



North Devon Council

Report Date: Tuesday, 8 August 2023

Topic: Ilfracombe Harbour Consultative Forum

Report by: Ilfracombe Harbour Master

1. INTRODUCTION

- 1.1 The Port Marine Guide to Good Practice 2018 (MCGA), which is the accompanying document to the Port Marine Safety Code (PMSC) states in section 3: Consultation that “Safety in the port marine environment is not just a matter for the organisation, its Officers, contractors or its authorised pilots. Users are also required to minimise risk to themselves and others, in doing so they must be able to put forward to the organisation their views on the development of appropriate safety policies and procedures. It follows therefore that organisations need to consult, as appropriate with two main groups: marine users, both commercial and leisure, and local interests and communities.”
- 1.2 Ilfracombe’s Harbour Consultative Forum (The Forum) was formed in 2017 with its own constitution (annex A) and up to 2020 it has performed some of the duties required under the code. Since the advent of COVID 19 to date there has not been another forum meeting. This has left the Harbour Authority without an avenue to comply with section 3 of MCGA.

2. RECOMMENDATIONS

- 2.1. Having received a letter from The Forums Chair (annex B) that The Forum as it stands is dissolved and a new Forum is constituted that better meets the Harbours and the Harbour Authorities requirements and needs under section 3.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To comply with the MCGA and in so doing the PMSC

4. REPORT

- 4.1 Port marine operations are technical matters – well understood by experienced Harbour masters or port marine practitioners, but perhaps much less so by the wider public, including many recreational users. It is important that the appropriate involvement of wider interests safeguards the organisations position – responsibility for managing safety in a harbour or facility rests with the organisation.
- 4.2 Some substantial objectives of ‘consultation’ should be:
Conveying to employees, users or others what some of their responsibilities are regarding their work or activity in the harbour or facility.
Understanding and acceptance of the Duty Holder’s role and responsibility under the code as well as the duty holder’s policies and procedures.
- 4.3 A safety management system is only effective if the organisation responsible takes active measures to involve and secure the commitment of those involved. This applies both to the risk assessment, and to the subsequent operation, maintenance and ongoing development of the safety management system.
- 4.4 Users have a specific right to be consulted where they are made subject to general,

and harbour directions. This is for the very obvious reason that such directions limit the right they would otherwise exercise freely.

- 4.5 The general aim of consultation on these occasions with users and other interests is to provide an opportunity for contributions to be made both on the identification of risk and its management. Risk management often depends less on formal regulation than on winning the understanding of those whose activities create the risk and securing their agreement to safe behaviour. Organisations are therefore encouraged to advertise that they are undertaking a risk assessment, and to seek ways of securing the widest possible response from those likely to have a meaningful contribution.
- 4.6 The ultimate authority for managing the harbour rests with the legally constituted harbour authority. The harbour authority does not share its legal functions with a users' committee or forum; nor is a forum accountable in the way required of harbour authorities under the Code. It is good practice to have set out in advance in general terms the circumstances in which it will or will not involve such a forum – for example, where emergency action is required or there are commercial and other confidences.
- 4.7 It is clear that The Forum has not meet the full requirements of section 3 of the MCGA and given that time lapse between the last meeting and now it would be advantageous to revisit the Forums constitution and re-establish the Forum to enable the better management of the Harbour moving forwards.

5. RESOURCE IMPLICATIONS

- 5.1. There is a no financial implications contained within this report.
- 5.2. There is limited manpower implications contained within this report, some involvement with legal services will be required to help with the forming of the new Forums constitution.

6. EQUALITIES ASSESSMENT

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

7. ENVIRONMENTAL ASSESSMENT

- 7.1. Having undertaken the Environmental Assessment Checklist. There are no environmental implications arising from this report.

8. CORPORATE PRIORITIES

- 8.1. What impact, positive or negative, does the subject of this report have on:
- 8.1.1. The commercialisation agenda: NA
 - 8.1.2. Improving customer focus and/or : Positive
 - 8.1.3. Regeneration or economic development N/A

9. CONSTITUTIONAL CONTEXT

- 9.1. Article of Part 3 Annexe 1 paragraph:

10. STATEMENT OF CONFIDENTIALITY

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

11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

11.1 Port Marine Safety Code and accompanying Guide to Good Practice

12. STATEMENT OF INTERNAL ADVICE

- 5.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Capt. Georgina Carlo-Paat MBE - Ilfracombe Harbour Master