

**REPORT TO: THE HARBOUR BOARD**

Date: 17<sup>th</sup> November 2020

**TOPIC: ILFRACOMBE HARBOUR ENFORCEMENT AND PROSECUTION POLICY**

**REPORT BY: HARBOUR MASTER**

**1 INTRODUCTION**

- 1.1 As a Statutory Harbour Ilfracombe Harbour is obliged to have certain policies and plans in place under the Port Marine Safety Code (PMSC) and the accompanying guide to good practice. These policies and plans are subject to periodic reviews and amendments.
- 1.2 Further to the external PMSC audit undertaken this year two, 2, new policies have been written to further bring the Harbour in line with best industry practice.

**2 RECOMMENDATIONS**

- 2.1 That the board adopts the New Ilfracombe Harbour Enforcement and Prosecution Policy, which can be found at Appendix A.

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 To fulfil the requirement of periodic reviews to Harbour Policies and Plans.
- 3.2 To continue PMSC improvement to Harbour Management by adopting best industry practice.

**4 REPORT**

- 4.1 Since the implementation of the PMSC in 2000 following the lessons learnt from the grounding of the Sea Empress in 1996 Statutory Harbour Authorities who comply with the code are committed to produce policies and plans covering a wide range of subjects and to review these documents on a regular timescales to ensure they continue to be fit for purpose.
- 4.2 The review of these documents take into account current legislative regulations and relevant guides to good practice
- 4.3 There is 1 document that has been reviewed that being the Marine Safety Management System and there are 2 new policies that have been complied.

Those being the Training policy and the Enforcement & Prosecution Policy that now require a final review at board level before being adopted.

4.4 There are no other options to be considered.

4.5 There are no risks in adopting the recommendation.

4.6 I have concluded that the above documents have been reviewed and are in line with current accepted guidance and uphold the current legislative regulations.

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

## 5 RESOURCE IMPLICATIONS

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

## 6 EQUALITIES ASSESSMENT

6.1 There are not any equalities implications anticipated as a result of this report.

## 7 CONSTITUTIONAL CONTEXT

| Article or Appendix and paragraph | Referred or delegated power? |
|-----------------------------------|------------------------------|
| Appendix 5<br>6(a)                | Delegated                    |

## 8 STATEMENT OF CONFIDENTIALITY

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

## 9 BACKGROUND PAPERS

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

- Port Marine Safety Code and accompanying Guide to Good Practice
- Marine Safety Management Code
- Training Policy
- Enforcement and Prosecution Policy

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

## 10 STATEMENT OF INTERNAL ADVICE

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

Reference: Document5