

**NORTH DEVON COUNCIL**

Minutes of a meeting of Harbour Board held at Ilfracombe Centre - Ilfracombe on Tuesday, 8th August, 2023 at 2.00 pm

PRESENT: Members:

Councillor

Councillors Williams and Wilson

Co-opted Members:

Bert Gear, Martin Clearly, Tim Gibbs and Nigel Thomas.

Officers:

Harbour Master and Independent Health and Safety Advisor.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received Councillor Wilkinson.

Councillor Williams took the Chair for the meeting.

**2. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 7 FEBRUARY 2023**

RESOLVED, that the minutes of the meeting held on 7<sup>th</sup> February 2023 (circulated previously) be approved as a correct record and signed by the Chair.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest announced.

**4. QUARTERLY DESIGNATED PERSON PORT MARINE SAFETY CODE AUDIT REPORT - ILFRACOMBE AND LYNMOUTH HARBOURS**

The Board considered the Quarterly Designated Person Port Marine Safety Code Audit report (circulated previously), by the former Health and Safety Advisor who was acting as the designated person for the purpose of this meeting.

The Designated person gave the Board the following highlights:

- The quarterly audits were carried out at Ilfracombe and Lynmouth Harbours on 4<sup>th</sup> July 2023.

- The quarterly audits were carried out to fulfil the responsibility placed upon the Designated Person (DP) to ensure the Marine Safety Management System was working correctly in compliance of the Port Marine Safety Code.

Ilfracombe actions completed:

- Work to replace all the electrical conduits on the Cove had been completed.
- A Contractor had now been appointed to carry out the work on the vertical crack on Old Quay Head. The work was likely to commence in September 2023.
- The Merchant Shipping (Watercraft) Order 2023 came in to force on 31st March 2023 and the proposed Harbour Revision Order when in force would give the Harbour Authority powers of General Directions to include Jet Skis under the definition of “vessels”
- Whilst it was agreed that maintenance of the Warp Shed on Stone Bench would be carried out by the Council, there was no work currently required for health and safety purposes.
- Duty Holder Training for Members had been held with twenty two Members attending. Those who were unable to attend the session were expected to watch the available recording of the session to ensure they undertook the training.
- The three yearly external harbour audit was carried out by ABPmer in June 2023. The final report for Ilfracombe harbour had been received. However, the final report for Lynmouth had not yet been received.
- Speed ramps had been installed to slow down vehicles as they enter the Pier car park.
- The Cove area had been resurfaced and the pedestrian walkway re-laid in a different coloured, recycled material which would not fade or wear out. The white line demarking the unprotected working quayside had been repainted.

In response to a question regarding cracks in the newly laid recycled surface, the Harbour Master advised that there was an issue with the installation in certain places but advised that the company would be returning to make all of the repairs for free once the weather improved.

In response to a further question, she advised that the newly laid surface had a life expectancy of a minimum of 20 years.

Risk Management – Ilfracombe

- An internal audit of the following topics was carried out this quarter. There were no non compliances and the only non-conformities were that some of the policy and procedure documents were not available on the website as they had been removed for Accessibility Checking.

The topics audited were as follows:

- Drink/Drugs.
- Piloting, Towage and Bunkering.

- Licensing (Works, Tugs, Craft).
  - Permitting (Diving and Hot Works).
  - Auditing Internal /External.
  - Dangerous Vessels and Dangerous Substances.
  - Vessel Traffic Management.
  - Open Port Duty and Setting Dues.
  - Consultation & Consensus.
  - Enforcement.
  - Marine Safety Management System.
  - Marine Emergency Plan Emergency Planning (OPRC/Site Emergency).
  - AtoN and Wrecks.
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- New composite handrails were still to be fitted along RNLI steps. Quotes had now been obtained, and the work would be extended to include hand rails to the old Slipway and the Watersports Centre Slipway. The Harbour Master advised that those works would now likely take place over the winter months.
  - Work to the top rails along the wall together with new mooring rings and ladders on Quay Road had begun with one new ladder installed so far.
  - A drone was used on 6th July 2023 to provide a baseline assessment of the state of the surface of the Pier Car Park as there were many uneven areas and potholes which gave rise to trip hazards. The information gathered from this exercise had been collated and a folder created on the Corporate I drive to ensure that all of the data was in one accessible place. The information gathered had enabled officers to ascertain that the whole car park required a full resurface and a PAG bid was currently being developed for a redesign of the area to bring that to fruition.
  - Members had approved the use of the area at the end of the Pier as a Sea Pool. Due to safety concerns being raised by Council Officers, the opening of the pool had been delayed until such time as a full risk assessment could be carried out and mitigation measures identified and implemented to ensure the safety of users. The Harbour Master advised that following consultation with the Royal Lifesaving Society (RLSS), the Council had been advised not to call the proposed area a pool. This was in part to ensure that members of the public were aware that general swimming was not permitted unless you are part of a registered group who would be using the facility. The Council was therefore currently exploring alternative options for an appropriate name.
  - There was an option to open up Larkstone Cove for permitted swimming in the area up to the yellow marker buoys and there would be no lifeguard required in that area. However, this was due to be considered by the Council's Senior Management Team (SMT) on 1<sup>st</sup> September 2023.
  - The works to develop the proposed sea swimming area were scheduled to begin the last weekend of October 2023 and was 85% funded from external grants and 15% funded from harbour income.
  - The joints between the concrete landings and the slabs on the steps on East Face Quay were being scoured out by sea water action and would give rise to trip hazards if remedial work was not carried out. Old Quay Head outer steps were also starting to show signs of deterioration. The Harbour Master advised that she was currently awaiting the results of a consultative report for remedial works and for the First Landing lintel repairs.

- The wall at Stone Bench had bulged out slightly further but the catchment netting was working to limit movement.
- The concrete beam between the First Landing and the Pier above was showing signs of cracks, in the section above the steps. The Senior Engineer advised that intrusive testing or preferably scanning of the area should be carried out to establish the integrity of the beam, before any remedial work was carried out. Works required would be high pressure jetting, then spraying and sealing.
- Edge Protection risks had been under consideration following a recent fatality at another Harbour. The Ilfracombe Harbour Edge Protection Policy V.4 was due for review in July 2023. Ilfracombe Harbour has edge protection along most of the open edges, except for along the Cove as this was a working quayside and it would be impractical to fence along this edge. There was signage and a painted white line along the quayside to highlight that this was a working area with an unprotected edge. The other area of concern was at the end of Old Quay Head, which was strictly speaking also a working area, and there was signage to advise the public that this was the case, however it needed to be established if this was also a Public Right of Way. It would be prudent to increase the size of the signage to make it more noticeable to the public and if this was not a Public Right of Way, provide a chain across the entrance to the area that had unguarded edges, so that it was only accessed by those who needed to for work purposes.

#### Lynmouth actions completed – Lynmouth

- Two mooring balls on the Harbour Arm had been painted yellow to highlight their positions and prevent trip hazards.
- The three yearly external harbour audit was carried out by ABPmer in June 2023. The final report had not yet been received but the auditor indicated that given the current status of the harbour i.e. not a Statutory Harbour Authority, there were no non-compliances or non-conformities recorded.

#### Risk Management – Lynmouth

- An internal audit of the following topics was carried out this quarter, although many do not apply, given the current non-statutory status of the harbour.
  - Drink/Drugs.
  - Piloting, Towage and Bunkering.
  - Licensing (Works, Tugs, Craft).
  - Permitting (Diving and Hot Works).
  - Auditing Internal /External.
  - Dangerous Vessels and Dangerous Substances.
  - Vessel Traffic Management.
  - Open Port Duty and Setting Dues.
  - Consultation & Consensus.
  - Enforcement.
  - Marine Safety Management System.
  - Marine Emergency Plan Emergency Planning (OPRC/Site Emergency).

➤ AtoN and Wrecks.

- The Ilfracombe Harbour Master had reviewed the Lynmouth Marine Safety Management System and this version needed to be made available on the website. (V.7 Feb 2023) With regard to the legal status of Lynmouth as a harbour, the council was out to public consultation in July for a Harbour Empowerment Order, which would confirm North Devon Council as the Statutory Harbour Authority for Lynmouth and this work was ongoing.
- The new Solar Aid to Navigation lights were now ready to install. It was hoped that they would be installed on the new pole within the next few weeks. This could be done independently of when the National Grid came out to disconnect the electrical supply, which was planned for September 2023. A Notice would be issued to Mariners to advise of the works and the Harbour Master would inform the UK Hydrographic Office (UKHO) and Trinity House once the works were completed. Once the new AToNs were installed, these would be signed up to the Local Aids to Navigation Reporting System (LARS), under Ilfracombe, to enable Lynmouth to fulfil the responsibility to maintain records of aids to navigation availability.
- The issue regarding the movement of the Sea Defence Boulders was currently under dispute with Devon County Council, but this would need to be resolved, due to the flooding risk. The Harbour Master advised that the Environment Agency had submitted a bid for £80K to procure a consultative report for the whole of the Lynmouth flood defences to explore the issue further and find an effective solution.
- Health and Safety at Ilfracombe Harbour continued to be proactively managed by the Harbour Master, with some works now completed, some on going and some new ones arising since the last audit in January 2023.
- As the status of Lynmouth Harbour as a Statutory Harbour Authority was still under consultation there were still aspects of the Port Marine Safety Code which did not apply. Much work had been carried out in Lynmouth and no new risks were identified within the audit.

**5. ILFRACOMBE AND LYNMOUTH HARBOUR'S BUDGET TRADING ACCOUNTS**

The Board considered the Ilfracombe and Lynmouth Harbour's Budget Trading accounts (circulated previously).

The Harbour Master advised that there had been £0.5m spent on harbour works over the three quarters.

There were no questions or comments from the Board.

The Board noted the financial situation of both harbours.

**6. APPOINTMENT OF TWO INDEPENDENT REPRESENTATIVES TO THE HARBOUR BOARD**

The Board considered a report regarding the appointment of two Independent Representatives to the Harbour Board (circulated previously), by the Corporate and Community Services Officer.

The Harbour Manager advised that Mr Bert Gear and Mr Tim Gibbs be appointed as independent representatives to the Harbour Board for a second four-year term both beginning on 25 November 2023 until 24 November 2027.

Two independent representative vacancies would arise on the Harbour Board on 24<sup>th</sup> November 2023 due to Mr Tim Gibbs and Mr Bert Gear reaching the end of their first four-year term. Mr Gear and Mr Gibbs had confirmed they were in agreement to take on a second 4 year term as Independent members on the Board, therefore an external recruitment exercise was not required.

RECOMMENDED, that Full Council agree the recommendation of the Harbour Board to appoint Mr Bert Gear and Mr Tim Gibbs as Independent Representatives to the Harbour Board for a second four-year term both beginning on 25<sup>th</sup> November 2023 until 24<sup>th</sup> November 2027.

**7. HARBOUR PLANS REVIEW**

The Board considered the Harbour Plans report (circulated previously) by the Ilfracombe Harbour Master.

The Harbour Master advised that as a Statutory Harbour, Ilfracombe Harbour was 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 were subject to periodic reviews and amendments. From time to time when deemed necessary for Harbour management a new policy or plan would be put in place.

She drew the Board's attention to the following points that were highlighted within the report:

- 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 complied with the code were committed to produce policies and plans covering a wide range of subjects and to review those documents on a regular timescales to ensure they continued to be fit for purpose.
- The review of those documents took into account current legislative regulations and relevant guides to good practice.
- There were three documents that had been reviewed as per the review schedule, these were as follows:
  - Marine Safety Management System (appendix A).
  - Marine Emergency Plan (appendix B).

➤ Edge Protection policy (appendix C).

- These now required a final review at board level before being adopted.
- There were no other options to be considered.
- There were no risks in adopting the recommendation.
- The three documents had been reviewed/ formulated and were in line with current accepted guidance and uphold the current legislative regulations.
- There was no impact on the community in adopting the recommendation.

In response to a question regarding the edge protection policy, the Harbour Master advised that the slipway had railings and replacement handrails on the old slipway to provide protection.

She added that permission to swim had been granted to the wild swimming commercial watersports operator at Larkstone Cove. However, lone swimming was not permitted and a new safety sign had been installed to warn that swimming beyond the marker buoys was not permitted.

She drew the Board's attention to appendices one, two and three of the report, which were as follows:

- The Marine Safety Management System (MSMS), which outlined the safety plan for the next three years and listed the members of the Board.
- The Marine Emergency Plan, the Harbour Master had identified that there was no section within the emergency plan with regards to raising the alarm for injuries sustained on board a vessel. So, this had now be included under 2.3 of the plan and outlined the necessary procedures which should be followed in the event of an emergency.
- Edge Protection Policy, was fully compliant. However, there were one or two actions required with regards to signage and the requirement of chain to be installed at Old Quay Head.

The Harbour Master added that the Harbour plans had been highlighted as one of the better examples of those assessed across the country.

RESOLVED, that the review of the following documents, which were attached to the report be approved:

- Appendix 1 - Marine Safety Management System;
- Appendix 2 - Marine Emergency Plan; and
- Appendix 3 - Edge Protection policy.

## **8. ILFRACOMBE HARBOUR CONSULTATIVE FORUM**

The Board considered a report by the Harbour Master (circulated previously) regarding the Ilfracombe Harbour Consultative Forum.

The Harbour Master advised that the Port Marine Guide to Good Practice 2018 (MCGA), which was the accompanying document to the Port Marine Safety Code (PMSC) stated in section 3:

“Consultation that “Safety in the port marine environment was not just a matter for the organisation, its Officers, contractors or its authorised pilots. Users were 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 followed therefore that organisations needed to consult, as appropriate with two main groups, which were marine users, both commercial and leisure, and local interests and communities.”

She advised that the Ilfracombe’s Harbour Consultative Forum (The Forum) was formed in 2017 with its own constitution (appendix A) and up to 2020 it had performed some of the duties required under the code. However, since the advent of COVID 19; to date there had not been another forum meeting. This had left the Harbour Authority without an avenue to comply with section 3 of MCGA.

She drew the Boards attention to the following points within the report:

- Port marine operations were technical matters, which were well understood by experienced Harbour masters or port marine practitioners, but perhaps much less so by the wider public, including many recreational users.
- The importance of appropriate involvement of wider interests, which safeguarded the organisations position, whilst being mindful of the overall responsibility for managing safety in a harbour or facility rested with the organisation.
- That the safety management system was only effective if the organisation responsible took active measures to involve and secure the commitment of those involved. This applied both to the risk assessment, and to the subsequent operation, maintenance and ongoing development of the safety management system.
- The general aim of consultation on these occasions with users and other interests was to provide an opportunity for contributions to be made both on the identification of risk and its management. Risk management often depended less on formal regulation than on winning the understanding of those whose activities created the risk and securing their agreement to safe behaviour. Organisations were therefore encouraged to advertise that they were undertaking a risk assessment, and to seek ways of securing the widest possible response from those likely to have a meaningful contribution.
- There was a clear understanding that the Forum had not met 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.

Mr Gear added that he was Chair of the Forum in its current format for 10 years. However, attendance at the meetings had a tendency to fluctuate if there were particular issues that were affecting harbour users in their day to day work. He



explained that in his opinion the Forum would work more effectively if every registered boat owner was a member and there would not be so many meetings held unnecessarily.

In response, the Harbour Master advised that there didn't have to be an update from the Forum to every Harbour Board meeting and that updates could be provided on an annual basis. She added that the Forum meetings could also be held via Microsoft Teams or Zoom to facilitate better attendance levels.

**RECOMMENDED:**

(a) that Full Council approve the following:

- (i) that the Forum as it stood be dissolved and that a new Forum be constituted that better met the requirements of the Harbour and the Harbour Authorities requirements under section 3 of the MCGA; and
- (ii) that the name of the forum be changed to the "Ilfracombe Harbour Users Group".

**9. MARINE SAFETY PLAN**

The Board received an update from the Harbour Master regarding the Marine Safety Plan.

The Harbour Master advised that the safety plan was operating as it should be and that all of the relevant information was available on the Council's website.

**10. AIDS TO NAVIGATION**

The Board received an update from the Harbour Master regarding Aids to Navigation.

The Harbour Master advised that the solar lights, which had a beam that could be seen from two nautical miles out to sea were ready to be fitted. However, the posts that were already in situ required some adaptation prior to the installation of the new solar lights.

She added that the new solar lights for Lynmouth would be installed on mass on the 5<sup>th</sup> September 2023, which would require the lights to be off for three days.

The new lights had a GSM monitor fitted, which enabled software to be linked to mobile phones. So, if ever a light was to stop working, the Harbour Master would be notified immediately. The software also enable officers to generate reports for the operation of the system.

## **11. INFRASTRUCTURE UPDATE**

The Board received an update from the Harbour Master regarding infrastructure.

The Harbour Master regarding the environmental impact of the harbour adding that her goal was to ensure that the harbour was sustainable and that steps were taken now to future proof against potential impacts.

She outlined the interventions that were already in place, which were:

- The utilisation of composite materials
- The use of composite ladders around the harbour
- The installation of the fenders.
- The works to Old Quay Head were almost complete
- The ladders that were to be installed at the Cove were currently being manufactured.
- The facing to the hut on stone beach was currently being removed through acts of vandalism, this area could be adapted to bring changing facilities to the area once the sea pool was in place if the need was demonstrated.
- Whilst undergoing maintenance, areas of deterioration were identified on the fuel tank and the requirement to replace the tank was now being explored.

## **12. FUTURE PROJECTS**

The Board received an update from the Harbour Master regarding future projects.

The Harbour Master advised that Ilfracombe Harbour had received endorsement from the Royal Yachting Association as a recognised training centre.

She added that there were aspirations to deliver a multiuse training centre and that this had already led to a number of requests to utilise any future facilities that may be developed.

A business case had been developed for the Ilfracombe Maritime Centre of Excellence together with the development of subsequent business plans in time for approval by the relevant bodies. Tentative approaches had already been made to RMB Chivenor with regards to utilising their grounds as the marine firefighting facility, with the Brynsworthy Environment Centre also being a viable option.

In response to a question regarding the background to the project, the Harbour Master advised that the Royal Yachting Association could provide training courses to boat owners for vessels up to 24m. However, anything above that length would fall within the remit of the Maritime and Coastguard Agency and required a boat owner if commercially operated to undertake a mandatory 5.5 day qualification, which required renewal every five years (STCW 95).

She added that the majority of courses could be delivered in Ilfracombe but that maritime firefighting on vessels over 24m would have to be delivered at an

alternative location. However, Red One had confirmed that they could deliver this element of the training if the Council provided the necessary equipment; and there were potential locations for this, provided the correct foam rating was in place.

The Harbour Master confirmed that the Board would be kept informed of the process as it developed, adding that the ultimate vision was to build a Maritime Academy in Ilfracombe whilst being mindful to manage realistic expectations and work towards that vision.

In response to questions, the Harbour Master advised the following:

- The port management element would be included.
- Petroc were in the process of applying for university status.
- That mandatory Duty Holder training had been delivered to all Members.

### Bollard testing

The Harbour Master referred to an email that she had received from a company regarding the testing of bollards and advised that there had been three major instances around the world whereby a bollard has been pulled out of the Quay by the vessel resulting in injury.

She advised that there was one company that could undertake the required works and access small areas and that she had obtained an approximate quote of £12,410 or £4137 per annum (£344.75 per month) for the testing of 34 bollards each year over a three year period. There would be no charge for Lynmouth.

She explained that bollard testing was not currently a mandatory requirement at the current time. However, once it became a mandatory requirement the costs would increase significantly.

In response to a question regarding the frequency of testing once it became a mandatory requirement, the Harbour Master advised that it was likely that testing would be required on an annual basis.

She added that in accordance with the Council's financial procedures when a quote was over £5K, there was a requirement to go out to tender and obtain quotes. However, in this instance there was only one suitable company that could undertake the works required and a request for waiver could be obtained prior to funds being sought.

She further advised that the Board would be kept up to date on progress.

### RECOMMENDED:

- a) that a request be submitted to the Director of Resources and Deputy Chief Executive regarding the payment of £4137 per annum over a three year period to test 34 of the 62 bollards in the harbour; and

- b) that a request for waiver be submitted to allow the Council to appoint the appropriate company to undertake the works.

Aqua Superpower – High Power Marine Charging

The Harbour Master explained that a survey of the harbour had been undertaken by a company called Aqua Superpower for free installation of an Aqua75 high powered charger for cars and boats. This opportunity was being offered to all harbours around the country.

The proposed location of the proposed charger was on the solid harbour wall mounted on a concrete plinth, with the final location being determined by a site survey.

If the Board was to agree, the document would be signed and the Council would receive a percentage of the income generated.

**RESOLVED:**

- a) that the proposal of an Aqua75 high powered charged for cars and boats be approved; and
- b) that the Harbour Master notify the company of the Board's wish to proceed with the installation of the charger.

**13. HARBOUR COMMUNITY FORUM**

This item wasn't considered as the Town Clerk to Lynton and Lynmouth was not in attendance at the meeting.

Chair

The meeting ended at 3.37 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.