

LYNMOUTH HARBOUR

MARINE SAFETY MANAGEMENT SYSTEM

Date: July 2020

Review Date: Harbour Board Review: February 2021

Commented [GC1]: Amend to show actual date might be an idea to put in an amendments page as adopted in 2018 but dated May 2019?? If this is version 3 it needs to state that and then go for re approval.

Version	Date	Author	Rationale
1.0	October 2016	Kevin A Harris - Town Clerk	For inspection of Harbour by Maritime and Coastguard Agency
2.0	March 2017	Kevin A Harris - Town Clerk	Following MCA inspection
3.0	May 2019	Kevin A Harris - Town Clerk	
4.0	June 2019	Kevin A Harris - Town Clerk	Following Harbour Board adoption
5.0	July 2019	Kevin A Harris - Town Clerk	Change in NDC CEO personnel
6.0	July 2020	Kevin A Harris - Town Clerk	Following PMSC Audit
7.0			

Commented [MS2]: Do you mean Maritime and Coastguard Agency (MCA) ??

Commented [MS3]: As above

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Commented [MS4]: Suggest removing this section (or renaming, you are only a 'Competent' harbour authority, if you offer Pilotage services).

1.0 SAFE MARINE OPERATIONS POLICY

North Devon Council (NDC) is the owner and operator of Lynmouth Harbour located on the northern edge of Exmoor. The harbour is managed as part of the 'Lynton Agency Agreement' by Lynton and Lynmouth Town Council (LTC).

Lynton and Lynmouth Town Council, as Agents for North Devon District Council, are cognisant of their responsibility for the management and running of the harbour plus its environs in relation to marine operations and port undertakings within its control.

Commented [MS5]: Remove accountability. The Duty Holder (NDC) cannot delegate accountability.

LTC understands its statutory and common law duties which include an obligation to conserve and facilitate the safe use of the harbour and an express duty to take such action it considers necessary for the maintenance, operation, improvement and conservancy of the harbour.

LTC is committed to the management of marine operations in a way that safeguards the harbour, its users and the public. Consultations will take place with persons who use the harbour to ensure they are fully engaged and involved in the preparation of safety policies and procedures.

Full and comprehensive risk assessments are undertaken in respect of all activities and facilities within the harbour leading to the development of a comprehensive Risk Assessment and Marine Safety Management System for marine operations.

The Council acknowledges its role in protecting the marine environment from the risk of pollution, excessive disturbance or misuse, by adherence to relevant legislation, safe working practices and diligent monitoring of operations.

LTC is committed to the continuous improvement of safety within Lynmouth Harbour by the implementation of appropriate policies and procedures of management.

This Marine Safety Management System will be reviewed annually and updated as regularly as deemed necessary.

Agreed and Adopted by the Harbour Board: February 2021

2.0 Introduction

The Port Marine Safety Code (PMSC) is based on the principle that Harbour Authorities and marine facility owners/operators will formulate plans, policies and procedures relating to port marine operations on a formal safety assessment of the hazards and risks encountered.

Under the requirements of the Code, all 'Organisations' are required to maintain a formal Marine Safety Management System (MSMS) developed from the risk assessment process.

The purpose of this document is to illustrate how risks are reduced to a point that is considered to be 'as low as reasonably practical' (ALARP) through the identification and implementation of supporting plans, policies and procedures within the overall structure of a MSMS.

3.0 Overview of Harbour Operations

The harbour is located at the mouth of the River Lyn, down-river of the confluence of the East Lyn and West Lyn rivers. The harbour is accessed through a narrow channel which is scoured and maintained by river flow. A low-lying causeway, which also acts as a training wall, borders the channel and was historically used as a low water berthing area. The navigation channel is marked with wooden pile-markers, the entrance to the harbour's berthing area is marked with port and starboard posts with navigation lights. Given the open nature of the harbour mouth, at high water, swell waves can penetrate up-river and into the harbour's berthing area.

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

Lynmouth Harbour's primary activity is as a safe haven for privately owned and operated pleasure craft, the harbour accommodates approximately 30 to 40 vessels. As the harbour dries, the vessels must be able to safely take the bottom.

The harbour offers moorings for the local community (12 mile radius) and a very small number of commercial fishing or tourism boats. Catches are landed in the harbour or at nearby ports on the Bristol Channel.

A small but increasing number of visiting boats are using the harbour in season.

The harbour has two slipways, one at its landward end and one running along the inner side of the Pier. These slipways provide access for tenders and trailer

Commented [MS6]: Is this correct? During the audit we said no catch was landed.

launched craft. Navigation up-river is restricted by the air-draught of the footbridge connecting the east and west sides of Lynmouth.

4.0 Authority, Responsibility & Organisation

4.1 Harbour Board

Overall strategy of the harbour is managed via the North Devon District Council Harbour Board. Lynton and Lynmouth Town Council, via a sub-committee known as The Harbour Users Group, locally manage the facility under delegated authority from North Devon Council.

This Harbour Users Group Committee consists of two elected councillors and independent community members. The Board meets at least two times per year.

4.3 Duty Holder

The role of Duty Holder as defined in the Port Marine Safety Code is **North Devon District Council**. The Duty Holder for Lynmouth Harbour is responsible under the Code for the following:

- o Being aware of the organisation's powers and duties under the Code;
- o Ensuring that this MSMS is in place and up to date;
- o Appointing a Designated Person to monitor and report on the effectiveness of the MSMS;
- o Appointing competent people to manage marine safety;
- o Ensuring the management of marine safety continuously improves by publishing a 'Lynmouth Harbour Marine Safety Plan' and reporting performance against the objectives and targets set; and
- o Report compliance with the Code to the Maritime and Coastguard Agency (MCA) on behalf of Lynmouth Harbour every three years.

4.4 Designated Person

The role of Designated Person as defined in the Port Marine Safety Code is **the Head of Resources, North Devon District Council**. The Designated Person for Lynmouth Harbour is responsible under the Code for:

- o Determining through evaluation of Audit information if the MSMS is being effectively applied at the Harbour; this is achieved by:
 - o Monitoring the Internal PMSC Audits on a quarterly basis; and
 - o Monitoring External PMSC Audits;
- o Attending Harbour Board meetings; and
- o Reporting the status of the Harbour to the Duty Holder.

Commented [MS7]: Is this the 'Ilfracombe Harbour Board' ?

At the moment, the wording seems to refer to the 'Harbour User Group' which I understand to be a local forum.

Would suggest Section 4.2 is updated to match the current arrangement.

Commented [GC8]: Board not aware of this I think, will raise at next board meeting on June 4th. There is no standing agenda item relating to Lynmouth at present. Please remove until confirmed.

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4.4 Marine Advisor

A marine advisor is appointed by NDC to assist the Organisation's Officers with matters of Marine Safety. The role of the Marine Advisor is to:

- Act as the Suitably Qualified and Experienced Person (SQEP) for marine safety, marine navigation and port operations; and
- Provide advice to the Organisations officers on the discharge of the Council's responsibilities as a Marine Asset Owner under the Port Marine Safety Code.

4.5 The Organisations Officers

There is no locally employed Harbour Master. The responsibility for implementation of plans, policies and procedures in Lynmouth Harbour rests with the Town Clerk, the Council Works Foreman and their staff. The delegation of responsibilities is in accordance with the detailed job description held for each officer. The following provides marine safety responsibilities.

4.5.1 Town Clerk

The Town Clerk is accountable to the Duty Holder for the discharge of the role in accordance with the standard of the Code. The appointee is responsible for delivering the Marine Safety Policy (See Section 1). The Town Clerk's duties in respect of marine safety include:

- Monitor all matters related to marine safety.
- Manage and update the Marine Safety Management System (MSMS). Ensure all MSMS documentation and certification is controlled, up-dated and distributed.
- Bring to the attention of the Duty Holder any resources and support required to maintain standards of marine safety. Subsequently, identify areas where extra resourced are required and bid for funding. Where support is lacking, bring the situation to the attention of the Designated Person.
- Ensure marine risk assessments are in-date and reviewed in line with industry best practice.
- The recording and proportionate investigation of marine incidents/accidents.
- Ensure that all staff with marine safety responsibilities and duties are trained in accordance with the safety training and familiarisation procedures, using accredited competence standards where appropriate.
- Comply with the directions from the General Lighthouse Authorities (Trinity House) and supply information and returns as required.
- Undertaking Pier and Harbour Arm safety inspections, including the checking of Aids to Navigation.
- Ensure the effective maintenance, repair and replacement of Aids to Navigation.

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- Programme hydrographic surveys and dredging in consultation with the operational requirements.
- Carry out formal and informal liaison with harbour users.

4.5.2 Council Works Foreman and Staff

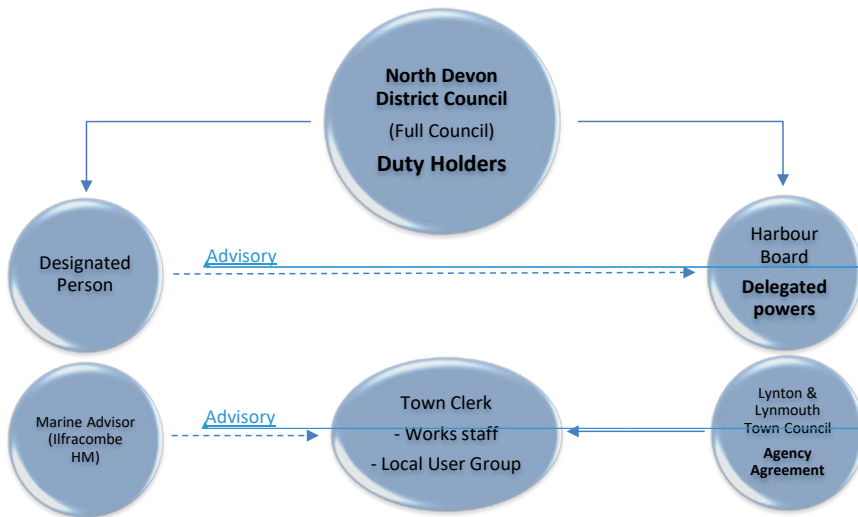
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Other officers of the organisation with marine safety responsibilities including Council Operatives have particular responsible for:

- Identifying and proposing solutions to any hazard to safe berthing and safety in the workplace.
- The reporting of any harbour or marine incidents/accidents.
- Participation in Oil Spill Response & Emergency Response (including exercises).
- Undertaking maintenance of equipment/machinery in accordance with published schedules. Where relevant arranging for external maintenance to be conducted.
- Contributing towards maintaining overall marine safety awareness.

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4.5.3 Organogram



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4.6 Training

The standard of port services the harbour delivers is influenced by the quality of its personnel. The harbour authorities are committed to providing training and development opportunities for all personnel as necessary. [The following provides a training matrix for Council staff with harbour related duties.](#)

Qualification / Course / Experience	Duty Holder	Marine Advisor	Town Clerk	Person	Council Works Staff
MCA Level 2 – Oil Spill Sorbents & Equipment Responder	▲	O	E	E	E
GMDSS Short Range Certificate (SRC) Very High Frequency (VHF) Operator's Licence	▲	E	E	E	O
Harbour Master training (options include): <ul style="list-style-type: none"> ○ IDG Maritime Harbour Master Training ○ International Diploma for Harbour Masters ○ Cert. of Competence UK Harbour Masters' Association 	▲	E	O		
Marine Risk Assessment training	▲	E	E	O	
PMSC Duty Holder Training	E	E	O		

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Key

E Essential

O Optional (depending on role)

* The Marine Advisor is the Council's Ilfracombe Harbour Master

~~A voluntary Visitors Log detailing particulars of each boats arrival is maintained by the Town Clerk via a local business on the Harbourside.~~

4.6 Data Protection

Details of all persons and their vessels using Lynmouth Harbour will be maintained and managed by Lynton and Lynmouth Town Council. No personal data will be shared unless specifically authorised by the individual.

~~A voluntary Visitors Log detailing particulars of each boats arrival is maintained by the Town Clerk via a local business on the Harbourside.~~

5.0 Health & Safety at Work

The harbour authority is committed to ensuring the health, safety and welfare of its employees.

The harbour authority accepts its responsibilities for other persons not in their employment who may be affected by the harbour authority's activities by ensuring they are not exposed to undue risks to their health and safety.

Life-saving and buoyancy appliances are provided and placed in locations on the quayside. Regular inspections of these appliances are maintained and logged with a formal check of all appliances being made on a monthly basis

Where any damage or faults to the harbours infrastructure or equipment are observed, these are logged and promptly addressed.

Operating procedures, systems of work and general guidance notes to staff are contained as appendices in the folder holding this document. Any amendments or additions to the procedures outlined in this document are brought to the attention of harbour staff prior to implementation.

Staff safety briefings, at which each member of staff is given the opportunity to raise any safety related issue of concern, are held at regular intervals.

6.0 Conservancy

6.1 Navigational Aids

The navigational lights in the approach to Lynmouth Harbour are owned by the Harbour Authority and inspected by Trinity House.

Wooden channel markers in the approach to the Harbour are owned by the Harbour Authority and maintained by the Agency.

6.2 Wrecks

In the event of a vessel becoming a wreck in or near the approaches to Lynmouth Harbour the MCA will be immediately notified. The vessel owner will sought to salvage or remove the vessel. harbour authority will mark the wreck and if necessary exercise powers to remove it.

In this respect a Risk Assessment will be undertaken to evaluate the danger to navigation that the wreck presents.

6.3 Admiralty Charts

Admiralty chart [AC1160-1 and AC1165-0] includes Lynmouth Harbour and its approaches.

6.4 Hydrography

Records of harbour berths are maintained and kept at Lynton Town Hall Council Office.

Regular visual inspections of the harbour basin, specifically in areas subject to high silt build-up and high use, are undertaken by the Town Clerk and Works Foreman.

Commented [MS9]: You can only do this if you are a Harbour Authority. Suggest removing this statement.

6.5 Dredging

Maintenance dredging of berths, causeway and harbour access is undertaken annually in Spring and more often if required.

6.6 Notices to Mariners

Notices to Mariners are issued by the Town Clerk as and when required. Copies of these notices are sent to relevant people & organisations that regularly use the harbour.

7.0 Marine Environmental Protection

Hazardous or dangerous cargoes are not currently handled at Lynmouth Harbour.

8.0 Pilotage Operations

No Pilotage service is available at Lynmouth Harbour.

9.0 Port Security

Lynmouth Harbour has no official Port Security Plan in force.

The Lynmouth Harbour Users Group meet at least twice per year or at any other time as and when required and address security issues as they arise.

Boats calling at Lynmouth Harbour notify the Council of all relevant security information on their arrival. These notification sheets are maintained in the Town Hall.

10.0 Enforcement & Prosecution

The Harbour has no statutory powers to regulate conduct of vessels, harbour users, commercial operators and visitors within its designated area of jurisdiction. The ~~harbour authority~~ Council however will take firm action, including legal action where appropriate, against people or organisations who flout the law or act irresponsibly.

The ~~harbour authority~~ Council will carry out enforcement and prosecution in a fair, equitable and consistent manner and will liaise with other enforcement bodies as appropriate.

A 24-hour mobile telephone is maintained by the Town Council to respond to any emergency situations.

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11.0 Emergency Contingency Planning

The Merchant Shipping (Oil Pollution Preparedness Response and Co-operation Convention) Regulations, 1998 requires an Oil Pollution Preparedness, Response and Co-operation Plan (OPRC Plan) to be in place for all facilities that meet the definition with the regulations.

The OPRC Plan must be approved by the A-Maritime and Coastguard Agency (MCA) and renewed on a five-yearly basis.

The plan must be in place for any Statutory Harbour Authority with a turnover of £1 Million, or facilities handling ships of 400 Gross Tonnes or Oil Tankers of over 150 Gross Tonnes, or a facility that in the Secretary of States opinion has a significant risk of discharging over 10 tonnes of oil. Or any harbour or oil handling facility that the Secretary of State has served notice stating that their maritime activities are located in a significant environmentally sensitive area and where a discharge of oil or other substances could cause significant economic damage. It is the Council's view that Lynmouth Harbour does not meet any of these conditions, and therefore an OPRC Plan approved Oil Spill Contingency Plan is not in place.

The harbour however, has access to a basic stock of oil pollution equipment including absorbent material and personal protective equipment located at the nearby HM Coastguard office. This is facilitated through local arrangement. [via Coastguard nearby]

12.0 Incident Reporting & Investigation

The ~~Harbour Manager~~ [Town Clerk] will maintain a log of any incident or accident reported. If the incident is reportable this will be carried out under the RIDDOR regulations (to the HSE) or to the MAIB following Marine Guidance Note 564 'Marine casualty and marine incident reporting'. For guidance on reportable incidents, the Marine Advisor or Council Health and Safety Advisor will be contacted.

Where appropriate an investigation into the causes of an accident will be carried out. Photographic or physical evidence together with written statements will be collected as necessary. Where necessary the Marine Accident Investigation Branch and Health and Safety Executive will be informed.

The Police will take primacy in any investigation involving death or crime. In the event someone dies at or in the harbour, a number of organisations will be informed. The Police will be called, and the Council will assist as directed. A police investigation may also be necessary to establish if other criminal offences have been committed. The Council maintains close liaison with local police contacts.

13.0 Audit & Review

The Harbour Authority acknowledges the process of port marine safety assessment is continuous and on-going. New hazards and changing risks should be identified promptly and addressed.

Independent audits of the Lynmouth Harbour [MSMS Safety Management System](#) and level of compliance with the Port Marine Safety Code are carried out.

Internal audits by the Council's Health and Safety Advisor of the [MSMS Safety Management Systems](#) and compliance with Health and Safety standards are carried out.

The Lynmouth Harbour User Group, which meets at least twice per year, are routinely updated on any matters pertaining to safe port marine operations and the harbour's compliance with the PMSC.

A bi-annual review of the operational procedures and the effectiveness of this [Safety Management System MSMS](#) is undertaken by the Harbour Manager.

Harbour staff, fishermen and harbour users are encouraged to immediately report any health & safety related issue to the Chair of the Harbour Users Group or the Town Clerk as Harbour Manager.

Additional checks and reviews of Port Marine Safety Code requirements are conducted by the Chief Executive, North Devon District Council.

An annual review is undertaken by Zurich, the current Insurance underwriters for the Harbour.

Environmental Management: Natural England / Marine Management Organisation.

14.0 Risk Assessment

The Town Clerk, supported by the Harbour User Group, create and review risk assessments for Lynmouth Harbour. A 'Lynmouth Harbour Risk Register' is maintained which details the risk assessments and control measures.

The process of assessment is continuous and reflective, so that new hazards to navigation and marine operations are identified and properly addressed. Central to the risk management process is the concept of reducing risk to a level which is considered to be 'As Low As Reasonably Practical' (ALARP).

Lynmouth Harbour's risk assessments are either reviewed as new risks emerge or identified; or following an incident in which our assessments have proven to be sub-optimal, or annually, whichever is the most frequent.

4.1. Dynamic Risk Assessment

All activities undertaken by the Council are conducted with an ethos of continual dynamic risk assessment. Before carrying out a task in response to a new or urgent situation, an assessment of the potential outcome is taken by the individual. The fundamental understanding of dynamic risk assessments is that any activity may be stopped at any time if a hazard is perceived as:

- o Unexpected and not accounted for;
- o Makes the activity more difficult than expected due to surrounding influences;
- o Changes the purpose or goal of the activity; and
- o Increases the time required to complete the task beyond the expected period.

The experience from dynamic risk assessments is used in the risk review process, with new assessments created in Lynmouth Harbour Risk Register for ongoing hazards.

15.0 Consultation

The Code requires organisations to maintain consensus with users and stakeholder regarding marine operations. To fulfil this requirement the Council consults with harbour users and other interested stakeholders. Most of this will be carried out as ad hoc, informal liaison. The following organisations and individuals are regularly contacted:

- o The Lynmouth Harbour User Group;
- o The HM Coastguards Lynmouth; and
- o Local nature conservation groups.

The Council has a notice board for the display of Local Notice to Mariners.

16.0 Supporting Documents

This document provides an overview of procedures in place to manage safety within the harbour. Other supporting documents include:

- o Lynmouth Harbour Risk Register
- o Lynmouth Harbour Risk Assessments
- o A Guide to Good Practice on Port Marine Operations (prepared in conjunction with the Port Marine Safety Code). Published by the Department for Transport
- o Approved Code of Practice (ACOP) 'Safety in Docks'. Published by the Health and Safety Executive
- o Safe Harbour Operations Manual
- o SIP021 – Guidance on Safe Access to Fishing Vessels and Small Craft in Ports

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