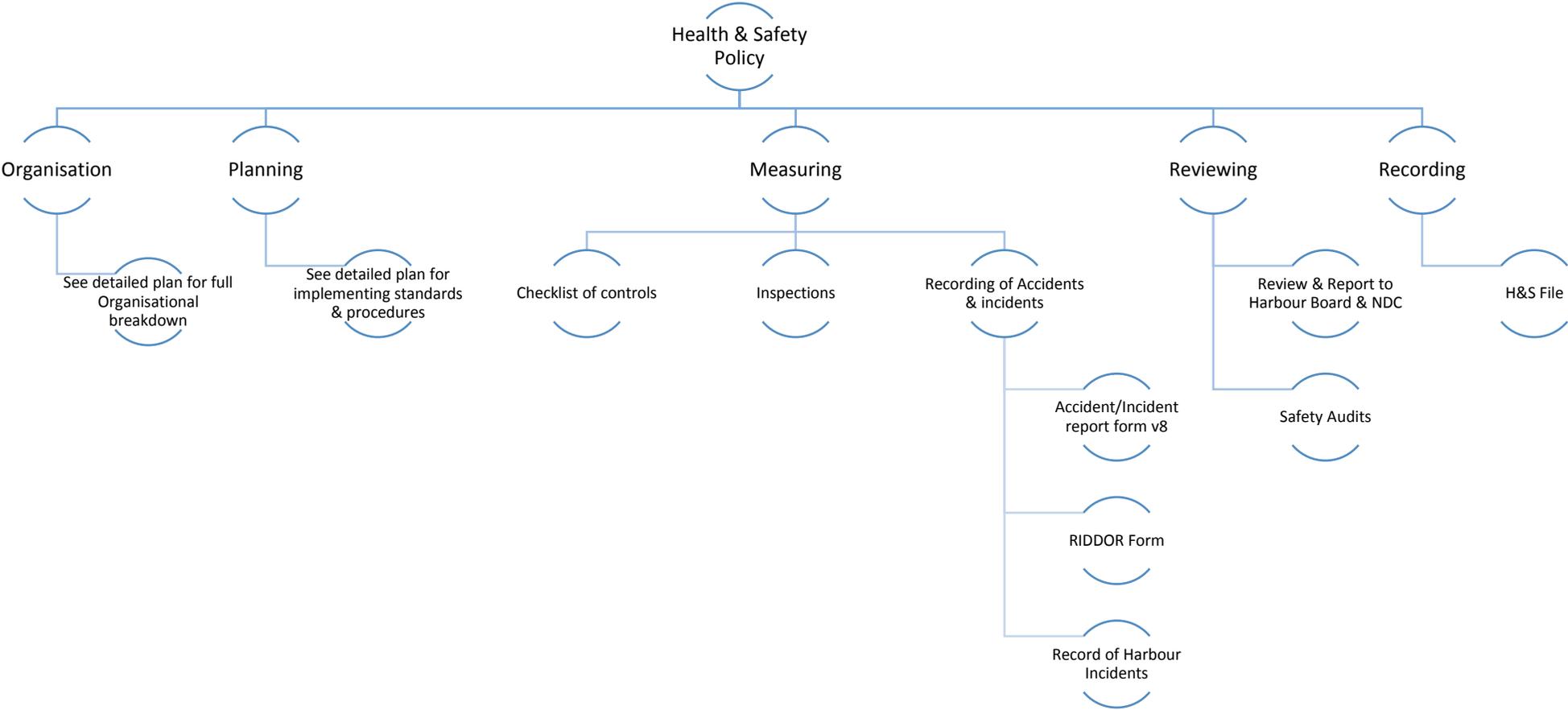
1.2 SCOPE OF THE MSMS

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

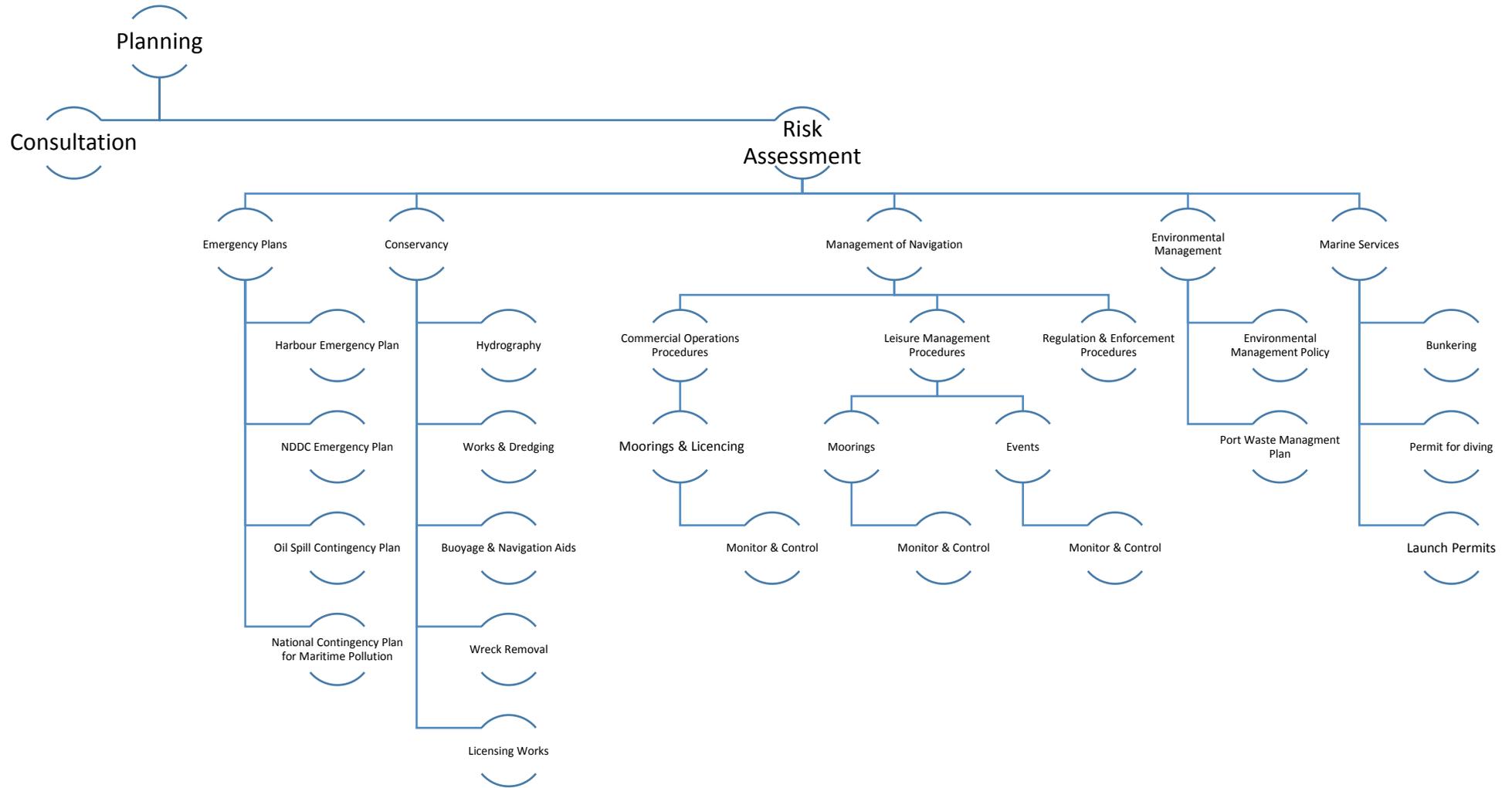
1.3 SYSTEM COMPONENTS

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

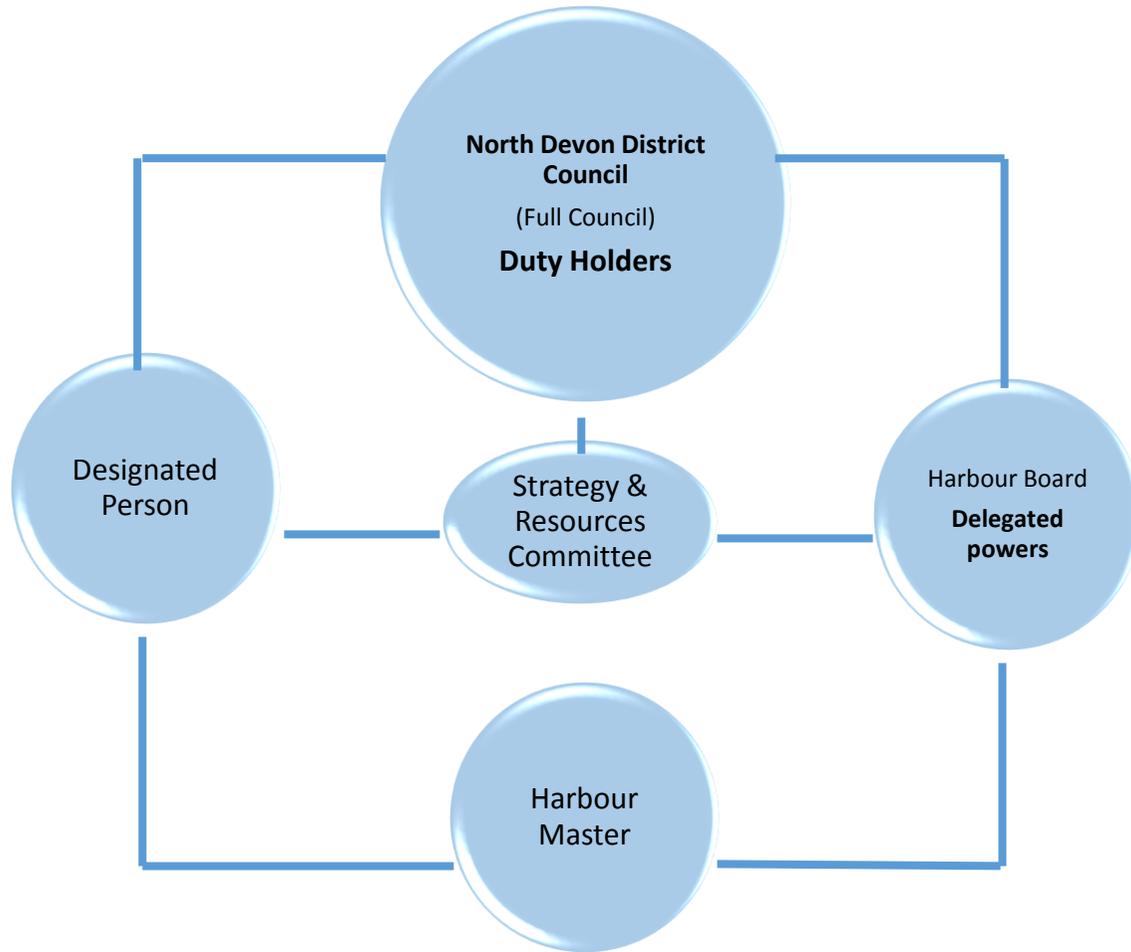
1.3.1 ILFRACOMBE HARBOUR MARINE SAFETY MANAGEMENT SYSTEM COMPONENTS



1.3.2 ILFRACOMBE HARBOUR PLANNING



1.3.3 ILFRACOMBE HARBOUR ORGANISATIONAL BREAKDOWN



2. POLICY

2.1 STATEMENTS OF COMMITMENT

2.1.1 NORTH DEVON DISTRICT COUNCIL: ILFRACOMBE HARBOUR AUTHORITY

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

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

2.1.2 ILFRACOMBE HARBOUR BOARD

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

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

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

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

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

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

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

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

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

2.2 SAFETY POLICY FOR MARINE OPERATIONS

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

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

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

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

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

The Harbour Authority & Harbour Board are committed to:

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

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

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

2.3 POLICY REVIEWS

A table of Policy reviews can be found contained within the designated PMSC folder.

3. ORGANISATION AND RESPONSIBILITIES

3.1 RESOURCES, ROLES, RESPONSIBILITY AND AUTHORITY

3.1.1 ILFRACOMBE HARBOUR AUTHORITY

North Devon District Council is the Harbour Authority by virtue of the Ilfracombe Harbour Improvement Act 1905 and the Local Authorities (England) (Property etc.) Order 1973 and subsequent amendments thereto.

Management of the Harbour is governed by the Act of 1905; the surviving provisions of the Harbours Docks and Piers Clauses Act 1870 and the Harbours Act 1964.

Activities in and around the Harbour and the enforcement authority of the Harbour Master are controlled and authorised by the surviving provisions of the Harbours Docks and Piers Clauses Act and The Ilfracombe Harbour Bye-Laws 1992 made under the order of that Act.

- I. Harbours, Docks and Piers Clauses Act 1870
- II. Ilfracombe Harbour Improvement Act 1905
- III. Harbours Act 1964
- IV. Local Government Act 2010
- V. Local Authorities (England)(Property etc.) Order 1973
- VI. Police and Criminal Evidence Act 1984
- VII. Ilfracombe Harbour Byelaws 1992
- VIII. Health and Safety (Display Screens Equipment) Regulations 1992
- IX. Manual Handling Operations Regulations (as amended)1992
- X. Workplace (Health, Safety and Welfare) Regulations 1992
- XI. Personal Protective Equipment at Work Regulations 2002 & 1992(as amended)
- XII. Ilfracombe Harbour Swimming Byelaw 1994
- XIII. Merchant Shipping Act 1995 (as amended)
- XIV. Ilfracombe Harbour Revision Order 2019
- XV. Provision and use of Work Equipment Regulations 1998
- XVI. MCA Oil Spill Regulations (OPRC) 1998 (as amended)
- XVII. Management of Health and Safety at Work Regulations 1999
- XVIII. Oil Storage Regulations for Businesses 2015 (as amended)
- XIX. Control of Substances Hazardous to Health Regulations 2002
- XX. The Control of Noise at Work Regulations 2005
- XXI. Fire Safety Order 2005
- XXII. MCA Marine Casualty and Marine Incident reporting MGN 564
- XXIII. The Port Marine Safety Code 2016
- XXIV. A Guide to Good Practice on Port Marine Operations 2018
- XXV. Merchant Shipping and Fishing Vessels Regulations 1997
- XXVI. Marine Guidance Note 533(M)
- XXVII. Dangerous Goods in Harbour Areas Regulations 2016

3.1.2 THE DUTY HOLDER

The nominated Duty Holder as defined in the PMSC is the full council of North Devon District Council who have delegated certain responsibilities to the Ilfracombe Harbour Board as stated in 3.1.2.

The Duty Holder is collectively and individually accountable for complying with the Code.

The role of duty holder includes:

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

The Duty Holder is to be familiar with the content of the PMSC, and aware of its responsibilities in responding to it.

All members of Harbour Board are required to sign to the effect that they understand their responsibilities under the PMSC, against which they are held to account during Harbour Board meetings.

3.1.3 ILFRACOMBE HARBOUR BOARD

The Harbour Board has delegated authority from the Full Council of NDDC to perform the following role & functions:

- To exercise the functions of the Harbour in accordance with all relevant legislation, regulations, Harbour Orders and bye-laws.
- To discharge the functions of the Harbour within the overall policies set by Council and within the financial estimates set by Council.
- To prepare a Port Safety Plan for consideration of Council and thereafter keep the same under review and from time to time as necessary make recommendations to Council for its amendment.

- To prepare annual estimates for the management of the Harbour for consideration and approval by Council.
- To properly discharge the duties and powers of a Statutory Harbour Authority relating to marine safety and to facilitate the safe use of the Harbour by vessels including the direction of shipping and the regulation of safety in the Harbour, the maintenance of aids to navigation and the safe use of all harbour lands, and the prevention of pollution and nature conservation.
- To prepare a long-term development plan for the Harbour including feasibility, costings and funding availability for consideration and approval by Council.
- To have due regard to the needs and changing needs of the marine sector and other users and stakeholders.
- To establish and maintain an Ilfracombe Harbour Consultative Group to establish strong links with users, stakeholders and the community.
- To have due regard to the interests of the local community in the running of the harbour and in particular recognising the contribution the harbour makes to the economic wellbeing of the District.

3.1.4 THE DESIGNATED PERSON

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

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

These measures will include:

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

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

The NDC Full Council as Duty Holder has appointed Mr Ken Miles the Chief Executive of North Devon Council as their Designated Person

3.1.5 HARBOUR MASTER

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

The Harbour Master is responsible for:

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

3.1.6 DEPUTY HARBOUR MASTER [DHM]

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

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

3.1.7 CONSULTATIVE FORUM

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

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

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

3.1.8 HARBOUR USERS

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

3.2 TRAINING, AWARENESS AND COMPETENCE

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

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

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

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

3.2.1 ILFRACOMBE HARBOUR STAFF TRAINING MATRIX

| Course | Harbour Master | Deputy Harbour Master |
|--|-----------------------|------------------------------|
| <i>Oil Spill Clearance – On Scene Commander (IMO Level 2) MCA 4P</i> | ✓ | ✓ |
| <i>Port Facility Security Officer</i> | ✓ | N/A |
| <i>First Aid at Work</i> | ✓ | ✓ |
| <i>Fork Lift Operator</i> | ✓ | ✓ |

4. LEGISLATION

4.1 REGISTER OF LEGISLATION AND REGULATIONS

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

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

4.2 LEGISLATION COMPLIANCE EVALUATION

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

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

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

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

4.3 REVIEW OF POWERS

Existing powers should be reviewed on a periodic basis to avoid a failure in discharging the Harbour Authority's duties or exceeding its powers. These will be formally reviewed to ensure that they are fit for purpose normally during the November Board meeting. Such a review should include an examination of the Legal Register to identify all appropriate legislation and regulations, and an audit of all in-force Harbour Byelaws, Harbour Directions and Special Directions. Where additions, amendments or deletions are required the appropriate procedure, set out in the appropriate legislative act, is to be followed.

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

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

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

4.4 ENFORCEMENT OF COMPLIANCE

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

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

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

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

4.5 PROSECUTION POLICY

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

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

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

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

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

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

Port Marine Operations are technical matters best understood by experienced mariners. Therefore, whilst ensuring appropriate involvement of the wider community, the Harbour Authority must safeguard its position, as the body responsible for safety management, through the appointment of experienced personnel to Operational Management of the Harbour.

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

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

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

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

6. RISK ASSESSMENT

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

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

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

6.1 PROCEDURE

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

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

Formal risk assessment involves 5 stages:

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

6.1.1 DEFINITIONS OF HAZARD AND RISK

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

6.1.2 STAGE 1. PROBLEM IDENTIFICATION [INFORMATION GATHERING]

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

- The adequacy and completeness of any established incident database or similar records.
- Current management procedures, navigation management (including hydrography / conservancy, marine operations, etc.).
- Consider seeking advice from and sharing best practice with other ports. The exchange of risk information is encouraged to promote good practice and inclusivity.
- Review MAIB reports and other investigative reports which make recommendations about incidents which have taken place in a harbour.

- Those port users affected by a particular risk should be informed and involved.
- Auditing of selected marine/navigational safety procedures.
- Utilisation of a structured questionnaire to provide feedback on the value placed by staff and users on the various management systems in place.

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

6.1.3 STAGE 2. HAZARD IDENTIFICATION

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

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

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

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

6.1.4 STAGE 3. RISK ANALYSIS

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

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

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

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

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

6.1.5 STAGE 4. ASSESSMENT OF EXISTING MEASURES

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

6.1.6 STAGE 5. RISK CONTROL

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

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

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

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

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

6.1.7. USE OF CONSULTANTS AND EXTERNAL ADVICE

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

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

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

6.2 ALARP DEFINED

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

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

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

6.3 ILFRACOMBE HARBOUR RISK ASSESSMENTS

In line with Council policy and section 6.1, Ilfracombe Harbour's risk assessments are either reviewed as new risks emerge or identified; or following an incident in which our assessments have proven to be sub-optimal, or annually, whichever is the most frequent. The Harbour employs the HAZMAN risk assessment software which is an assessment application that caters to the specific hazard management needs of the Harbour Authority, the software aids in Hazard Identification, Risk Scoring, Risk Controls, Risk Mitigation & Risk reduction, Auditing, Exporting Reports and contains an incident database. The HAZMAN software is based on the ALARP principle and utilises the industry's best practice 5 x 5 matrix system.

HAZMAN is a fully auditable system and an audit report can be produced for each individual risk if required.

6.4 THIRD PARTY [EXTERNAL] RISK ASSESSMENTS

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

6.5 RISK ASSESSMENT REVIEWS

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

6.5.1 PROACTIVE

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

6.5.2 REACTIVE

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

7. IMPLEMENTATION AND OPERATION

7.1 PROCEDURE

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

In particular all staff should:

- Ensure that they comply with safety procedures and that pollution or air, land and water does not occur as a result of their work;
- Consider the sustainability of the way in which services are delivered.

7.2 STANDARD OPERATING PROCEDURES

Harbour Operations that require supporting procedures to enable their effective implementation fall under 4 distinct headings;

- I. Regulating the safe arrival, departure and movement of all vessels.
- II. Protection of the general public from dangers arising from marine activities.
- III. Conduct of all functions with special regard to their possible environmental impact.
- IV. Prevention of acts or omissions that may cause personal injury to employees or others.

Further in depth guidance on operational procedures are contained within the Harbour Operating manual.

7.3 HARBOUR MARINE POLICIES AND PROCEDURES

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

In addition to these the authority has the following duties:

7.3.1 CONSERVANCY: BUOYS, AIDS TO NAVIGATION AND SURVEYS

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

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

7.3.1.1 HYDROGRAPHIC SURVEYS AND INFORMATION

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

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

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

7.3.1.2 BUOYAGE

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

7.3.1.3 PROVISION OF AIDS TO NAVIGATION [ATONS]

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

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

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

Ilfracombe Harbour Aids to Navigation are:

| PANAR Category | Location | Designation |
|----------------|--------------------------|-----------------------------|
| CAT 2 | Lantern Hill | Harbour approach Lighthouse |
| CAT 2 | Larkstone Leading Lights | Leading Lights for Channel |
| CAT 3 | Pier North | Approach Limit Lights |
| CAT 3 | Pier South | Approach Limit Lights |
| CAT 3 | Old Quay Head | Approach Limit Lights |

7.4 DREDGING

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

7.5 PROVISION AND CONTROL OF MOORINGS

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

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

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

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

7.6 NOT ALWAYS AFLOAT BUT SAFELY AGROUND [NAABSA] BERTHS

Ship Berths in the Outer Harbour can sometimes dry at low water and ships berthed there often sit on the bottom. The Harbour Authority have a responsibility for ensuring that these berths are safe to use and vessels must have considered the fact that they will dry out in their berthing risk assessment.

7.7 MAINTENANCE OF PROPERTY AND HARBOUR INFRASTRUCTURE

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

7.8 ENVIRONMENTAL AND WASTER MANAGEMENT

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

7.9 WRECK MARKING/REMOVAL

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

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

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

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

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

7.10 COMMUNICATIONS

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

8. MANAGEMENT OF NAVIGATION

8.1 SETTING OF BYELAWS, LICENCES AND REVISION ORDERS

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

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

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

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

8.2 DIRECTIONS AND NOTICES TO MARINERS

The Harbour Master and their Deputy have the necessary powers of direction to regulate the time and manner of a vessel's entry to, departure from and movement within the Harbour Authority water space.

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

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

8.3 SECURITY

Ilfracombe Harbour is compliant with the International Ship and Port Facility Security (ISPS) Code to accommodate visiting cruise and other vessels greater than 500 GRT engaged in international voyages. A comprehensive Port Facility Security Plan (PFSP) has been developed and multi-agency exercises are held or attended at least annually as required by the Code.

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

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

8.4 MARINE EMERGENCY PLAN

The plan covers all aspects of Harbour Emergency procedures and liaison with the rescue and emergency services. On receipt of information relating to an incident the Harbour Master will activate a response in accordance with the plan.

8.5 OIL SPILL CONTINGENCY PLAN [OSCP]

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

9. INCIDENT REPORTING

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

Extract from MGN 564 (M+F)

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

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

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

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

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

The duty to notify does not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. PERFORMANCE MONITORING

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

10.1 MEASURING PERFORMANCE

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

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

10.1.1 PERFORMANCE INDICATORS [PI]

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

These should be reviewed and adapted on a regular basis.

10.1.2 ACTIVE SYSTEMS

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

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

10.1.3 REACTIVE SYSTEMS

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

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

Newly identified risks will be formally adopted and assessed in the Harbour Safety Management software HAZMAN. Any actions to mitigate the risk and Incident Reports raised will become part of the e-record.

10.1.4 EXTERNAL ASSESSMENT

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

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

10.1.5 AIDE MEMOIR CHECKLIST

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

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

10.2 OBJECTIVES

The Harbour Board sets its objectives within the annual business plan which is then formally reported to the Authority. These objectives are reviewed and updated on a quarterly basis or sooner if required.

11. CORRECTIVE ACTION

11.1 COMPLIANCE EVALUATION

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

11.2 NON-COMFORMITY, PREVENTATIVE AND CORRECTIVE ACTION

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

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

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

12.1 AUDIT PROGRAMME

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

The Board will monitor & review the efficacy of the SMS on a quarterly basis so that lessons are identified from relevant experience and are effectively applied.

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

The audit of the SMS is based on a quarterly cycle and is conducted by the Designated Person with additional staff as required. Performance of the system will be assessed against internal performance indicators and, where appropriate, by benchmarking against other ports that have adopted good practice.

The audit programmes will be undertaken as follows:

- Quarterly internal by the Harbour Master.
- Quarterly external by Designated Person & Service Lead for health & Safety as a part of the Harbour Inspection.
- Tri-annually the Duty Holder will report the harbour's compliance against the PMSC to the MCA.
- Quadrennial by an External Consultant depending on performance. An interim external consultant audit can be carried out more frequently in response to specific incidents or the results of internal audit.

The method used to collect the required information for the audit and review would be interview, consultation and SMS records. A synopsis of the audit results will be published in the Harbour Board meeting minutes.

12.2 AUDIT REVIEW PROGRAMME

The quarterly audit by the Service Lead for Health & Safety ensures that any observations and /or Non-conformities from the previous audit are being addressed. The results of the audit process will be reviewed to assess if the procedures and systems in place are offering an effective means of managing marine safety within the Harbour and that the Harbour Safety Policy is being implemented effectively. The results are formally reported to the Harbour Board quarterly.

The quarterly external inspection by the Designated Person. The results of which are also reported formally to the Harbour Board, provide reassurance to the board and Duty Holder that a comprehensive and effective SMS is in place and being followed sufficient to meet our obligations under the Port Marine Safety Code.

The Harbour Board will include a statement on the results of this review process within their quarterly report to the Duty Holders.

| Date | Review(R) Audit (A) | Description | Reviewer /Auditor |
|------|------------------------|-------------|-------------------|
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ILFRACOMBE HARBOUR AUTHORITY

WASTE MANAGEMENT PLAN

May 2019

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Extract from MGN 563 (M+F)

“Since January 1998 UK legislation has required ports, harbours and some terminals to draw up waste management plans for Maritime and Coastguard Agency (MCA) approval. The UK requirements for Port Waste Management have since been updated with the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 (SI: 2003/1809), as amended, henceforth referred to as “the Regulations” These transpose the EU Directive 2000/59/EC, as amended, of the European Parliament and Council on port reception facilities for ship generated waste and cargo residues.

MARPOL simply requires States to ensure that the provision of waste reception facilities are “Adequate” and do not cause “undue delay” to the ships using them. The Regulations give a definition of what adequate means. Regulation 4 states:

‘adequate’ means capable of receiving the types and quantities of prescribed wastes from ships normally using that harbour or terminal taking into account the operational needs of the users of the harbour or terminal, its size and geographical location, the types of ships calling there and any exemptions provided for”

The Regulations apply to all prescribed wastes which are: cargo residues, noxious liquid substances and ship generated waste. Ship generated waste is defined in the regulations as wastes and residues generated during the service of the ship which fall into the definition of garbage, sewage, oil and oily mixtures.”

To this end the waste management plan for Ilfracombe Harbour has been developed taking into account all, but not limited to, the sources of reference detailed below.

REFERENCES

- I. The International Convention on the Prevention of Pollution from Ships (MARPOL 73/78) as amended.
- II. Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003. SI 2003 No. 1809.
- III. Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities)(Amendment) Regulations 2009. SI 2009 No. 1176.
- IV. Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities)(Amendment) Regulations 2016 SI 2016No. 1211
- V. Merchant Shipping (Prevention of pollution by sewage and garbage from ships) Regulations 2008. SI 2008 No. 3257.
- VI. Guidance on the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 and amendments – Marine Guidance Notices (MGN 563 (M+F)).
- VII. Sea Fish Responsible Fishing – Good practice Guides for Fishing Vessels.
- VIII. Environmental Protection Act 1990.
- IX. The Controlled Waste Regulations (England and Wales) 2012. SI 2012 No. 811
- X. Ilfracombe Harbour Byelaws 1992.

GEOGRAPHICAL LOCATION

51.21 N 004.11 W

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

Ilfracombe Harbour is a naturally formed harbour that provides good shelter from the majority of weather systems experienced in the UK, with the exception from those winds and swell patterns originating out of the North East.

RESPONSIBILITY FOR IMPLEMENTATION OF THE PLAN

Responsibility for implementation of the waste management plan rests with the Harbour Master in consultation with the Harbour Board and as directed by the Harbour Authority.

The Harbour Master can be contacted by the following means;

Phone: 01271 862108 Mobile: 07775 532606

Email: Harbourmaster@northdevon.gov.uk

Mail: To Harbour Master, The Quay, The Pier, Ilfracombe, EX34 9EQ

Or via the website: <https://www.northdevon.gov.uk/business/ilfracombe-harbour/ilfracombe-harbour-contact-us/>

ASSESSMENT OF NEED

Before the issue of the original Waste Management Plan at Ilfracombe the Harbour Authority was required to consult widely. The consultation was with persons and organisations, appearing to the authority to be representative of those affected by the provision and use of waste reception facilities at the harbour. In addition the Authority has liaised with the MCA Environmental Quality Branch regarding 'Exemptions' for the passenger vessels that run into Ilfracombe.

During review period of this plan 2016 -2019 regular consultation has taken place in order to keep abreast of changing legislation, customer needs and expectations.

In deciding what facilities to provide originally, the Harbour Authority undertook an assessment of quantities and types of waste that might be deposited at the Harbour. A recent assessment has been conducted to ensure the facilities remain sufficient for the needs of the Harbour. The results of this assessment are as seen below;

- MV Oldenburg visits Ilfracombe Harbour approximately 100 times a year and continues to use its own resources for waste disposal. On occasions the Oldenburg may require to land large rubbish skips. The rubbish is waste material from Lundy Island and may contain food waste. These skips are to be landed, emptied and re-embarked on the same visit alongside in order to avoid health and hygiene issues and also to avoid contravention of the Environment Agency 'Transfer Station' regulations.
- The PS Waverley now only visits approximately 3 times during the year. They rarely have a requirement to land waste at Ilfracombe. If a refuse collection is required it is arranged at the Council's standard rate, please refer to Charges section for rates. The total requirement for this type of waste disposal is not envisaged to exceed 50 bags per annum. The MV Balmoral no longer calls at Ilfracombe and is not expected to return, however if this changes then the waste, if any, would be collected as per the Ps Waverley.
- Approximately 600 private yachts/motor vessels visit Ilfracombe Harbour during the summer months. This generates approximately 10 bags of domestic waste a week.
- General waste from locally based private boats is collected as part of the daily litter and refuse collection or disposed of personally by the individual owners. This collectively amounts to approximately 3 bags per week. The current collection schedule remains adequate for the quantities of waste generated.
- After the recent consultation it has been decided by the Authority that due to increased need for the locally based commercial boats the 1100 L Trade bin situated outside the Harbour Office will be moved to a location on Old Quay head to better facilitate their needs. 2 x Standard wheelie bins will be located outside of the Harbour Office to facilitate the visiting private boat owners need.
- Small quantities of waste oil are generated by the local fishing, commercial and pleasure boats during engine oil changes. A waste Oil Tank has been installed at the Harbour. Quantities of less than 5 litres can be disposed of locally at the Killacleave Recycling Centre; this facility is free of charge. For quantities of over 5 litres, but less than 200 litres, a local contractor is available who will collect and dispose of it, please see Contractors section.

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- There are 3 large fishing trawlers permanently based at the Harbour and a number of smaller fishing vessels and potters, all of which are under 20 metres in length. The 2 trawlers have signed up to the Sea fish Responsible Fishing Scheme, which covers all aspects of the vessels operation, including waste management and other environmental considerations. These vessels have their own 1100L Trade bin situated in their compound on the Cove which remains sufficient for their needs.
- All Harbour users are becoming increasingly aware of the environment. This has resulted in an ever increasing amount of flotsam being returned to the harbour for disposal. Ilfracombe Harbour has joined with the Ocean Recovery Project in alliance with NDDC works unit. Designated recycling bins are located on the Cove with clear descriptions of what can be recycled, once the bins are full NDDC works unit collects the bins and separately sorts and holds the waste ready for transport by the Ocean Recovery Project. <https://www.keepbritaintidy.org/get-involved/volunteer/ocean-recovery-project>
- There remains no further demand for sewage waste at present.

LEGISLATION

The regulations at the references require Ilfracombe Harbour Authority to prepare, maintain and keep under regular review a 'Waste Management Plan'. The plan is to include the provision and use of facilities for the reception of prescribed wastes from ships and boats using the harbour.

The International Convention on the Prevention of Pollution from Ships (MARPOL 73/78) contains guidance on the requirements for effective waste management. The Annexes of MARPOL refer to specific waste categories. Those that affect Ilfracombe, and the manner in which that waste is dealt with are contained within this plan.

THE PLAN

A plan showing the Ilfracombe Harbour Authority area of responsibility along with an overview map of the waste disposal facilities contained therein can be found in the Map section. The map forms the basis of the plan and is a stand-alone document which itself is called the 'Ilfracombe Harbour Waste Management Plan'.

TYPES & METHODS OF DISPOSAL

MARPOL ANNEX I (OIL)

Large quantities of oily waste can be discharged into road tankers belonging to approved contractors only. 72 hours notice is required for this facility. Small leisure vessels wishing to dispose of amounts of less than 5 litres can do so at the local recycling centre. Quantities of greater than 5 litres, but less than 500 litres can be disposed of in the Harbour Waste Oil Tank by prior arrangement. All local commercial and fishing operators hold their own key to the Waste Oil Tank and can therefore dispose of their own waste gearbox oil after routine changes.

There are designated Oil and Fuel filter bins situated on the Cove with the Waste Oil Tank.

The Harbour Authority has a nominated private contractor for the collection and recycling of the waste oil, please see Contractors section.

MARPOL ANNEX II (NOXIOUS LIQUID SUBSTANCES IN BULK)

Liquid substances carried in bulk can be discharged into road tankers belonging to approved contractors only. A waste declaration document will be required identifying components of waste and its concentrations. Unknown waste will require sampling which can take up to 2 weeks. 72 hours notice is required for this facility.

MARPOL ANNEX IV (SEWAGE)

There is no chemical toilet disposal point at the Harbour. Bulk sewage can be discharged into road tankers belonging to approved contractors only. 48 hours notice is required for this facility.

MARPOL ANNEX V (GARBAGE)

A garbage collection point for visiting boats is provided as marked on the map, this is for the use of leisure and pleasure craft only. These are emptied on a daily basis

For the commercial and fishing operators the 1100 ltr trade wheelie bin is emptied weekly.

Several smaller litterbins are situated around the Harbour area for the use of the general public during the summer months extra wheelie bins are located around the Harbour and all bins are collected twice daily.

All other waste from commercial operators that falls outside of the allowable waste in the trade bin and that needs a special collection from an approved contractor can be arranged personally or via the Harbour Master. 24 hours notice is required for this service.

RECYCLING

Recycling facilities for glass bottles and jars, paper, tins and plastic bottles exist at the harbour as marked on the map. More comprehensive recycling facilities exist at the Killacleave recycling centre.

CHARGES

The regulations state that, "All ships, except fishing vessels (of whatever size) or recreational craft authorised to carry, or designed to carry, no more than 12 passengers, must pay the port or terminal a mandatory charge, which makes a significant contribution to the cost of port waste reception facilities, irrespective of the actual use of the facilities".

A portion of all mooring fees, other than for vessels exempt, and visiting harbour dues contributes to the facilities to an approximate value of 30% of the cost.

Any vessel, other than those who have their own paid for waste reception facilities and collections located on the Harbour, requiring use of the waste facilities are charged as per the NDDC charge list. Please see appendix i.

Any special waste facility required on an ad hoc basis is borne in full by the vessel and or Operator.

CONSULTATION

The Ilfracombe Harbour Board and Harbour Forum meet regularly throughout the year and waste management can be discussed at these times.

A survey has been made and promulgated to all harbour users to gain feedback and suggestions the findings of this survey, where appropriate, have been incorporated into this plan.

This will be re promulgated at regular intervals during the review period 2019 - 2022

REPORTING OF ALLEGED INADEQUACIES OF THE WASTE RECEPTION FACILITIES

All alleged inadequacies of the waste reception facilities in Ilfracombe Harbour can be reported by the following means;

- Directly to the Harbour Office
- To the Harbour Board
- To the Harbour Authority (NDDC)
- Via the form found on MGN 563

RECORDING OF ACTUAL USE OF FACILITIES

All waste, other than Oily or contaminated Oil waste e.g. filters, is collected by the NDDC works Unit and they hold a record of quantities collected.

The Harbour Master keeps a record of the Oily waste collected and is available on request.

No notifications by vessels has been received during the last 3 year period 2016-2019.

LIST OF APPROVED CONTRACTORS

| NAME | CONTACT NUMBER | MARPOL ANNEXES |
|------------------------------|------------------------|-----------------------|
| Slicker recycling | 0330 159 8325 | I |
| Biffa Waste Services | 0800 307 307 | I,II,IV |
| CSG Services | 0800 011 6600 | I,II,IV |
| VIRIDOR | Dry – 01271 345123 | I,II,IV,V |
| | Liquid – 0800 820 3246 | |
| NDDC Trade Waste | 01271 340394 | V |
| Spirebourne Ltd | 0800 085 5185 | IV |
| | 01884 861 000 | |
| Killacleave Recycling Centre | 0345 155 1010 | I (up to 5L),V |
| Bright Marine | 01271 863223 | I (up to 200 gallons) |

NDDC REFUSE & RECYCLING PRICE LIST



Commercial / trade waste Refuse - 2019 charges

Effective from 1 April 2019 (VAT is not applicable)
All prices are inclusive of disposal tax

Bins

| Size | Price per Empty | Weekly Hire Charge |
|------------|-----------------|--------------------|
| 1100 litre | £14.34 | £0.44 |
| 660 litre | £ 9.21 | £0.30 |
| 360 litre | £ 6.12 | £0.21 |
| 240 litre | £ 5.13 | £0.12 |

*750 litre no longer available

£10.08

£0.38

Blue Bags –

£2.51 each (Multiples of 25)

Roll of black refuse bags –

£4.00 per roll (contains 26)

Annual Admin Charge - £10.50

For more information, please contact our website
www.northdevon.gov.uk/tradewaste, or
Email: tradewaste@northdevon.gov.uk



Commercial / trade waste Recycling - 2019 charges

Effective from 1 April 2019 (VAT is not applicable)

Bins

| Size | Price per empty | Available for: |
|------------|-----------------|--|
| 240 litre | £4.76 | Paper Cardboard Plastics and tins Glass |
| 360 litre | £4.76 | Paper Cardboard Plastics and tins |
| 660 litre | £5.95 | Cardboard |
| 1100 litre | £8.33 | Cardboard |

Additional cardboard:

Pre-paid red labels (one needed per bundle) £2.51 each (minimum order 10)

Recycling box / bags (for small businesses, an addition to bins or for a holiday homes):

Package price: £1.79 per week

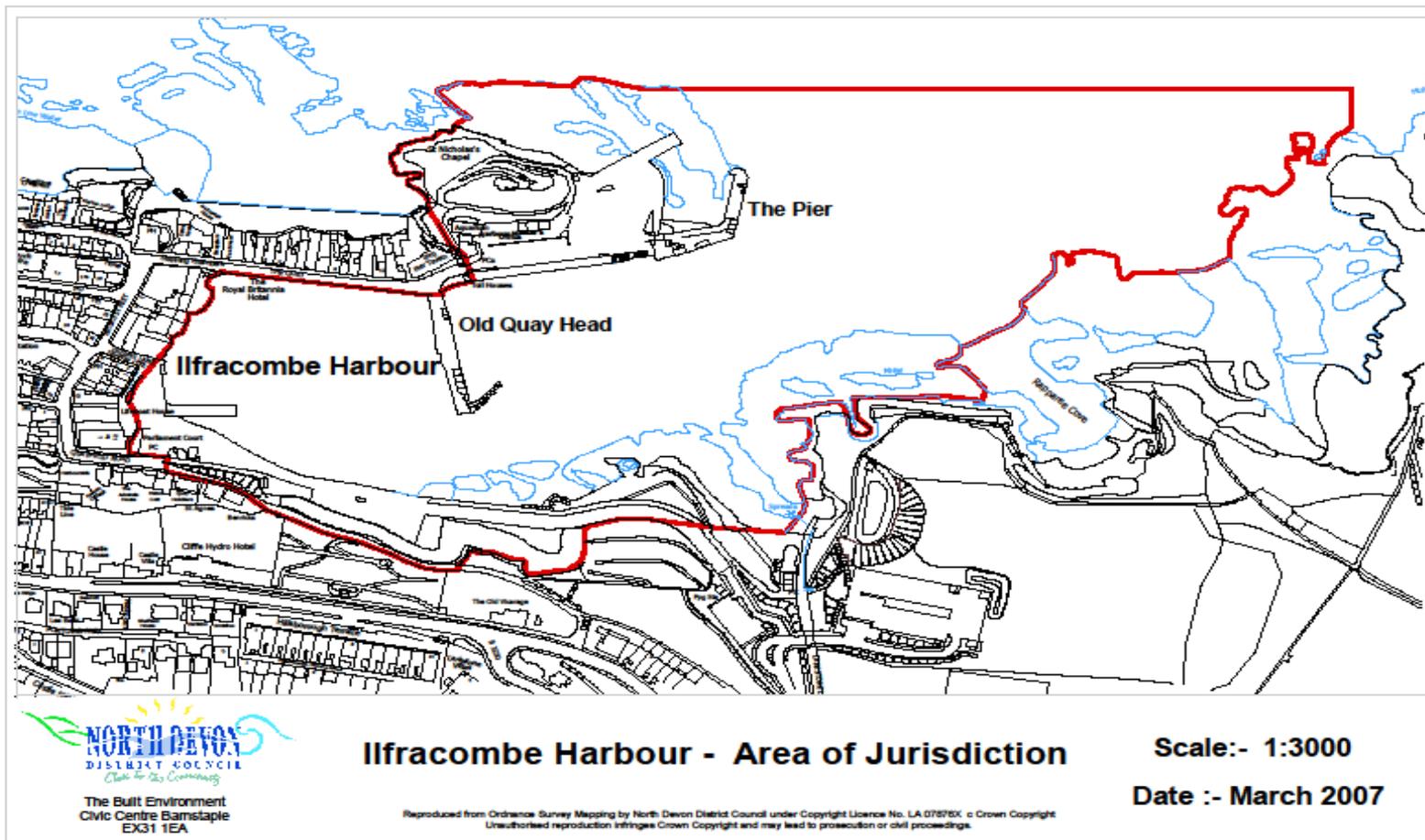
Annual Admin Charge - £10.50

For more information, please contact our website
www.northdevon.gov.uk/tradewaste, or
 Email: tradewaste@northdevon.gov.uk

SLICKER RECYCLING PRICE LIST



| | Service | Price per unit | Qty | Total |
|---|-----------------------------|----------------|-------|---------|
| 1 | Oil Filters (Metal) | £35.00 | 1 | £35.00 |
| 2 | Fuel Contaminated Materials | £120.00 | 1 | £120.00 |
| 3 | WWS Transport Charge | £75.00 | 1 | £75.00 |
| 4 | WWS Consignment Note Charge | £35.00 | 1 | £35.00 |
| | | | Total | £265.00 |



OVERVIEW OF WASTE FACILITIES WITHIN HARBOUR AUTHORITY



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Recycling Point



Visiting Boats



Waste Oil Tank & Used Oil / Fuel Filters



Trade Waste



Litter Bin



Ocean Recovery Project Bins