



LYNMOUTH HARBOUR

MARINE SAFETY MANAGEMENT SYSTEM

(MSMS)

Version 7.0

Adopted by Harbour Board: *Draft*

Adopted by Lynton Agency: *Draft*

Document Control	4
Record of Review/Amendments	4
Part 1 – The Harbour Board and Lynmouth Harbour Users Group.....	5
Harbour Board Members [in alphabetical order by surname].....	5
Officers.....	5
Designated Person.....	5
Lynmouth Harbour Users Group	5
Part 2 – The Manual.....	6
1.0 Introduction	6
1.1 Scope of the MSMS	7
1.2 System Components.....	7
1.2.1 MSMS System Components	8
1.3.2 Lynmouth Harbour Planning.....	9
1.3.3 Lynmouth Harbour Organisational Breakdown	10
2.0 Policy.....	12
2.1 Statements of Commitment.....	12
2.1.1 North Devon District Council (NDC): Lynmouth Harbour Certified Owners.....	12
2.1.2 The Harbour Board	12
2.2 Marine Safety Plan for Marine Operations.....	13
2.3 Policy & Plan Reviews.....	14
2.3.1 Policies.....	14
2.3.2 Plans	14
3.0 Organisation and Responsibilities.....	14
3.1 Resources, Roles, Responsibility and Authority	14
3.1.1 North Devon District Council (NDC).....	14
3.1.2 The Duty Holder.....	15
3.1.3 The Harbour Board	16
3.1.4 The Designated Person	17
3.1.5 Town Clerk	18
3.1.6 Council Works Foreman and Staff	18
3.1.7 Maritime Advisor	19
3.1.8 Harbour users Group.....	19
3.1.9 Other Harbour Users	19
4.0 Training, Awareness and Competence.....	19

4.1	Lynmouth Harbour Staff Training Matrix.....	20
4.2	Training Policy.....	20
5.0	Health & Safety at Work.....	20
6.0	Conservancy.....	21
6.1	Navigational Aids.....	21
6.2	Wrecks.....	21
6.3	Admiralty Charts.....	21
6.4	Hydrography.....	21
6.5	Dredging.....	22
6.6	Notices to Mariners.....	22
7.0	Marine Environmental Protection.....	22
8.0	Pilotage Operations.....	22
9.0	Port Security.....	22
10.0	Enforcement & Prosecution.....	22
11.0	Emergency Contingency Planning.....	23
12.0	Incident Reporting & Investigation.....	23
13.0	Risk Assessment.....	23
13.1.	Dynamic Risk Assessment.....	24
14.0	Consultation.....	24
15.0	Corrective Action.....	24
15.1	Compliance Evaluation.....	24
15.2	Non-conformity, Preventative and Corrective Action.....	24
16.	Audit and Review Programme.....	25
16.1	Objectives.....	26
17.0	Supporting Documents.....	26

DOCUMENT CONTROL

This is a controlled document which is subject to annual 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 responsible person using the following means:

Email: Kevin.Harris@northdevon.gov.uk

Phone: 01598 752677

Post: Town Clerk, Lynton & Lynmouth Town Hall, Lee Road, Lynton EX35 6HT

RECORD OF REVIEW/AMENDMENTS

Version	Date	Review (R) Amendment (A)	Page	Description of Changes
1.0	October 2016	R	All	For inspection of Harbour by Maritime and Coastguard Agency
2.0	March 2017	A	All	Following MCA inspection
3.0	May 2019	R		
4.0	June 2019	A		Following Harbour Board adoption
5.0	July 2019	A		Change in NDC CEO personnel
6.0	July 2020	A		Following PMSC Audit
7.0	January 2023	R & A	All	New Version & Formatted for Accessibility

PART 1 – THE HARBOUR BOARD AND LYNMOUTH HARBOUR USERS GROUP

Overall strategy of the harbour is managed by the NDC Harbour Board.

HARBOUR BOARD MEMBERS [IN ALPHABETICAL ORDER BY SURNAME]

Councillor J Campbell

Mr M Cleary

Councillor G Fowler (Chair)

Mr T Gibbs

Mr B Gear

Mr N Thomas

Councillor D Turton

Councillor M Wilkinson (Vice Chair)

OFFICERS

Mr K Harris

Lynton & Lynmouth Town Clerk

Captain G Carlo-Paat MBE

Maritime Advisor & Ilfracombe Harbour Master

DESIGNATED PERSON

Mr Jon Triggs

Director of Resources and Deputy Chief Executive for
North Devon Council

LYNMOUTH HARBOUR USERS GROUP

Lynton and Lynmouth Town Council (LTC), via a sub-committee known as The Harbour Users Group, have input into the organisations management and report to the Harbour board.

This Harbour Users Group Committee consists of two elected councillors and independent members representing Mooring holders and other Harbour User Groups. The Board meets on a quarterly basis.

1.0 INTRODUCTION

The Port Marine Safety Code (The Code) is applicable both to statutory harbour authorities and to other marine facilities which may not have statutory powers and duties. These are collectively referred to throughout the Code as ‘organisations’ and may include, but are not limited to, the following:

- Competent Harbour Authorities (authorities with statutory pilotage duties);
- Municipal Port or Harbour Authorities;
- Trust Port or Harbour Authorities;
- Private Port or Harbour Authorities; and
- Marine berths, terminals or jetties.

It is strongly recommended that organisations or facilities which are not a statutory harbour authority, such as marine berths and terminals, seek a proportionate compliance with this Code through the adoption of a formal risk assessment process and the implementation of a marine safety management system (“MSMS”) which complies with this Code or any alternative similar standard applicable to their sector.

Lynmouth Harbour is classified as an organisation under The Code and as such should maintain a formal Marine Safety Management System (MSMS) developed from the risk assessment process.

The overarching responsibility for Lynmouth Harbour lies with North Devon District Council (NDC) as the certified owners of the Harbour.

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

The Harbour is managed under delegated authority (S101 LGA 1974) by Lynton and Lynmouth Town Council.

The Town Council 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.

The Town Council 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.

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

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

1.1 SCOPE OF THE MSMS

This MSMS sets out to cover all operations and activities undertaken within Lynmouth Harbour. Lynmouth Harbour's primary activity is as a harbour for privately owned and operated pleasure craft.

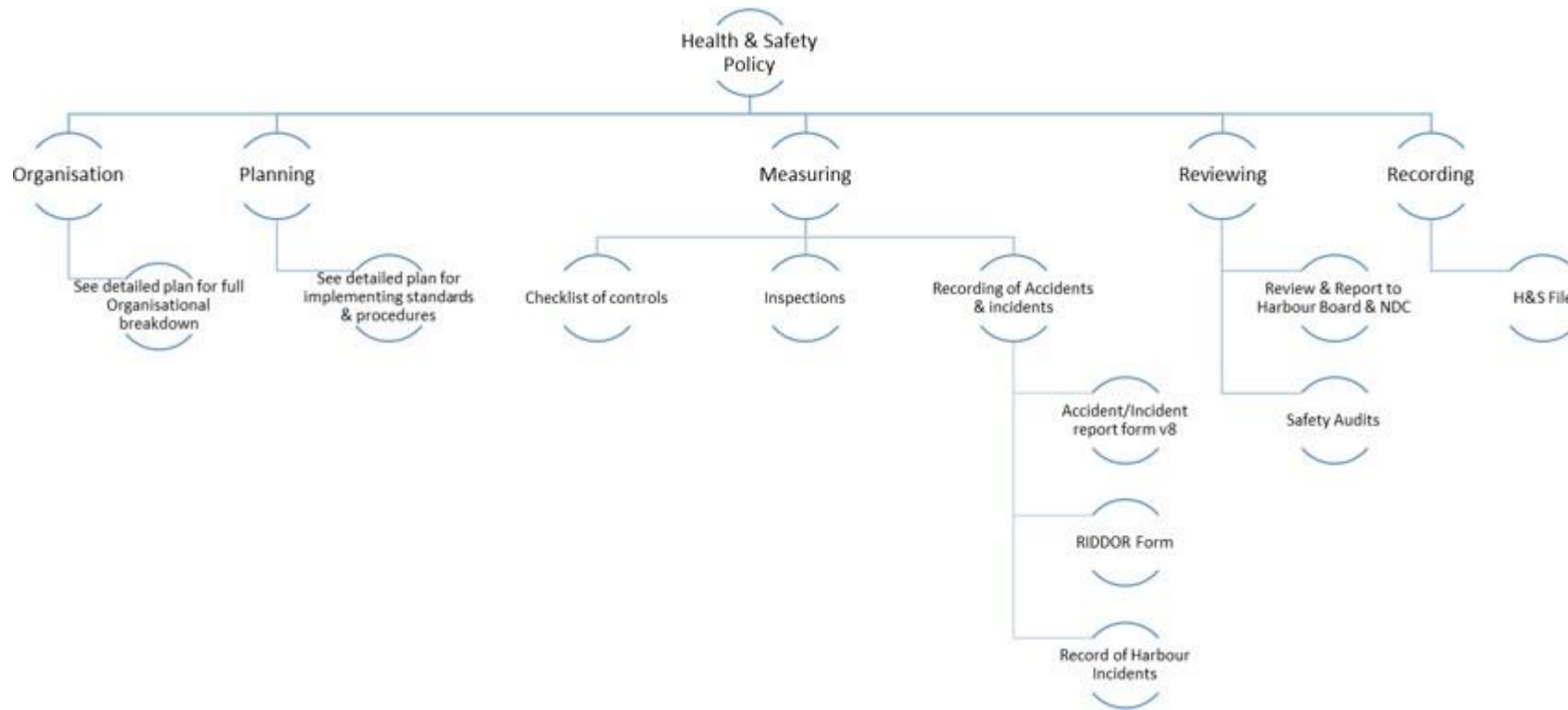
The harbour offers moorings for the local community (12 mile radius) and a very small number of commercial fishing or tourism boats. Catches are landed in the harbour or at nearby ports on the Bristol Channel.

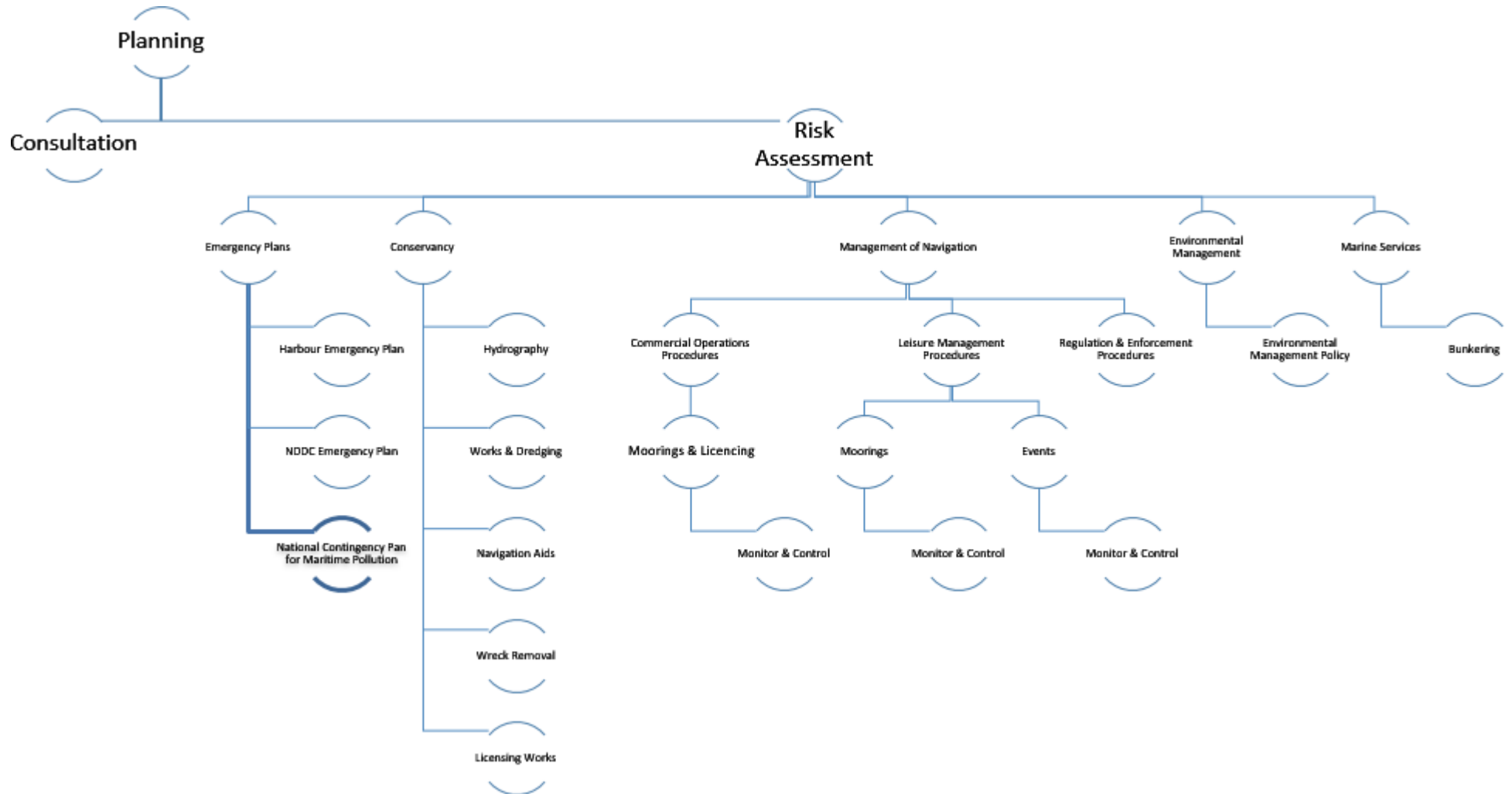
A small but increasing number of visiting boats are using the harbour in high season.

1.2 SYSTEM COMPONENTS

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

1.2.1 MSMS SYSTEM COMPONENTS





1.3.3

LYNMOUTH HARBOUR ORGANISATIONAL BREAKDOWN



2.1 STATEMENTS OF COMMITMENT

2.1.1 NORTH DEVON DISTRICT COUNCIL (NDC): LYNMOUTH HARBOUR CERTIFIED OWNERS.

NDC 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.

[t-person-recruitment-livelink-umbraco-corporate-health-and-safety-policy-statement-jul-21.pdf](https://www.northdevon.gov.uk/t-person-recruitment-livelink-umbraco-corporate-health-and-safety-policy-statement-jul-21.pdf)
([northdevon.gov.uk](https://www.northdevon.gov.uk))

2.1.2 THE HARBOUR BOARD

The Harbour Board (The 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 and management of navigation.

The board will, within the limits of their authority, provide a safe Harbour which is open to the public.

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 Board.

Existing policies will be reviewed periodically to avoid any failure in discharging these responsibilities.

2.2 MARINE SAFETY PLAN 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 Plan 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 organisation, NDC recognises and accepts its responsibilities for providing safe and healthy workplaces and working environments for all 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 plan augments the Health & Safety Policy provides a more focused approach to Marine related safety.

NDC, LTC and the 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 NDC has appointed the Ilfracombe Harbour Master as Maritime advisor to Lynton and Lynmouth Town Council whose responsibilities are;

- Conducting routine safety inspections and dynamically re-assessing risks as appropriate;
- 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.

2.3 POLICY & PLAN REVIEWS

All Policies and Plan are reviewed periodically, as set out below, by the Harbour Board. The LTC maintains the following Policies and Plans:

2.3.1 POLICIES

- Enforcement and Prosecution Policy – 2 Yearly
- Training policy – 3 Yearly

2.3.2 PLANS

- Environmental Plan – 2 Yearly
- Marine Emergency Plan – Annually
- Marine Safety Plan – 3 Yearly

3.0 ORGANISATION AND RESPONSIBILITIES

3.1 RESOURCES, ROLES, RESPONSIBILITY AND AUTHORITY

3.1.1 NORTH DEVON DISTRICT COUNCIL (NDC)

North Devon Full Council (NDC) as Lynmouth Harbours' owners hold the role of Duty Holder under the PMSC.

As an organisation the full range of duties and powers are not applicable to the Duty Holder in relation to Lynmouth harbour, however certain national legislation and regulations do, as listed below.

NDC is also the Local Lighthouse Authority (LLA) under the requirements of the Merchant Shipping Act, 1995 (Section 193), with respect to Navigation for Aids.

3.1.1.1 NATIONAL LEGISLATION AND REGULATIONS

- I. Local Government Act 2010
- II. Local Authorities (England)(Property etc.) Order 1973
- III. Police and Criminal Evidence Act 1984
- IV. Health and Safety (Display Screens Equipment) Regulations 1992
- V. Manual Handling Operations Regulations (as amended)1992

- VI. Workplace (Health, Safety and Welfare) Regulations 1992
- VII. Personal Protective Equipment at Work Regulations 2002 & 1992 (as amended)
- VIII. Merchant Shipping Act 1995 (as amended)
- IX. Provision and use of Work Equipment Regulations 1998
- X. Management of Health and Safety at Work Regulations 1999
- XI. Control of Substances Hazardous to Health Regulations 2002
- XII. The Control of Noise at Work Regulations 2005
- XIII. Fire Safety Order 2005
- XIV. Merchant Shipping and Fishing Vessels Regulations 1997
- XV. Dangerous Goods in Harbour Areas Regulations 2016
- XVI. Railways and Transport Safety Act 2003

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 Harbour Board, section 3.1.3 and Lynton & Lynmouth Town Council as stated in section 1.0
- 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.
- The Duty Holder is to be familiar with the content of the PMSC, and aware of its responsibilities in responding to it.

3.1.3 THE HARBOUR BOARD

- The Harbour Board has delegated authority from the Full Council of NDC 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.
- 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.

3.1.4 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 MSMS 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 MSMS 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.

3.1.4.1 LYNMOUTH HARBOURS DESIGNATED PERSON

The NDC Full Council as Duty Holder has appointed Mr Jon Triggs the Director of Resources and Deputy Chief Executive for North Devon Council as their Designated Person.

3.1.5 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 Plan (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.
- Reporting on the performance of the MSMS 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.
- Programme hydrographic surveys and dredging in consultation with the operational requirements.
- Carry out formal and informal liaison with harbour users.

3.1.6 COUNCIL WORKS FOREMAN AND STAFF

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.

3.1.7 MARITIME ADVISOR

A maritime 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.

3.1.8 HARBOUR USERS GROUP

Lynton and Lynmouth Town Council (LTC), via a sub-committee known as The Harbour Users Group, have input into the organisations management and report to the Harbour board.

This Harbour Users Group Committee consists of two elected councillors and independent members representing Mooring holders and other Harbour User Groups. The Board meets on a quarterly basis

3.1.9 OTHER 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.

4.0 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.

The matrix in 4.1 provides a standard for council Staff with Harbour related duties

4.1 LYNMOUTH HARBOUR STAFF TRAINING MATRIX

Qualification / Course / Experience	Duty Holder	Marine Advisor *	Town Clerk	Foreman	Council Works Staff
MCA Level 2 – Oil Spill Sorbents & Equipment Responder		O	E	E	E
Harbour Master training (options include): <ul style="list-style-type: none"> o IDG Maritime Harbour Master Training o International Diploma for Harbour Masters o Cert. of Competence UK Harbour Masters’ Association 		E	O		
Marine Risk Assessment training		E	E	O	
PMSC Duty Holder Training	E	E	O		

Key

E Essential

O Optional (depending on role)

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

4.2 TRAINING POLICY

Lynmouths Training Policy is held with the Town Clerk and available on request.

5.0 HEALTH & SAFETY AT WORK

The Duty Holder is committed to ensuring the health, safety and welfare of its employees.

The Duty Holder accepts its responsibilities for other persons not in their employment who may be affected by the organisations 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 within Lynmouth Harbour are owned by the Duty Holder as the Local Lighthouse Authority (LLA) and are inspected by Trinity House on a regular basis.

Wooden channel markers in the approach to the Harbour are owned by the Duty Holder 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 Maritime and Coastguard Agency (MCA) will be notified immediately. The vessel owner sought to salvage or remove the vessel.

Trinity Houses advise will be sought as to the appropriate means to mark the wreck.

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.

6.5 DREDGING

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

Due to the small quantities of spoil the MMO has confirmed that no licence is required for these operations at this time.

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.

The environmental protection policy is kept by the Town Clerk

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 Council, however, will take firm action, including legal action where appropriate, against people or organisations who flout the law or act irresponsibly.

The 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.

Lynmouth Harbour Enforcement & Prosecution Policy is held by the Town Clerk

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 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 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.

Lynmouths Emergency Contingency Policy is held by the Town Clerk

12.0 INCIDENT REPORTING & INVESTIGATION

The 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 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.

13.1. 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:

- Unexpected and not accounted for;
- Makes the activity more difficult than expected due to surrounding influences;
- Changes the purpose or goal of the activity; and
- 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.

14.0 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:

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

The Council has a notice board for the display of Local Notice to Mariners situated on the Flood Memorial Museum building.

15.0 CORRECTIVE ACTION

15.1 COMPLIANCE EVALUATION

The Harbour manager 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 manager.

15.2 NON-CONFORMITY, 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 manager 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 manager shall determine the cause, restore compliance and ensure no reoccurrence of the detrimental activity.
- IV. Once the corrective action has been undertaken the Harbour manager will be required to assess any damage to equipment or the environment, calling upon specialist agencies if required.

If required, Policies and Procedures will be reviewed to ensure the incident does not reoccur.

16. AUDIT AND REVIEW PROGRAMME

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

The Board will monitor & review the efficacy of the MSMS so that lessons are identified from relevant experience and are effectively applied.

Performance of the MSMS will be assessed against the Marine Safety Plan Objectives and where appropriate by benchmarking against other ports that have adopted good practice. In light of these reports the Harbour manager and the Board will review and where necessary amend working practices and make appropriate recommendations to North Devon Council.

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.

The audit programme of the MSMS will be undertaken as follows:

- Quarterly external by Designated Person & Health & Safety Advisor.
- Annual internal by the Harbour manager.
- Annual review is undertaken by Zurich, the current Insurance underwriters for the Harbour
- Tri-annually (3 Yearly) the Duty Holder will report the harbour's compliance against the PMSC to the MCA.
- Tri –annually (3 yearly) 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 MSMS records.

All audit findings are formally reported to the Harbour Board at the quarterly board meeting and included within their quarterly report to the Duty Holders.

16.1 OBJECTIVES

LTC sets its objectives for Lynmouth Harbour within the Marine Safety plan which is then formally reported to the Harbour Board and the Duty Holder. These objectives are reviewed and updated on a tri annual (3 yearly) basis or sooner if required.

17.0 SUPPORTING DOCUMENTS

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

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