

**REPORT TO: THE HARBOUR BOARD**

Date: 2 February 2021

**TOPIC: LYNMOUTH HARBOUR PORT MARINE SAFETY CODE  
AUDIT REPORT**

**REPORT BY: TOWN CLERK, LYNTON & LYNMOUTH TOWN  
COUNCIL**

## 1 INTRODUCTION

- 1.1 As a commercial and community facility Lynmouth Harbour was advised under the Port Marine Safety Code (PMSC) to commission an external audit to inspect the 10 main elements of the PMSC against the Harbours own Marine Safety Management System (MSMS), see at Appendix A.
- 1.2 An audit was undertaken in summer 2020 by Monty Smedley, Principal Maritime Consultant working for ABPmer, a marine consultancy and survey company.

## 2 RECOMMENDATIONS

- 2.1 That the board accepts the findings of the audit report and actively works towards rectifying the 11 observations found.
- 2.2 That the board includes at least one statutory position for a representative of Lynmouth Harbour management to be included in strategic management of the facility.

## 3 REASONS FOR RECOMMENDATIONS

- 3.1 To show the audit findings have been duly accepted and that the Harbours MSMS reflects this industry's best practice.
- 3.2 To demonstrate inclusivity and acknowledge Lynmouth Harbour in the strategic risk management of North Devon Council maritime assets.

## 4 REPORT

- 4.1 Since implementation of the PMSC in 2000 Statutory Harbour Authorities must undertake a 3 yearly external audit to inspect the 10 main elements of the

(PMSC) to comply with the Code. It is expected non-statutory harbours also will be subject to audit, demonstrating good faith with PSMC, highlight any non-compliance, give observations where necessary to bring the MSMS up to industry best practice and report all satisfactory elements found.

- 4.2 This inaugural audit report shows Lynmouth harbour is working toward full compliance with requirements of the PMSC and shows satisfactory elements are in place.
- 4.3 However, there are 11 observations on non-compliance relating to improvement opportunities for management consideration which will further enhance the MSMS and show the Harbour managers continued commitment to comply with the PMSC. Significant in the 11 areas is record keeping, precise wording and policy matters hitherto not part of the harbour management regime.
- 4.4 Local managers are achieving compliance through written amendments to PMSC, refined definitions of statutory posts and professional guidance and mentoring from The Harbour Master.
- 4.5 There are no risks in adopting the recommendation.
- 4.6 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.
- 5.2 There may be financial implications for these recommendations dependant wholly on clarification of the 'legal' status of Lynmouth Harbour currently under investigation by solicitors acting on behalf NDC.

## 6 EQUALITIES ASSESSMENT

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

## 7 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Part 3, Annexe 1 (6)	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:

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

- Port Marine Safety Code and accompanying Guide to Good Practice
- External Audit report for Lynmouth Harbour

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.

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Author: Kevin A Harris – Town Clerk

Date: 20 January 2021