

South Hams Salcombe Harbour Board



| | | |
|--|---|--|
| Title: | Agenda | |
| Date: | Monday, 10th July, 2017 | |
| Time: | 2.30 pm | |
| Venue: | | |
| Full Members: | <p>Chairman Cllr Brazil Vice Chairman</p> <p><i>Members:</i> Ms A Jones Mr M Taylor Mr M Long Cllr Pearce Mr M Mackley Cllr Wingate Mr H Marriage Cllr Wright Mr A Thomson Cllr Gilbert</p> | |
| Interests – Declaration and Restriction on Participation: | Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest. | |
| Committee administrator: | Member.Services@swdevon.gov.uk | |

| | | |
|------------|--|----------------|
| 1. | Apologies for Absence | |
| 2. | Minutes | 1 - 4 |
| | to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Board held on 20 February 2017 | |
| 3. | Urgent Business | |
| | brought forward at the discretion of the Chairman | |
| 4. | Division of Agenda | |
| | to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information | |
| 5. | Declarations of Interest | |
| | Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests, they may have in any items to be considered at this meeting | |
| 6. | Public Question Time | |
| | a period of up to 15 minutes is available to deal with questions from the public | |
| 7. | Feedback from Harbour Community Forums | |
| | to receive verbal reports from Board Members who attend the Harbour Community Forums on behalf of the Board | |
| 8. | Code of Conduct Dispensations - Deputy Monitoring Officer to consider the granting of dispensations for the 2017/18 Municipal Year; | |
| 9. | 2016/17 Year End Financial Report | 5 - 12 |
| 10. | Governance of Salcombe Harbour | 13 - 20 |
| 11. | Introduction of Safety and Environmental Management System | 21 - 58 |
| 12. | Harbour Master's Report | 59 - 60 |

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Agenda Item 2

Salc Harb 20.02.17

MINUTES OF THE MEETING OF THE SALCOMBE HARBOUR BOARD HELD AT QUAY HOUSE, KINGSBRIDGE ON MONDAY, 20 FEBRUARY 2017

| Members in attendance | | | |
|-----------------------|--------------------------|-------------------------------|---------------|
| * Denotes attendance | | ∅ Denotes apology for absence | |
| * | Cllr J Brazil (Chairman) | * | Ms A Jones |
| ∅ | Cllr J A Pearce | * | Mr M Long |
| * | Cllr K R H Wingate | * | Mr M Mackley |
| * | Cllr S A E Wright | * | Mr H Marriage |
| | | ∅ | Mr A Thomson |
| | | * | Mr M Taylor |
| ∅ | Cllr R D Gilbert | | |

| Item No | Minute Ref No below refers | Officers in attendance and participating |
|------------------|-------------------------------|--|
| All agenda items | | Salcombe Harbour Master, Commercial Services Group Manager, Specialist Democratic Services |

SH.32/16 MINUTES

The minutes of the meeting of the Salcombe Harbour Board held on 21 November 2016 were confirmed as a correct record and signed by the Chairman.

SH.33/16 NOMINATION OF VICE CHAIRMAN

It was **PROPOSED, SECONDED** and duly **CARRIED** that Mr Hugh Marriage be elected Vice Chairman of Salcombe Harbour Board.

The Chairman congratulated Mr Marriage and also took the opportunity to formally welcome Ms Ali Jones as a new Member of the Board.

SH.34/16 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, and the following were made:

Cllrs Wingate and Wright and Ms Jones, Mr Mackley, Mr Marriage and Mr Taylor all declared a disclosable pecuniary interest in all related agenda items by virtue of having moorings or paying harbour dues to the Council. As a result of the Solicitor granting each Board Member a dispensation, they were all able to take part in the debate and vote on any related matters (Minute SH.05/16 refers).

SH.35/16 **PUBLIC QUESTION TIME**

In accordance with the Public Question Time procedure rules, Mr Peter Ralph addressed the Board and advised that he had been elected as the Chairman of Kingsbridge Estuary Boat Club (KEBC). The Board thanked Mr Ralph for attending, and confirmed the importance of a good relationship between KEBC and the Board.

SH.36/16 **FEEDBACK FROM HARBOUR COMMUNITY FORUMS**

The Board received verbal update reports from the Board Members who attended the Harbour Community Forums. The updates were given as follows:

Salcombe Kingsbridge Estuary Association (SKEA)

No update was given.

Salcombe Kingsbridge Estuary Conservation Forum (SKECF)

Mr Long advised that Dr Harling CBE had previously been the representative for this Forum and, as he already attended the SKECF meetings, he offered to take on the role of Board representative. The Chairman agreed and thanked Mr Long.

South Devon & Channel Shellfishermen

The representative had given apologies for this meeting but another Board Member was able to update that the recent meetings with the Forum had been positive, largely thanks to the work of the Harbour Master. The revised refuse arrangements were of particular note.

Kingsbridge and Salcombe Marine Business Forum

The representative suggested that, as Ms Jones was the Chairman of this Forum, she might like to take on the role of representative. The Chairman then asked if an approach could be made to non-power boat users and businesses around the Harbour to ascertain if they felt that representation as a Forum would be of benefit. Otherwise, they could continue to be represented as part of the Business Forum.

The Chairman advised the Board that planning permission had recently been granted for light industrial units at Gould Road, Salcombe. This matter had previously been discussed by the Board and, whilst they were pleased that the planning permission had been granted, Members wished to formally record their view of the importance of the units being reserved for marine industry use. Board Members also noted that any consultation exercise in respect of design of that area should include local people and users.

Kingsbridge Estuary Boat Club (KEBC)

The representative advised that the AGM had been held and the Harbour Master had attended.

SH.37/16 UPDATE ON THE LOCAL AUTHORITY CONTROLLED COMPANY (LACC)

The Group Manager Commercial Services advised the Board that the recommendation of the Joint Steering Group (JSG) had been that the Council should not proceed with the LACC in its proposed form. Whilst there were no technical issues to prevent proceeding, there were additional costs in the early years that were felt to be prohibitive.

A Board Member who was a member of the JSG added that whilst the LACC may not have been the right solution, the budgetary constraints still existed and the JSG would continue to work to consider alternative options.

Another Member noted surprise that the Harbour Board had been included in the LACC from the start, when Board Members had met with the JSG and requested a delay. The JSG Member responded that the Harbour would have been included for modelling purposes, but no definite decision had been taken on when the Harbour Authority would have been incorporated into the LACC.

SH.38/16 REVENUE BUDGET MONITORING 2016/17

A report was presented that enabled Members to monitor income and expenditure variations against the approved budget for 2016/17, and provided a forecast for the year end position. The Harbour Master introduced the report and indicated the items of particular interest.

The Chairman again raised the matter of credit card charges and the Harbour Master advised that work was almost complete on being able to offer BACS payments. The Board asked that this matter be updated at the next meeting of the Board.

Members were pleased to note the forecast surplus, and in terms of the modest amount, praised the accurate budget forecasting. Finally, the Chairman asked if future reports could include up to date information on the amount held in reserves.

It was then:

RESOLVED

That the forecast income and expenditure variations for the 2016/17 financial year and the overall projected underspend of £30,000 be noted.

SH.39/16 3RD QUARTER PERFORMANCE INDICATORS

The Harbour Master presented a report that summarised Salcombe Harbour's Performance Indicators (PIs) for the period 1 October 2016 to 31 December 2016.

He noted the position regarding waiting lists and how it demonstrated a strong demand. There were no accidents or incidents to report during this timeframe.

It was then:

RESOLVED

That the latest PIs be noted.

SH.40/16 HARBOUR MASTER'S REPORT

The Harbour Master presented a report on topical harbour issues that could be of interest to the Board or affected the Harbour.

He further updated the position with regard to the Egremont and the investigations being undertaken in respect of alternatives for this year. In discussing the Kingsbridge Salcombe Ferry, Members were clear that the Harbour Master should seek expressions of interest to ensure that a Ferry service did run this year.

The Harbour Master provided the Board with clarity in respect of the Aquaculture proposal, and Members had differing views on potential harm or benefits of the scheme. Members did agree however that all appropriate licences and permissions must be in place prior to any such scheme being trialled.

The Harbour Master then updated the Board on a matter of a boat that had broken free of its moorings. Members had a brief discussion on the merits of imposing an inspection regime on private moorings and agreed that this subject should be discussed at a future workshop.

Finally, it was confirmed that the next Harbour Board meeting was scheduled for 10 July, 2017 and would take place after the Annual Inspection. The following confirmed meeting date was 25 September 2017.

It was then:

RESOLVED

That the report be noted.

(Meeting commenced at 2.30 pm and concluded at 4.15 pm)

Agenda Item 9

Report to: **Salcombe Harbour Board**
Date: **10 July 2017**
Title: **2016/2017 Year End Financial Report**
Portfolio Area: *Salcombe Harbour*
Wards Affected: **All**
Relevant Scrutiny Committee: **Overview and Scrutiny Panel**

Urgent Decision: **N** Approval and clearance obtained: **N**

Authors: **Pauline Henstock** Roles: **Finance Business Partner**
Adam Parnell **Harbour Master**
Contact: **Tel. 01803 861377 pauline.henstock@swdevon.gov.uk**
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Recommendations:

That the Board notes the income and expenditure variations for the 2016/17 financial year, notes the overall trading surplus of £46,621 and resolves to allocate this surplus to the Harbour's General Reserve fund.

1. Executive summary

1.1 This report advises Members of the Harbour's final trading position in 2016/17 together with brief details of the main variations from the original budget. A summary of harbour reserves is also provided.

2. Background

2.1 The Harbour budget is agreed annually in September by the Harbour Board and subsequently approved by Full Council. Budgeted revenue expenditure for 2016/17 was set at £1,018,300 and fees and charges were set to balance the budget.

3. Outcomes/outputs

3.1 The Harbour's trading accounts have now been finalised, pending external audit certification in July. A trading surplus of £46,621 has been achieved for 2016/17 based predominately on more Mooring Hire revenue

being generated than forecast. This surplus of £46,621 equates to 4.6% of the budgeted turnover and compares to a projected surplus of £30,000 as at 26 January 2017.

3.2 Inevitably circumstances that arise throughout the year often differ from the budgeted position, giving rise to financial variations. However, the overall impact is mitigated by continuous monitoring and timely decision making where corrective action is required. Appendix 1 shows how the surplus of £46,621 has been achieved. Significant variations from budget are shown in the table below:

| | Budgeted expenditure/ (income) | Variations increase/ (decrease) | | |
|--|---|--|-----------------|----------|
| | £ | £ | | £ |
| APPROVED NET BUDGET | | | | - |
| Reductions in expenditure /additional income | | | | |
| Harbour dues | (272,100) | (6,392) | | A |
| Mooring hire | (438,400) | (43,743) | | B |
| Pontoon berth hire | (160,300) | (6,279) | | C |
| Miscellaneous net income variances | (37,400) | (12,589) | | D |
| Transport-related expenses | 49,200 | (5,292) | | E |
| New projects funded from Reserves | 5,000 | (5,000) | | F |
| Sub total of variations | | | (79,295) | |
| | | | | |
| Increases in expenditure/reductions in income | | | | |
| Employees | 383,100 | 2,662 | | G |
| Premises-related expenditure | 294,900 | 25,240 | | H |
| Supplies & Services | 72,800 | 4,772 | | I |
| Sub total of variations | | | 32,674 | |
| | | | | |
| 2016/17 SURPLUS | | | (46,621) | |

Notes

- A. **Harbour dues** – slightly more vessels than anticipated visited Salcombe this year, resulting in a small increase in dues.
- B. **Mooring hire** – the forecasted number of visiting yacht nights is customarily pessimistic to take account of any poor weather or other factors which keep visitors away. This has fortunately not proven to be the case despite lower visitor numbers since they have all on average stayed for longer.
- C. **Pontoon berth hire** – this income has been generated by renting out temporarily vacant berths during the high season.
- D. **Miscellaneous income** – the Harbour has successfully hired out space capacity of its crane, tele-handler, barge and launches which has generated additional revenue.
- E. **Transport-related expenses** – Lower than expected fuel costs have resulted in a saving of just over £5,000.
- F. **Projects funded from reserves** – the underspend is due to a decision to delay the purchase of an electric outboard for Whitestrand Patrol by a year to enable further market investigation. This will be procured in 2017/18 instead.
- G. **Employees** – The overspend of £2,662 was mainly due to additional overtime paid to cover long-term sick absence of the previous Boat Park Attendant. In addition the cost of staff training was higher than anticipated mainly due to LGV and fork lift truck refresher training, but this has been offset by savings in salaries.
- H. **Premises-related expenditure** – the overspend was mainly due to the new security patrol contract (£9,430), additional R & M on Moorings (£5,941), and additional Duchy rent payable (£8,664) as a result of the increased revenue from moorings (see note B).
- I. **Supplies and services** – Although we made considerable savings on office equipment, printing and postage, our cash collection expenses (ie card transaction costs) were higher than budgeted, resulting in an overall overspend of £4,772.

4. Issues for consideration.

- 4.1 Although no changes are anticipated, the figures contained within this report have not yet been externally audited.

5. Reserves

- 5.1 An analysis of each of the Harbour reserves is shown in Appendix 2. This identifies all items funded from reserves during 2016/17 and contributions made to the reserves.

6. Proposed Way Forward

6.1 The accounts will be formally audited in July.

6.2 Regular budget monitoring reports will be brought to the Board's attention in future meetings. The 2018/19 budget will be proposed to the Board in September.

7. Implications

| Implications | Relevant to proposals Y/N | Details and proposed measures to address |
|--|---------------------------|---|
| Legal/Governance | N | SHB needs to be aware of its budget and associated costs & expenditure |
| Financial | Y | The accounts have not yet been subject to external audit but as all the relevant accounting standards and practices have been followed it is unlikely that the overall position will change. The report identifies a surplus of £46,621 which will be added to the General Reserve. |
| Risk | N | |
| Comprehensive Impact Assessment Implications | | |
| Equality and Diversity | N | None directly arising from this report. |
| Safeguarding | N | None directly arising from this report. |
| Community Safety, Crime and Disorder | N | None directly arising from this report. |
| Health, Safety and Wellbeing | N | None directly arising from this report. |
| Other implications | N | None directly arising from this report. |

Supporting Information

Appendix 1 – Salcombe Harbour Outturn 2016/17

Appendix 2 – Harbour Balances 2016/17

Background Papers: None

| Actual 2014/2015 | Actual 2015/2016 | | Budget 2016/2017 (At outturn prices) | Actual 2016/2017 | Variance Actual to Budget |
|---------------------------------------|-----------------------------|--|---|-----------------------------|--|
| £ | £ | | £ | £ | £ |
| Employees:- | | | | | |
| 376,869 | 394,315 | Harbour | 383,100 | 385,762 | 2,662 |
| Premises-Related Expenditure:- | | | | | |
| 29,323 | 26,864 | General Repairs and Maintenance | 19,500 | 23,714 | 4,214 |
| 39,063 | 44,456 | Security Patrol | 42,600 | 52,030 | 9,430 |
| 8,369 | 6,397 | Landings and Pontoons | 10,500 | 10,720 | 220 |
| 40 | 0 | Marks and Beacons | 1,500 | 655 | (845) |
| 55,479 | 59,207 | Moorings | 62,500 | 67,577 | 5,077 |
| 620 | 910 | Insurances | 1,900 | 261 | (1,639) |
| 22,805 | 22,220 | Utility Charges | 24,900 | 23,485 | (1,415) |
| 122,526 | 127,459 | Rents | 123,500 | 132,164 | 8,664 |
| 6,429 | 8,489 | Refuse Collection /Office Cleaning | 8,000 | 9,534 | 1,534 |
| 284,654 | 296,002 | | 294,900 | 320,140 | 25,240 |
| Supplies and Services:- | | | | | |
| 11,642 | 23,560 | Equipment | 19,100 | 16,251 | (2,849) |
| 9,235 | 8,417 | Printing, Stationery and Advertising | 11,000 | 9,386 | (1,614) |
| 8,933 | 7,718 | Communications (Radios, Telephones, Postage etc.) | 9,900 | 5,940 | (3,960) |
| 3,552 | 3,722 | Protective Clothing | 4,000 | 4,588 | 588 |
| 6,600 | 9,902 | Credit Card Handling Charges | 6,500 | 17,120 | 10,620 |
| 25,655 | 25,934 | Miscellaneous | 22,300 | 24,287 | 1,987 |
| 65,617 | 79,253 | | 72,800 | 77,572 | 4,772 |
| 41,026 | 55,903 | Transport-Related Expenses (Launches etc.) | 49,200 | 43,908 | (5,292) |
| 51,600 | 51,900 | Central Support Services | 43,500 | 43,500 | 0 |
| 26,000 | 30,000 | Contribution to Renewals Reserve | 34,000 | 34,000 | 0 |
| 50,000 | 61,500 | Contribution to Pontoon Reserve | 61,500 | 61,500 | 0 |
| 15,000 | 25,000 | Contribution to Marine Infrastructure Reserve | 46,300 | 46,300 | 0 |
| 5,045 | 0 | New Projects Funded From Revenue | 5,000 | 0 | (5,000) |
| 41,909 | 144,558 | Items being met from Reserves | 3,200 | 37,985 | 34,785 |
| 29,997 | 24,800 | Capital Charges (Net) | 24,800 | 24,800 | 0 |
| 987,717 | 1,163,231 | TOTAL EXPENDITURE | 1,018,300 | 1,075,467 | 57,167 |
| (274,626) | (267,328) | Harbour Dues | (272,100) | (278,492) | (6,392) |
| (433,693) | (457,998) | Mooring Hire | (438,400) | (482,143) | (43,743) |
| (160,018) | (163,633) | Small Boat Pontoon Systems | (160,300) | (166,579) | (6,279) |
| (35,841) | (34,693) | Water Taxi Service | (36,000) | (36,404) | (404) |
| (23,008) | (23,279) | Mooring Licences | (23,700) | (23,073) | 627 |
| (44,035) | (44,142) | Security Patrol Fees | (45,200) | (42,239) | 2,961 |
| (50,095) | (45,200) | Miscellaneous | (37,400) | (54,273) | (16,873) |
| (41,909) | (144,558) | Contribution from Reserves | (3,200) | (37,985) | (34,785) |
| (1,200) | (1,200) | Interest | (2,000) | (900) | 1,100 |
| (1,064,425) | (1,182,031) | TOTAL INCOME | (1,018,300) | (1,122,088) | (103,788) |
| (76,708) | (18,800) | (SURPLUS) / SHORTFALL ON TRADING ACTIVITIES | 0 | (46,621) | (46,621) |

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Pontoons Reserve

| | £ |
|------------------------|------------|
| Balance 1st April 2016 | 67,766 |
| ADD | |
| Contribution 2016/2017 | 61,500 |
| Interest | <u>500</u> |
| | 129,766 |

Less expenditure on:-

Balance as at 31st March 2017 **129,766**

N.B. £30,000 and £114,000 are committed to repay the Residents Pontoons loan in 2017/18 and the Batson Pontoons loan in 20

Renewals Reserve

| | £ |
|------------------------|------------|
| Balance 1st April 2016 | 58,383 |
| ADD | |
| Contribution 2016/2017 | 34,000 |
| Interest | <u>300</u> |
| | 92,683 |

Less expenditure on:-

| | |
|----------------------|--------------|
| Outboard motor | 3,000 |
| 2 20HP Honda engines | <u>4,985</u> |
| | 7,985 |

Balance as at 31st March 2017 **84,698**

General (Revenue Account) Reserve

| | £ |
|------------------------|----------------|
| Balance 1st April 2016 | 139,789 |
| ADD | |
| Surplus 2016/2017 | 46,621 |
| | <u>186,410</u> |

Less expenditure on:-

| | |
|---|---------------|
| Interim loan repayment - Residents Pontoo | 30,000 |
| | <u>30,000</u> |

Balance as at 31st March 2017 **156,410**

Total Reserves Balances as at 31st March 2017

370,874

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Report to: **Salcombe Harbour Board**

Date: **10 July 2017**

Title: **Governance of Salcombe Harbour**

Portfolio Area: *Commercial Services*

Wards Affected: **All**

Relevant Scrutiny Committee:
Overview and Scrutiny Committee

Urgent Decision: **N** Approval and clearance obtained: **N**

Date next steps can be taken:
(e.g. referral or recommendation or implementation of substantive decision) **N/A**

Author: **A Parnell** Role: **Harbour Master**

Contact: **01548 843791**

Recommendations:

That the Board **notes** the report's contents regarding the constitution and context, and **resolves** to recommend to Council the financial plan and revenue-raising opportunities identified in para 4 to ensure long-term financial sustainability.

1. Executive summary

1.1 This report clarifies the relationship between South Hams District Council (SHDC) and the Salcombe Harbour Board (SHB). It sets out the individual and collective role and responsibilities of SHB members and outlines the boundaries of their powers and delegated authorities. It explains the relationship between ownership and management of Harbour-related infrastructure and sets out how payments for both for their use and administration are agreed between SHDC and Salcombe Harbour.

1.2 The report articulates the political and financial context within which SHDC and SHB are operating, and proposes a future financial plan to ensure that both the Harbour's and SHDC needs are met.

2. Background

2.1 Legal framework. The Pier and Harbour Order (Salcombe) Confirmation Act 1954 nominated South Hams District Council as the Statutory Harbour Authority (HA) for Salcombe Harbour. As a HA the Council has a range of statutory and non-statutory duties and powers relating to marine operations. These include a duty of care to those using the harbour which means they have an obligation to conserve and facilitate the safe use of the harbour as well as a duty of care against loss caused by the Harbour Authority's negligence.

2.2 Constitution. The Harbour is not an Executive function; the Council has instead delegated functions related to the operation of the Salcombe Harbour to the Salcombe Harbour Board (SHB), which is a committee of the Council. Its general function¹ is to:

'Improve, maintain and manage the whole of the Salcombe-Kingsbridge Estuary for the benefit of users ... and to balance the commercial outlook by conserving and protecting the estuarine environment.'

2.3 Duty Holder. The Council has also nominated the SHB as the 'duty holder' for Salcombe Harbour. This means that under the Port Marine Safety Code (PMSC) the members of the Board are individually and collectively *accountable* for safe and efficient marine operations. They are also *responsible* for ensuring that the organisation complies with the PMSC. This requires them to develop and maintain an effective Marine Safety Management System (MSMS) based on formal risk assessment to ensure that all risks are eliminated or reduced to 'as low as reasonably practicable'.

2.4 The PMSC and MSMS complement – but are separate to – responsibilities set out under Health and Safety legislation and regulations.

2.5 Extent of powers. The Council's Constitution states that the SHB will conduct operations in accordance with the powers granted to the Council as a HA. *Inter alia* it must:

- 2.5.1. develop strategic business plans for the Harbour for approval by Council;
- 2.5.2. make operational decisions based on advice from the Harbour Master, the Designated Person, harbour community forums and other officers with specialist knowledge of the Harbour;
- 2.5.3. monitor and analyse performance against the budget, other indicators and performance plans;
- 2.5.4. maintain commercial accounts to demonstrate the Harbour's commercial viability and remain self-financing. This includes recommending charges and subsidies for approval by the Council on a yearly basis;

¹ South Hams District Council, Constitution dated 2016, article 8.1

2.5.5. monitor and review all matters relating to the Harbour land and property in accordance with policies laid down by the Council. This includes overseeing contracts for harbour-related services (eg the provision of the night security patrol, diving, dredging etc).

2.6 Reserved competencies. The following functions are outside of the SHB's powers and are reserved to full Council. SHB may however make recommendations to Council concerning these matters:

- 2.6.1. amendments to governance arrangements (eg changes to the Harbour Board's constitution, terms of reference and membership);
- 2.6.2. approving and adopting budgets, and associated fees and charges;
- 2.6.3. appointing the Chair of the SHB;
- 2.6.4. adopting or amending policies, plans and strategies (eg the Moorings' Policy or the Harbours strategic business plan);
- 2.6.5. to borrow money;
- 2.6.6. to make, amend, revoke or adopt byelaws (eg the Salcombe Harbour byelaws).

2.7 Asset ownership. Both SHDC and the HA own a number of Harbour-related assets. Since ultimately the HA is a part of SHDC, this distinction may seem peculiar, however it has utility since it relates to the different funding sources: assets 'owned' by the HA have been procured through the Harbour's ring-fenced accounts whereas those owned by the Council have been paid for from its General Fund. The following table identifies asset 'ownership', management and costs:

| Ownership | Daily management | Daily maintenance | Who pays for repair/replacement? |
|-------------------------------|-------------------------|-------------------------------|----------------------------------|
| SHDC | | | |
| Quay walls | SHDC | SHDC | SHDC (see 2.9) |
| Jubilee Pier | SHDC | SHDC | SHDC |
| Fish Quay* | Hbr Auth | SHDC | SHDC |
| Harbour slipways and steps* | Hbr Auth | Hbr Auth clean; SHDC maintain | SHDC (see 2.9) |
| Harbour office | Hbr Auth rent from SHDC | SHDC | SHDC |
| Harbour workshop | Hbr Auth rent from SHDC | SHDC | SHDC |
| Batson boat park* | Hbr Auth | SHDC | SHDC |
| Bowcombe dingy park* | Hbr Auth | | SHDC |
| The sub-lift* | Hbr Auth | Hbr Auth | SHDC |
| Whitestrand showers & toilets | SHDC | SHDC | SHDC |
| Harbour Authority | | | |
| Pontoons and walkways/bridges | Hbr Auth | Hbr Auth | Hbr Auth |
| Harbour launches | Hbr Auth | Hbr Auth | Hbr Auth |
| Outboard/inboard | Hbr Auth | Hbr Auth | Hbr Auth |

| | | | |
|--------------------------------|----------|----------|----------|
| engines | | | |
| Navigational marks and beacons | Hbr Auth | Hbr Auth | Hbr Auth |
| Mooring barge | Hbr Auth | Hbr Auth | Hbr Auth |
| Fixed and mobile cranes | Hbr Auth | Hbr Auth | Hbr Auth |
| Telehandler | Hbr Auth | Hbr Auth | Hbr Auth |

2.8 Funding of repairs/replacement. SHDC repairs/replacement are funded from the Council's *General Fund*. Separately, the HA holds three reserves:

- *Renewals Reserve*, which for example funds replacement launches, boats, plant, barge;
- *Pontoon Reserve*, which funds the periodic maintenance and replacement of the pontoon infrastructure within the estuary; and,
- The *Harbour's General Reserve*, which is used as a source of working capital eg to make good any revenue shortfalls.

2.9 HA also contributes to a fourth reserve, which is a Council reserve called the Marine Infrastructure Reserve. The Authority pay an annual amount equivalent to the expenditure (averaged over a 25 year period) required to maintain the quay walls and slipways and steps. In 2016-17 this was £46,300.

2.10 Staff. The Harbour Staff are employed by, and are officers of, SHDC. The staff's salaries and associated costs are paid entirely from the Harbour's budget, with the exception of the Harbour Master who is paid 80% from Harbour budget and 20% from the Beach and Water Safety budget. This split reflects the time that is spent discharging his wider responsibilities as the SHDC Marine Officer.

2.11 Management recharges. In addition to the above, the HA recharge SHDC for the Harbour staff's time spent managing SHDC assets. In return, SHDC recharge the HA for business services. The following table provides a breakdown based on 2017-18 figures:

| Paid by HA to SHDC | Amount (£) |
|-----------------------------------|----------------|
| Workshop and office rent | 22,100 |
| Business rates | 14,600 |
| Trade waste | 4,000 |
| Loan repayments | 25,100 |
| Recharge for services | 46,400 |
| Total | 112,200 |
| Paid by SHDC to HA | |
| Interest payable | 700 |
| Contribution to security patrol | 4,300 |
| Contribution to refuse collection | 500 |
| Salary recharges to SHDC | 80,400 |
| Total | 85,900 |

2.11 The apparent imbalance of payments is artificial: in reality the rent, rates and loan are business costs which would be incurred irrespective of whether or not the Harbour Authority was a part of SHDC.

2.12 Borrowing and loans. Borrowing facilities may at SHDC discretion be made available to the HA to fund revenue generating projects where it can demonstrate that such projects are consistent with SHDC policies and plans. Interest on loans is levied at lower than commercial rates, and is not compounded but instead divided equally across the duration of the loan. Furthermore, there are no penalties for early repayments.

2.13 Strategic Context. Due to reductions in Central Government funding and New Homes Bonus funding, the projected South Hams budget gap in 18/19 is £560,000. The cumulative deficit budget position rises by £0.56m every year for the next 4 years so that by 2021/22 there is a £2.3m budget deficit problem if measures have not been put in place to address it. This is in spite of a number of cost-sharing measures already having been taken, such as the Transformation Programme (T18), shared services with West Devon, budget scouring exercises and a reduction in staff.

Nationally the rising costs of social care (a function carried out by Unitary and County Councils) and factors such as Brexit, are factors nationally to be taken into account.

3. Outcomes and outputs

3.1 Despite the HA budget and reserves being ring-fenced, and the 1954 Act's prohibition on it making a profit, as a committee of the Council it should nevertheless contribute positively to the Council's medium term financial approach. This also provides an opportunity to improve the Harbour's customer-facing facilities and services – eg a 'win-win' scenario. These include:

| Proposal | Benefit to HA | Benefit to SHDC |
|---|---|---|
| HA borrow money from SHDC to fund new Harbour infrastructure | Increased moorings income, reduced waiting lists, improves customer access to the Harbour | Interest receipts on loans |
| SHDC rebuild Harbour Office building including showers & toilets | Improved customer experience eg more showers; co-location of TIC | Increased rent; transfer costs of toilets to HA |
| SHDC build new Harbour Workshop at Batson | Improved oversight & safety of marine activities; ease of workshop access | HA rent for new workshop + rent of old building to new tenant |
| Increase scope of, and contributions to, Marine Infrastructure Reserve (eg Batson car park) | Assured repairs to Harbour-related assets more widely, and improved customer experience | Exposure to liabilities reduced |

4. Options available and consideration of risk

4.1 The Salcombe Harbour Strategic Business Plan 2017-22, which has been adopted by Council, contains some of the proposals set out in section 3.1. These are:

| Proposal | 17/18 | 18/19 | 19/20 | 20/21 | 21/22 |
|--|--------------|--------------------|--------------|--------------|--------------------|
| Batson, Shadycome & Dentridge pontoons | £239K | | | | |
| Ox Bay pontoons | | £162K | | | |
| Upgrade Whitestrand toilet and shower facilities | | £115K ² | | | |
| New work barge | | | | | £400K ³ |

4.2 The suggested funding profile for remaining proposals at 3.1 is:

| Proposal | 17/18 | 18/19 | 19/20 | 20/21 | 21/22 |
|--------------------------------|--------------|--------------|--------------|--------------|--------------|
| New Harbour workshop at Batson | | | £350k | | |

5. Proposed way forward

5.1 That the Harbour Board recommend to Council to adopt the proposals set out in section 4.

6. Implications

| Implications | Relevant to proposals Y/N | Details and proposed measures to address |
|---|---------------------------|---|
| Legal/Governance | Y | This report draws on existing statutory and non-statutory regulations and policies. In the event that any of these are amended in the future the context and recommendations of this report may change. Should this occur an updated report will be brought to the Harbour Board. |
| Financial | Y | Paras 4.1 and 4.2 propose a future funding profile to Council. If adopted these will be incorporated into the MTFS as they are substantial sums of money, however they all also provide benefits to both the Harbour Authority and SHDC as outlined at table 3.1 |
| Risk | Y | This report contains sensitive information regarding existing and potential commercial opportunities |
| Comprehensive Impact Assessment Implications | | |

² This is the contribution made by the HA; the total cost is expected to be c£350-£400K.

³ This item is contingency funding only should legislation become more onerous – the serviceable life of the existing barge is expected to go beyond this.

| | | |
|--------------------------------------|---|---|
| Equality and Diversity | N | None |
| Safeguarding | N | None |
| Community Safety, Crime and Disorder | N | None |
| Health, Safety and Wellbeing | N | None |
| Other implications | Y | If the proposals at section 4.1 (and already agreed by Council) are not funded then the Harbour's Strategic Business Plan is not deliverable. |

Supporting Information

Appendices: None

Background Papers: None

Approval and clearance of report

| Process checklist | Completed |
|--|------------------|
| Portfolio Holder briefed | Yes/No |
| SLT Rep briefed | Yes/No |
| Relevant Exec Director sign off (draft) | Yes/No |
| Data protection issues considered | Yes/No |
| If exempt information, public (part 1) report also drafted. (Committee/Scrutiny) | Yes/No |

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Agenda Item 11

Report to: **Salcombe Harbour Board**

Date: **10 July 2017**

Title: **Introduction of Safety and Environmental Management System**

Portfolio Area: *Commercial Services*

Wards Affected: **All**

Relevant Scrutiny Committee: **Overview and Scrutiny Committee**

Urgent Decision: **N** Approval and clearance obtained: **N**

Date next steps can be taken: **N/A**
(e.g. referral or recommendation or implementation of substantive decision)

Author: **A Parnell** Role: **Harbour Master**

Contact: **01548 843791**

Recommendations:

That the Board resolves to adopt the updated Safety and Environmental Management System (SEMS) and the procurement of the associated safety and environmental management software system MARNIS.

1. Executive summary

1.1 This report proposes that the existing Safety Management System (SMS) and Environmental Management System (EMS) be merged into a combined Safety and Environmental Management System (SEMS). This is driven by the recognition that risks and hazards have both personnel and environmental consequences which are best mitigated holistically.

2. Background

2.1 To comply with the Port Marine Safety Code, the Harbour Board - as duty holder - is individually and collectively accountable for managing operations within the harbour safely and efficiently. A key measure of compliance is the development of a marine safety management system based on formal risk assessment of hazards and risks. As an ecoport, Salcombe

Harbour also operates an EMS. Both of these were adopted in 2015 and are reviewed annually.

2.2 During the latest review it was recognised that the EMS and SMS addressed similar – if not identical – risks and hazards and were attempting to mitigate these in isolation of the other. It was therefore thought prudent that these be combined to ensure that such risks and hazards be comprehensively addressed.

2.3 The proposed SEMS has been externally critiqued by ABPMer who are an independent marine safety and environmental management company who specialise in marine and environmental hazard identification and management. The SEMS attached to this report incorporates their proposed amendments.

3. Outcomes and outputs

3.1 Once adopted, the SEMS will support the Harbour staff in discharging their statutory and other regulatory obligations as required by the Health and Safety Executive, Port Marine Safety Code and industry best practice for environmental protection.

3.2 It is further proposed that Salcombe Harbour procure the associated safety and environmental management information system, MARNIS, which is a software package operated *inter alia* by Dartmouth, Plymouth, Torbay and Teignmouth harbours. The procurement cost of this system (with associated support) is £3,760. This was factored into the annual revenue budget and it is proposed that – subject to the agreement of SHDC ICT department – this software be procured and installed.

3.3 The benefits of MARNIS are:

- Better identification, management and review of marine risks
- Assurance that equivalent risks to those in other ports are controlled to the same high standards (ie adoption of best practice)
- Additional layer of assurance that Salcombe Harbour is PMSC compliant
- Better record keeping and ability to produce reports identifying trends in changing risk profiles (by activity and location) over time

4. Options available and consideration of risk

4.1 There are three broad options:

- a. **Do nothing (retain status quo).** The existing EMS and SMS are retained; risks and hazards are controlled but there is duplication of effort in imposing separate personnel and environmental control measures.

b. **Adopt SEMS but don't procure MARNIS.** This option is cost-free and ensures that risks and hazards are mitigated holistically. However the benefits of MARNIS are not adopted.

c. **Adopt SEMS and MARNIS (subject to ICT approval).** This option will cost £3,760 to procure (but is free thereafter) and will ensure that all benefits outlined above are adopted.

5. Proposed way forward

5.1 That the Harbour Board resolve to pursue option C (above).

6. Implications

| Implications | Relevant to proposals Y/N | Details and proposed measures to address |
|--|---------------------------|--|
| Legal/Governance | Y | The adoption of an SEMS in lieu of the existing SMS and EMS improves governance and management of risk |
| Financial | Y | IF MARNIS is procured this will cost £3,760 which is already budgeted for |
| Risk | Y | This report addresses the identification and management of marine and terrestrial risks |
| Comprehensive Impact Assessment Implications | | |
| Equality and Diversity | N | None |
| Safeguarding | N | None |
| Community Safety, Crime and Disorder | N | None |
| Health, Safety and Wellbeing | N | None |
| Other implications | N | None |

Supporting Information

Appendices: Safety and Environment Management System (SEMS)

Background Papers: None

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SOUTH HAMS DISTRICT COUNCIL



**Safety and Environmental Management
System (SEMS)**

Version 1.2 dated 08 May 2017

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UNCONTROLLED WHEN PRINTED

Record of amendments

| Amendment | Date | Description of changes |
|-----------|----------|---|
| 1.2 | 08/05/17 | Incorporates recommendations from ABPMer gap analysis |
| | | |
| | | |
| | | |
| | | |

Document control

This is a controlled document which will be subject to periodic review and amendment. Major amendments will be issued as version numbers eg v1, v2 etc with minor amendments annotated by a decimal point eg minor amendments to v2 will be v2.1, v2.2 etc.

Proposals for amendments should be sent to the Harbour Master using one of the following means:

By phone: 01548 843791

By email: salcombe.harbour@swdevon.gov.uk

By post: Salcombe Harbour Office, Whitestrand, Salcombe, TQ8 8BU

Review procedures

This plan will be reviewed at least annually by the Harbour Master. Occasions for review include following an incident or exercise which highlights shortcomings in the Safety Management System. It will also be audited by the Designated Person at least annually.

Review and Audit record

| Date | Review (R) or Audit (A) | Description | Reviewer/Auditor |
|----------|-------------------------|--|------------------|
| 9/2/16 | A | PMSC Audit conducted by Designated Person | R Giles |
| 5/12/16 | R | Annual review by Harbour Master | Adam Parnell |
| 05.05.17 | R | External review to ensure compliance with PMSC | ABPMer |
| | | | |

Part 0 - Definitions

| | |
|--|--|
| ALARP | A term indicating that, after mitigation measures have been implemented, the residual risk is as low as reasonably practicable ie the cost or resources involved in reducing it further would be grossly disproportionate to the benefit gained. |
| Admiralty List of Radio Signals | A catalogue which provides comprehensive information on marine radio communications. |
| Area of Outstanding Natural Beauty (AONB) | An area of countryside which has been designated for conservation due to its significant landscape value |
| Auditor | Person with the competence to conduct an audit |
| Competent Harbour Authority | A Harbour Authority which has been given statutory power relating to the provision of pilotage in their waters. |
| Continual improvement | Recurring process of enhancing the safety management system in order to achieve improvements in overall safety performance consistent with the organisation's Health and Safety policy. |
| Corrective action | Action to eliminate the cause of a detected nonconformity. |
| Document | Information and its supporting media |
| Environment | Surroundings in which an organisation operates, including air, water, land, natural resources, flora, fauna, humans, and their interrelation. |
| Environmental aspect (EA) | Elements of an organisation's activities, products or services that can interact with the environment. |
| Environmental impact | Any change to the environment, whether adverse or beneficial, wholly or partially resulting from an organisation's environmental aspects. |
| Environmental policy | Overall intentions and directions of an organisation related to its environmental performance as formally expressed by top management. |

| | |
|--|--|
| Environmental target | Detailed performance requirement applicable to the organisation or parts thereof, that arises from the environmental objectives and that needs to be set and met in order to achieve those objectives. |
| European Sea Port Organisation | The representative body of EU member states' port authorities. Inter alia it grants the status of eco-port to qualifying ports and harbours |
| General Lighthouse Authority | The agency primarily responsible for aids to navigation. In the UK this is Trinity House. |
| Gross Registered Tonnage | A ship's total internal volume expressed in 'register tons' each of which equals 2.83m ³ |
| Internal audit | Systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which the environmental management system audit criteria set by the organization are fulfilled. |
| International Ship and Port facility Security code (ISPS) | An amendment to the Safety of Life at Sea Convention on minimum security arrangements for ships, ports and government agencies. |
| Local Lighthouse Authority (LLA) | Ports, harbours or other parties providing navigational aids in a locality as part of its facilities. These must adhere to the General Lighthouse Authority's policy on the correct provision and maintenance of such equipment. |
| Maritime and Coastguard Agency (MCA) | A UK government agency working to prevent loss of lives at sea and responsible for implementing British and international maritime law. |
| Nonconformity | Non-fulfilment of a requirement. |
| Organisation | Salcombe Harbour Authority |
| Port Marine Safety Code (PMSC) | The national standard for port safety within the UK. |
| Preventive action | Action to eliminate the cause of a potential nonconformity. |
| Prevention of pollution | Use of processes, practices, techniques, materials, products, services or energy to avoid, reduce or control (separately or in combination) the creation, emission or discharge of any type of |

| | |
|--|---|
| | pollutants or waste, in order to reduce adverse environmental impacts. |
| Procedure | Specified way to carry out an activity or a process. |
| Record | Document stating results achieved or providing evidence of activities performed. |
| Safety management system (SMS) | Part of an organisation's management system used to develop and implement its Health and Safety policy and manage its risks and hazards. |
| Safety objective | Overall safety goal, consistent with the Health and Safety policy, that an organisation sets itself to achieve. |
| Safety performance | Measurable results of an organisation's management of its environmental aspects. |
| Salcombe Harbour Board | The management board responsible for the management of safety within Salcombe Harbour |
| Secretary of State's Representative | The nominated individual empowered by the Secretary of State to be the ultimate decision maker during maritime salvage and pollution incidents. |
| Site of Special Scientific Interest | A site within the UK considered to be of special interest by virtue of its fauna, flora, geographical or physiological features. |

Part 1 – The Manual

1. Introduction

In its role as Statutory Harbour Authority, South Hams District Council is charged with managing, maintaining and improving Salcombe Harbour within its nominated limits, and has a number of duties which include (but are not limited to):

- a. A duty to keep the port open for shipping and unshipping of goods and embarking and landing of passengers (on payment of rates) – also known as ‘open port duty’.
- b. A general duty to exercise its functions with regard to nature conservation and other environmental considerations (including facilities for visiting archaeological, architectural and historic features [s48A of the Harbours Act 1964])
- c. A duty of reasonable care to see that the harbour is in a fit condition for a vessel to utilise it safely (this includes surveying navigable channels, placing navigation marks and keeping proper hydrographic and hydrological records) and a common law duty to conserve the harbour so that it is reasonably fit for use as a port. The Port Marine Safety Code (PMSC) was first published in March 2000 by the Department of Transport and revised 2009. It establishes an agreed national standard for port marine safety and a measure by which Harbour Authorities can be held accountable for the legal powers and duties which they have to run their harbours safely.
- d. Environmental Protection legislation including the Environmental Protection Act of 1990.

In 2014 Salcombe Harbour was recognised by the European Sea Ports Organisation as an EcoPort, and aspires to become a truly sustainable eco-harbour that represents a model for other harbours to adopt. It has a number of ambitious objectives including reducing its resource consumption, raising environmental awareness among harbour users and protecting and enhancing the harbour’s natural habitats.

1.1 Overview of Salcombe Harbour

Salcombe Harbour and the Kingsbridge estuary are situated within the South Hams Area of Outstanding Natural Beauty (AONB) and are also designated a Site of Special Scientific Interest (SSSI). Much of the area is also a Local Nature Reserve due to its marine habitats’ flora and fauna. It is a ria (drowned river valley) and not a ‘true’ estuary since, apart from a few very small creeks that empty into the ria, there are no river systems that empty into it. Approximately 75% of the water in the ria is tidally flushed. The lower estuary is partially separated from the sea by a submerged sand bar and consists of rocky and sandy bays. The upper estuary comprises mainly inter-tidal mud flats. Small areas of salt marsh occur at the head of the creeks. The estuary supports a very rich and

diverse inter-tidal and sub-tidal flora and invertebrate fauna, including many rare and unusual species, partly due to the extensive seagrass beds. The estuary is used as an overwintering ground by large numbers of wildfowl, such as wigeon, teal and shelduck. The inter-tidal mud flats are important feeding grounds for passage waders, particularly greenshank.

Salcombe Harbour and the Kingsbridge estuary is primarily a leisure and recreational port although it does host a small commercial shell-fishing fleet. As such the types of vessel which frequent the Harbour include stand-up paddleboards, canoes, RIBs, dinghies, small and medium-sized powerboats, and yachts. The Harbour hosts approximately 5,600 resident vessels and circa 5,900 visiting vessels per annum, most of which visit between mid-June to early September. In addition there are small passenger ferries (seasonal) which operate between Salcombe and Dartmouth; Salcombe and Kingsbridge; Salcombe to East Portlemouth, and Salcombe and South Sands.

The limiting factor in the maximum draught of vessel that can be accommodated is the Salcombe Bar which is 2.1m Chart Datum. The maximum vessel draught will also be dependent upon vessel safety depth below the keel and the state of the tide and sea state.

There are a number of chandlers and small workshops in Island Street, where the Harbour Authority also has a general workshop capable of servicing small launches up to 5m. There is a tidally constrained boatyard at Lincombe with a ship-lift of up to 25t.

There is a fuel barge (20k ltr diesel, 10k ltr petrol) moored in the Harbour which is periodically replenished by road tanker at Batson quay, which is where the FV and RNLI vessels are also refuelled.

The UK has obligations under SOLAS to provide shelter for maritime casualties which may require use of waters within a port as a place of refuge. The MCA and SOSREP are responsible for discharging this obligation and Salcombe may be tasked to accommodate a vessel subject to the limitations of the Harbour facilities described above. The limiting factor in this instance is the lack of dry dock or other repair facilities: other than Lincombe the nearest vessel repair facilities are Plymouth.

1.2 Safety and Environmental Management System

As a means of achieving the overarching objectives described above, we developed and implemented our first Safety Management System (SMS) in 2005 and our first Environmental Management System (EMS) in 2015. These were combined in 2017 into an integrated Safety and Environmental Management System (SEMS) because harbour activities impact not only on the safety of people and equipment but the environment too. Our SEMS has been designed to:

- a. Provide an understanding of our risks and their potential consequences to people, the environment and equipment through a baseline review and subsequent monitoring.
- b. Establish processes and procedures to reduce our most significant health and safety risks and environmental aspects

- c. Ensure compliance with relevant legislation, and
- d. Raise awareness of health and safety and environmental issues amongst staff and Harbour Users through effective communication and training

1.3 Scope of the SEMS

The geographical scope of the SEMS includes all part of Salcombe Harbour and all SHDC assets associated with, or used to gain access to, the Harbour. The SEMS covers all operations and activities undertaken by the Salcombe Harbour Authority in, on or near the Harbour. In addition it also covers:

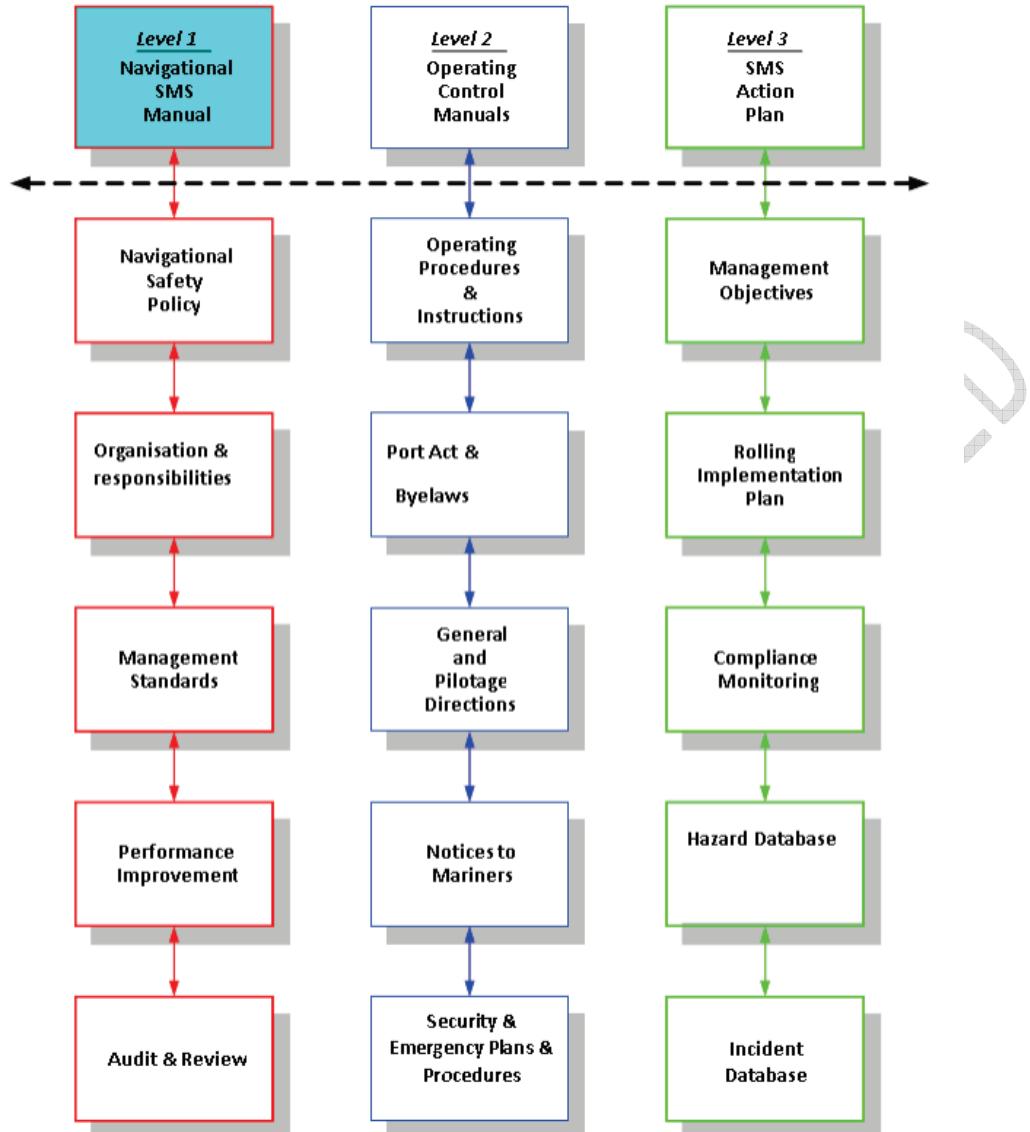
- Third party marine operations within the Harbour;
- Marine leisure and sports activities; and
- Marine operations undertaken by any support or service organisation, including marine services such as dredging, surveying and diving.

The adoption and diligent application of the SEMS will contribute to the following objectives:

- Ensuring a safe, efficient, cost-effective, sustainable harbour operation for the benefit of all users, the wider community and the environment;
- Enabling the Salcombe Harbour Authority to fulfil its legal responsibilities whilst meeting the changing needs of all Harbour users;
- Preventing acts or omissions that may cause injury to employees or others, or damage to the environment;
- Maximising the quality and value for money of Authority-provided services, and the maintenance of dues at competitive levels so as to attract users to the Harbour; and
- Meeting the national standards of the Port Marine Safety Code.

1.4 System components

An SEMS which manages the hazards and risks, along with any preparations for emergencies, must be developed, implemented and maintained. This should be operated effectively and revised periodically. Its components include:



2. Policy

2.1 Statements of commitment

2.1.1 South Hams District Council (the Salcombe Harbour Authority)

SHDC's commitment to Health and Safety is set out in the South Hams District and West Devon Borough Councils' Health and Safety Statement and Policy which has been signed by the Leaders of both Councils.

All employees are made aware of the policy during induction and a copy is available on the Salcombe Harbour website. The policy is also displayed on notice boards in the Harbour Office and Workshop.

Related Documentation:

Health and Safety Statement and Policy

2.1.2 Salcombe Harbour Board

The Salcombe Harbour Board (SHB) is committed to running Salcombe Harbour as a safe, efficient, cost-effective, sustainable harbour for the benefit of all users and the surrounding communities. It strives to manage, maintain and improve the Harbour consistent with the income it generates so as to achieve its vision, which is

“To be a safe, friendly and financially sustainable eco-harbour which contributes positively to the local economy while maintaining the character and beauty of the Harbour’s environment.”

The SHB is the nominated “duty holder” under the PMSC and has committed itself to meeting or exceeding all legal requirements, complying with the requirements of the PMSC and ensuring that adequate resources are available to discharge its navigational safety obligations.

2.2 Marine safety

The Marine Safety Policy augments the Health and Safety Policy. The Harbour Authority is committed to:

- Complying with all legal requirements.
- Managing its assets safely and efficiently.
- Maintaining relevant harbour equipment to agreed industry standards.
- Recruiting and training operational staff to nationally agreed competence levels (National Occupational Standards).
- Ensuring that the staff is properly trained for emergencies and contingencies.

In making these commitments the Harbour Authority has appointed the Harbour Master to fulfil the role of Marine Operations Safety officer responsible for:

- Ensuring that the Harbour Authority complies with the Port Marine Safety Code.
- Ensuring that all risks are assessed and eliminated or reduced to as low as reasonably practical (ALARP) in accordance with best practice.
- Carrying out routine safety inspections on marine operations and re-assessing risks dynamically as appropriate.
- Reporting, investigating and recording all incidents and accidents, and ensuring that ‘lessons learned’ are widely disseminated to all appropriate persons, bodies and institutions.

2.3 Environmental policy

Our commitment to the environment is set out in our Environmental Policy Statement which has been signed by the Chair of the Harbour Board.

All employees are made aware of the policy during induction and a copy is available on the Salcombe Harbour website. The policy is also displayed on notice boards in the Harbour Office and Workshop.

Related Documentation:

Environmental Policy Statement

2.4 Beach and water safety

The Council recognises that the beaches of the South Hams provide a valuable resource for the health, enjoyment and well-being of the District's residents and visitors which underpins the prosperity of the tourism economy. It has published its Beach and Water Safety Policy on its website.

Related Documentation:

Beach Management Policy

3. Organisation and responsibilities

3.1 Resources, roles, responsibility and authority

3.1.1 Harbour Authority

SHDC is the Statutory Harbour Authority for Salcombe Harbour and has a range of important statutory and non-statutory duties relating to the safety of people who work at or use the Harbour, and to the wellbeing of the port marine environment and community. In particular:

- Taking reasonable care that all who may choose to navigate in it may do so without danger to their lives or property.
- An environmental duty to exercise its functions with regard to nature conservation and other environmental considerations.
- Conserving and promoting the safe use of the harbour and prevent loss or injury through the organisation's negligence.
- Have regard to the efficiency, economy and safety of operation as respects the services and facilities provided.
- Taking such action that is necessary or desirable for the maintenance, operation, improvement or conservancy of the harbour.

They are also responsible for developing a formal marine safety management system to ensure that all risks are identified and controlled; they should either be eliminated or kept As Low As Reasonably Practicable (ALARP).

Salcombe Harbour Authority is **not** a CHA under the Pilotage Act 1987.

Related Documentation:

Piers & Harbours Order (Salcombe) Confirmation Act 1954

Merchant Shipping Act 1995

Health and Safety at Work Act 1974

Port Marine Safety Code

3.1.2 Salcombe Harbour Board

The strategy and performance of the Harbour is managed by the Salcombe Harbour Board, which is a committee of Full Council. It comprises four elected councillors and 6 independent members appointed by the Council following an open competition. The Harbour Board is also the Duty Holder (see below). The Board is responsible for ensuring that the Harbour Authority complies with the Port Marine Safety Code and is accountable for safe and efficient marine operations. In particular:

- The development and proper operation of a marine safety management system.
- The appointment of a designated person (see below) to monitor and report the effectiveness of the safety management system and provide independent advice on marine safety.

Related Documentation:

Port Marine Safety Code

3.1.3 Harbour Master

The Harbour Master, appointed by the SHA, is responsible for the day-to-day management of the safe operation of navigation and other marine activities in the Harbour, and for its compliance with all legislation concerning health and safety, marine safety, and the environment. The Harbour Master is responsible for:

- As the nominated **Health and Safety Officer**: ensuring compliance with all applicable health and safety, and marine safety, legislation and associated policies including the Port Marine Safety Code.
- As the nominated **Environmental Manager**: ensuring that the Environmental Policy is implemented and environmental objectives and targets are monitored and met.
- As the principal **officer holding delegated responsibilities for safety**: attending Duty Holder meetings.
- As the Harbour's **Chief Executive**: overseeing the implantation of Harbour Authority policies and decisions and having overall executive responsibility for the safety of operations and staff.
- Reporting on the performance of the SEMS 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.

3.1.4 Duty Holder

The nominated Duty Holder as defined in the PMSC is the Salcombe Harbour Board, who are collectively and individually publically accountable for marine safety under the Port Marine Safety Code. They are also, on behalf of the Harbour Authority, accountable for managing operations within the Harbour safely and efficiently.

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;
- Ensuring that assessments and reviews are undertaken as required to maintain and improve marine safety; and
- 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.
- Appointing a Board member with relevant marine experience to act as the Designated Person contact point.

The Duty Holder is to be familiar with the content of the PMSC , and aware of its responsibilities in responding to it. Salcombe Harbour has a SEMS to fulfil the Duty Holder's obligations set out in the PMSC, and has delegated the day to day operation to the executive.

All members of the 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.

3.1.5 Designated Person

The Designated Person provides independent assurance directly to the Duty Holder that the SMS, 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 SMS in ensuring compliance with the PMSC.

The Board has appointed Rob Giles, a former Harbour Master of the Dart Harbour and Navigation Authority, as Designated Person for Salcombe Harbour. His primary contact point is through the vice Chair of the Board, who has relevant marine experience.

3.1.6 Assistant Harbour Masters (AHMs)

The AHMs are nominated **Safety Managers** and responsible for ensuring that the SEMS is being followed and to take preventative or corrective action should breaches be identified. In particular they are responsible for:

- Supervising tasks with regard to compliance with the SEMS;
- Reporting and if necessary investigating health and safety incidents to the Harbour Master;
- Ensuring that all safety equipment is in good condition;
- To be subject matter experts on moorings, maintenance and office safety as appropriate;
- Be responsible for scheduling of planned mooring, plant and fleet maintenance;

- Ensuring that contractors are aware of the Harbour's safety and environmental policies and explaining that they will be expected to adhere to these.

3.1.8 Harbour Staff

All Harbour staff are responsible for ensuring that the SEMS is being followed on a day to day basis, reporting actual or potential breaches of the SEMS to their AHM or HM as appropriate. All staff should bring to the HM's attention any issues relating to the SEMS.

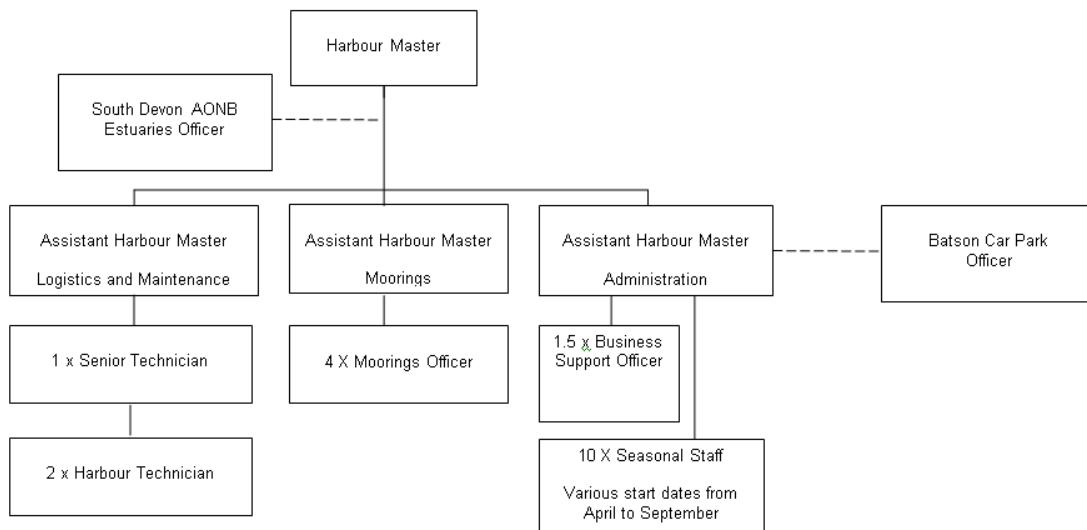


Figure 1: Salcombe Harbour staff structure

3.1.7 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. They must comply with bylaws, directions and other regulations aimed at ensuring the safe use of the Harbour.

3.1.8 Estuary consultative forums

A well established and formal consultation mechanism which comprises a number of forums ensures that the SHB has strong and direct links with both Harbour users, local communities and other external organisations which have interests in the estuary:

- The Salcombe and Kingsbridge Estuary Association;
- The Salcombe-Kingsbridge Estuary Conservation Forum;
- The Kingsbridge Estuary Boat Club;
- South Devon and Channel Shell Fishermen;
- Kingsbridge and Salcombe Marine Business Forum.

These forums provide valuable insight and information into customer requirements, and the safety and environmental wellbeing of the Harbour. In particular, these forums seek consensus about safe navigation.

3.2 Training, awareness and competence

All staff need to fully understand the rationale behind the SEMS and understand what is expected of them to maintain and improve the system. This will be achieved by initial all-staff meetings to explain the importance of the SEMS and their responsibilities, and regular team briefings. All staff are appraised with respect to competence

New members of staff will be provided with a bespoke induction and training programme. 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.

Related Documentation:

Training log

4. Legislation

4.1 Register of legislation and regulations

Compliance with statute is a fundamental requirement of any safety or environmental management system. The Harbour Master is responsible for ensuring that the Legislation Register remains up to date by 6-monthly review as well as relevant publications and bulletins etc. Appropriate action is then taken to ensure compliance; this may involve revision of operational procedures or training updates.

The British Ports Association, UK Harbour Masters’ Association, British Marine Federation, Government Agencies and Departments such as Defra, Natural England, MMO, AONB and Maritime & Coastguard Agency (MCA) together with colleagues from within the Council are all sources of information regarding the introduction and subsequent updates to environmental legislation

Related Documentation:

SEMS Legal Register

SEMS spreadsheet

MCA M notices

BPA, UKHMA, MCA and other bulletins

4.2 Legislation compliance evaluation

The Harbour Master is responsible for maintaining and electronically recording the SEMS Legal Register. He shall periodically evaluate compliance with relevant legislation via an audit process, interviews with relevant staff or by training and awareness events.

Where legal non-compliance is identified the Harbour Master shall raise a non-conformity report and seek proposals to address the non-compliance.

Legal compliance evaluation may also identify where practices do not comply with Environment Agency pollution prevention guidance (although not a strict legislative non-compliance). Where such situations are identified the Harbour Master may raise a preventative action and seek proposals to improve the practice.

The Harbour Master is responsible for maintaining this register and electronically recording the information in the SEMS spreadsheet.

Related Documentation: **SEMS Legal Register**
Non conformity reports

4.3 Review of powers

Existing powers should be reviewed on a periodic basis to avoid a failure in discharging the Harbour Authority's duties or exceeding its powers. These will be formally reviewed annually during the November Board meeting, to ensure that they are fit for purpose. Such a review should include an examination of the Legal Register to identify all appropriate legislation and regulations, and an audit of all in-force Harbour byelaws, Harbour Directions and Special Directions. Where additions, amendments or deletions are required the appropriate procedure set out in the appropriate legislative act is to be followed. Note that the SHA does not have powers of General Direction.

Where Special Directions have been issued (either by the Harbour Master or the Moorings Officers, to whom such powers have been delegated) these are to be recorded in the Incident Log, along with a narrative explaining how that decision was reached.

The Harbour Master may give directions (Dangerous Vessel Directions) prohibiting the entry into, or requiring the removal from, the harbour of any vessel if in their opinion the condition of that vessel or anything it contains presents a grave and imminent danger to the safety of persons or property or prejudice the use of the harbour by other vessels. Such directions may be over-ridden by the Secretary of State's Representative (SOSREP) who may issue contrary directions in the interests of safety. The decisions of both Harbour Master and/or SOSREP are to be recorded in the Incident Log, along with a narrative explaining how that decision was reached.

Related Documentation: **SEMS Legal Register**
Local Government Act
Marine Navigation Act
Dangerous Vessels Act

Incident Log

4.4 Enforcement of compliance

The Harbour Authority has statutory powers, including Harbour Authority byelaws, Nature Reserve byelaws and Special Directions, to regulate the conduct of vessels in the harbour's jurisdiction and to assist in managing the risks of marine operations. To these ends, enforcement action will sometimes be necessary to safeguard the safety of harbour users and the environment.

A copy of the Enforcement Policy, which has been signed by the Chair of the Harbour Board, is available on the Salcombe Harbour website and all employees are made aware of the policy during induction. Staff also receive enforcement training, including how to gather and process evidence in accordance with the Police and Criminal Evidence Act

Related Documentation:

Harbour Authority byelaw enforcement policy
Training log

5. Risk Assessment

5.1 Procedure

The HM shall, as the Safety Manager, shall identify and record all hazards associated with activities and operations which occur within the Harbour as part of a formal and comprehensive risk assessment process, and identify control measures to eliminate or reduce the risk to **ALARP**.

There are two types of assessment: the planned, formal assessments which provide the framework to describe how all risk assessments are carried out in practice; and dynamic assessments which helps the individual to assess a situation which is constantly changing. The risk assessments contained within this SEMS are of necessity mainly concerned with the former, although a comprehensive working knowledge of these will assist in the 'on the spot' assessment of the latter type. Formal risk assessment involves 5 stages:

1. Identifying the problem (data gathering)
2. Hazard identification
3. Risk analysis
4. Assessing the efficacy of existing control measures
5. Identifying and adopting new control measures

A **hazard** is something with the potential to cause harm, loss or injury whereas a **risk** is a combination of frequency of occurrence (likelihood) and consequence (outcome).

5.2 ALARP defined

Guidance offered by the Health and Safety Executive (HSE) defines the concept of ALARP as being at the heart of the British health and safety system. ‘Reasonably practicable’ involves weighing a risk against the trouble, time and money needed to control it, thus ALARP describes the level to which workplace risks are expected to be controlled.

The Court of Appeal (in its judgement in Edwards v National Coal Board [1949]) defined “reasonably practicable” more narrowly than “physically possible” by introducing the concept of proportionality, judgement and flexibility in determining when a control results in a risk being ‘as low as reasonably practicable’. Such determinations should consider the application of ‘good practice’ and discussion with stakeholders. Where there is a lack of ‘good practice’ then such determinations should be derived from first principles by applying common sense and/or exercising professional judgement or experience.

If for any reason the safety management system identifies a control measure that is not effective the activity is to cease until suitable control measures are in place and the risk mitigated to as low as reasonably practical.

5.3 Harbour Authority risk assessments

In line with Council policy, risk assessments are either reviewed as a new risk emerges or is identified, or following an incident in which our assessments have proven to be sub-optimal, or annually, whichever is the most frequent. The Harbour employs the SHDC risk assessment matrix so that similar hazards are treated in a common manner; this also reduces the risk of misunderstanding between Harbour and other SHDC staff when discussing risk management.

Severity

| | | |
|--------------------|--|----------|
| Major | including Fatality | 4 |
| Serious | including Major injury | 3 |
| Significant | including Minor injury and over 7 day injury | 2 |
| Minor | including Negligible injury and near miss | 1 |

Likelihood

| | | |
|---------------------------------------|--|----------|
| Very likely or certain | Frequent, regular occurrence, often noted in records | 4 |
| Likely | Possible, occasional occurrence, few recorded | 3 |
| Unlikely | Remote possibility, but known to have occurred | 2 |
| Very unlikely, highly unlikely | not known to occur | 1 |

Risk Rating

| | | | | |
|--|---------------|----------|--------|-------------|
| | Very Unlikely | Unlikely | Likely | Very Likely |
|--|---------------|----------|--------|-------------|

| | | | | |
|-------------|---|---|----|----|
| Major | 4 | 8 | 12 | 16 |
| Serious | 3 | 6 | 9 | 12 |
| Significant | 2 | 4 | 6 | 8 |
| Minor | 1 | 2 | 3 | 4 |

| | |
|------|--|
| 16 | totally unacceptable , immediate action required before work activity can continue. Risk assessment should be reviewed at regular intervals to ensure that risk is being properly controlled. Control measures may have to involve some considerable effort and time to control |
| 9-12 | High , action required urgently to control risks. Interim measures required in the short term. Significant effort, time etc. may have to be used to control the risk. |
| 6-8 | Medium , action required soon to control. Interim measures may be necessary in the short term. |
| 3-4 | Low , action is required to reduce the risk, although low priority. Time, effort and cost should be proportional to the risk. |
| 2 | Acceptable , unless the cost or effort to control the risk is very low |

We communicate internally and externally about our risks within our publically available Annual Report.

Related Documentation:

SHA Risk Assessments
Annual Report

5.4 External (third party) risk assessments

Third parties seeking to conduct marine-related activities or operations within the harbour must first submit a copy of their formal risk assessment to the Harbour Master.

5.5 Risk control measures

To minimize risks to ALARP, a 'layered defence' approach is employed:

- Eliminate or prevent risks or impacts – for example by not commencing the activity;
- Substituting risks or impacts – by following a different (less hazardous) process;
- Isolating risks or impacts- by putting a barrier between the person (or environment) and the risk;
- Reducing the risk or impact – through procedures or training; and
- Protecting against risk – by wearing suitable PPE.

5.6 Safety plan

The PMSC requires Authorities to publish a safety plan for marine operations. This is contained within the Harbour Authority's Strategic Business Plan which has been adopted by the Council. A copy is available on the Harbour website.

Related Documentation:

Strategic Business Plan

6. Environmental Aspects

6.1 Procedure

The procedure for identifying and recording aspects and impacts has been aligned as far as possible to that of risk assessment. The HM shall, as Environmental Manager, identify and record situations (normal; unusual or emergency) during which an environmental aspect may arise and indicate whether each is directly or indirectly responsible for a resultant environmental impact. Each aspect has also been categorised according to whether the Harbour Authority has direct control over it, or more limited influence.

Following compilation of the Aspects Register, aspects are prioritised according to their relative significance using an evaluation methodology based on the likelihood and consequence of an adverse environmental Impact arising. The methodology was based upon the matrix below, providing an overall score between 1-16. This has been aligned to the risk assessment methodology described above.

| Very likely or certain <i>Frequent, regular occurrence, often noted in records</i> | 4 | 4 | 8 | 12 | 16 |
|---|---------------------------------------|--|--|--|----|
| Likely <i>Possible, occasional occurrence, few recorded</i> | 3 | 3 | 6 | 9 | 12 |
| Unlikely <i>Remote possibility, known to have occurred</i> | 2 | 2 | 4 | 6 | 8 |
| Very unlikely <i>Not known to have occurred</i> | 1 | 1 | 2 | 3 | 4 |
| | 1 | 2 | 3 | 4 | |
| Scale and Impact | Minimal pollution; reversible <1 mnth | Minor pollution; short term, localised; reversible <1 yr | Moderate pollution; not reversible <1 yr; complaints | Major pollution; not reversible >1 yr; legacy health/toxicity issues | |
| Legal/Policy/ Other | None | Potential or near miss | Minor breach | Actual breach of regulations | |
| Business issues/ costs | None | Potential for minor loss £ | Potential for moderate loss £ | Potential for major loss £ | |
| Reputation | None | Potential for internal complaint/ non conformance | Potential for external complaint | Reputation or trust diminished; PR issue | |

The significant Aspects are addressed in the Harbour's Objectives and Targets. The Harbour communicates internally and externally about its significant environmental Aspects and associated Targets and Objectives within our publically available Annual Report.

| | |
|-------------------------------|------------------------|
| <u>Related Documentation:</u> | EMS Spreadsheet |
| | Annual Report |

7. Objectives and Targets

7.1 Procedure

In order to ensure a structured approach towards achieving continual environmental improvement we annually establish environmental objectives and targets which are consistent with our environmental policy, the Aspects Register, the requirement for legislative compliance and the Harbour's Strategic Business Plan. Our commitment to a wider sustainability and corporate social responsibility agenda is also considered.

Progress is monitored by the Environmental Manager who reports periodically to the Harbour Board as well as via the *Environment* section of the Annual Report.

| | |
|-------------------------------|---|
| <u>Related Documentation:</u> | EMS Spreadsheet |
| | Environmental Objectives and Targets 2016-17 |
| | South Devon Estuaries Management Plan |
| | Strategic Business Plan |
| | Minutes of Harbour Board meetings |
| | Annual Report |

7.2 Framework

The "ESPO Green Guide; towards excellence in port environmental management and sustainability" introduces a common framework for port authorities to respond to their environmental challenges under 5Es; Exemplify, Enable, Encourage, Engage and Enforce. Where appropriate this framework is applied to the tasks which contribute towards the agreed Tasks and Objectives.

8. Implementation and Operation

8.1 Procedure

The Harbour Master is responsible for the overall implementation of the SEMS.

All staff are encouraged and expected to make positive contributions to improving safety and managing risks when delivering services. This may be through day to day activities, during team meetings or through specific improvements projects.

In particular all staff should:

- Ensure that they comply with safety procedures and that pollution or air, land and water does not occur as a result of their work;
- Consider the sustainability of the way in which services are delivered

8.2 Method statements

Activities with significant risks or adverse impacts are subject to necessary controls and operating criteria. Where required, documented procedures will be prepared, implemented and maintained to define the operational controls necessary to minimise the potential for damage or harm to people or the environment. The AHM (Logs and Maint) will maintain a record of all relevant operational control procedures.

Related Documentation:

Method Statements

8.3 Routine operations

The Harbour Authority undertake a number of activities as part of routine Harbour operations. They are broadly categorised as follows:

8.3.1 Conservancy: buoys and lights, surveys and wrecks

The SHA has a duty to conserve the harbour so that it is fit for use as an 'open' port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it. Hydrographical surveys are commissioned every 5 years based on historical rates of siltation and to inform quinquennial dredging campaigns. Survey records are maintained by the Harbour Office; these are shared with the UKHO under a formal agreement, thereby ensuring that Admiralty Chart 28 is maintained up to date.

As the Local Lighthouse Authority (LLA), Salcombe Harbour Authority is responsible for the provision of a comprehensive and well-maintained system of Aids to Navigation (AtoN) in the Harbour. AtoN are monitored to ensure correct operation and defects rectified as soon as reasonably practicable. Availability statistics are provided annual to Trinity House, which is the General Lighthouse Authority (GLA) for the UK, and mariners warned of defects by means of Local Notices to Mariners. In addition, AtoN are inspected annually by Trinity House

SHA periodically commissions a number of surveys of the Harbour and significant changes are notified to the UK Hydrographic Organisation (UKHO). Admiralty Chart 28 refers to Salcombe Harbour and its approaches. In addition, the survey results are used to determine the necessity, timing and scope of the Harbour's maintenance dredging programme.

If there is a wreck within the Harbour limits that is likely to become an obstruction or danger to navigation, SHA will take all necessary steps including ensuring that it is lit and buoyed as required until it is removed with the minimum environmental impact commensurate with the operational need. SHA also has the power to remove wrecks if the owner does not take adequate steps once so directed.

Related Documentation:

Annual returns to Trinity House
Trinity House Records of Inspection
Admiralty Chart 28 (as corrected)
Notices to Mariners (NtMs) and Local NtMs
Survey Records
Guidelines on the provision and maintenance of local Aids to Navigation

8.3.2 Dredging

SHA undertakes maintenance dredging of areas within the estuary approximately every 5 years to remove silt deposits which may pose a risk to the safety of navigation. Where applicable, the SHA adheres to the licensing requirements of the Marine Management Organisation (MMO) and also undertakes comprehensive consultation with both statutory and non-statutory consultees. The preferred method of dredging is Water Agitation Dredging (WAD)/Water Injection Dredging (WID) because it is relatively environmentally benign.

Related Documentation:

Dredging Records

8.3.3 Pilotage and towage

SHA does not have, nor currently requires, the powers of a 'Competent Harbour Authority' within the meaning of the Pilotage Act 1987 but keeps the necessity for the provision of a pilotage service under regular review: the Harbour Board are annually requested to review the necessity to seek the status of Competent Harbour Authority.

SHA does **not** provide a formal Vessel Traffic Service within the Harbour. While it does provide information on request, this is **not** an INS Information Service as included within the IMO's definition of a VTS.

SHA does **not** provide a formal towage service within the Harbour, but may provide assistance within the Harbour limits if deemed necessary for safety reasons using Harbour launches after a comprehensive dynamic risk assessment has been conducted to ensure that the proposed operation is safe.

8.3.4 Moorings Management

All moorings are inspected annually and maintained as required. All berthing and mooring facilities owned and provided by SHA are inspected during the winter months; this includes a contracted

diver team to undertake the inspection of deep water moorings. Maintenance records are held electronically within eHarbours.

Related Documentation: [eHarbours \(online\)](#)

8.3.5 Security

Salcombe Harbour is **not** required to comply with the International Ship and Port Facility Security (ISPS) Code because this applies only to vessels of greater than 500 GRT engaged in international voyages, which are too large to be accommodated by Salcombe Harbour. Although unlikely to transpire (because of the navigational limitations of the Harbour) this is kept under regular review. However, SHA employs a night service within and around the Harbour to deter and detect crime and other illegal activities. In addition, Devon and Cornwall Police work from the Salcombe Harbour Office via a formal partnership arrangement, further enhancing security within the Harbour.

Related Documentation: [Security Management Portal \(online\)](#)
[Incident Log](#)

8.3.6 Environmental management

As a means of achieving the overarching environmental objectives agreed by the Harbour Board, we have developed, implemented and maintain this SEMS to manage the environmental Aspects and Impacts of our operations.

In addition, SHA have implemented a Port Waste Management Plan which is audited by the MCA annually. SHA also maintains records of types and volumes of waste landed and disposed of within the Harbour.

Salcombe Harbour also has an MCA-approved Oil Spill Contingency Plan in place which is regularly reviewed and exercised. A stock of equipment sufficient to mitigate a Tier 1 spill is held on the Fish Quay; a Tier 2 and 3 response is provided by Adler and Allen who are on a retained contract for this purpose.

Related Documentation: [EMS Spreadsheet](#)
[Environmental Objectives and Targets 2016-17](#)
[South Devon Estuaries Management Plan](#)
[Strategic Business Plan](#)
[Port Waste Management Plan](#)
[Oil Spill Contingency Plan](#)
[Adler and Allan Contract Agreement](#)

8.3.7 Diving

Bye-Laws prohibit diving in the estuary without the written permission of the Harbour Master, who operates a ‘permit to dive’ system. Diving Permits are issued on receipt of:

- A generic risk assessment
- A generic dive project plan

- Divers qualifications
- First aid qualification
- Medical supervisors qualifications
- Divers medical certificate

When the diving permit is completed for the specific dive, any amendment to the generic risk assessment and the diving project plan or qualifications of additional divers are to be produced for the Harbour's retention. For professional divers, HSE Commercial Diving standards must be followed.

Copies of completed Diving Permits are retained in the Harbour Office for one year.

Related Documentation:

Diving Log

8.3.8 Workboats

There are procedures for the safe operation of harbour launches based on the risk assessments. These can be found in the Method Statements on the Harbour IT system. Maintenance documentation for each workboat is held at the Harbour Workshop.

Related Documentation:

Method Statements

Workshop maintenance records and documentation

8.3.9 Workshop Operations

All workshop operations are subject to formal risk assessment and all activities should adhere to the Method Statements on the Harbour IT system.

Related Documentation:

Method Statements

8.3.10 Fish Quay

Commercial shore-side fishing activities take place on the Fish Quay, which is designated a 'working area'. Access to the General Public is restricted and all operators must provide the Harbour Office with a comprehensive risk assessment for endorsement. These are held in the Harbour Master's office.

Related Documentation:

Third Party Risk Assessments and Method Statements

8.3.11 Boat and Boatmen Licensing

Salcombe Harbour Authority licences boats less than 24m in length, and which carry no more than 12 passengers, and which do not proceed to sea. In addition it licences the boatmen in charge of these vessels. Those which exceed these requirements are licenced by the MCA. This licencing is conducted using the South West Regional Ports Association Small Craft Licensing Guide, also known as the 'Blue Book'.

8.4 Contingency planning and emergency preparedness

The potential for accident and emergency situations is identified in the Risk Assessments. Procedures have been established to address our response to emergencies and are contained within the Emergency Log held at the front desk of the Harbour Office which provides Harbour staff with guidance on how to deal with a number of major incidents. These procedures have been designed to be compatible with Joint Emergency Services Interoperability Programme (JESIP) protocols

The Safety Manager is responsible for:

- Ensuring that all accidents and incidents are investigated and recorded.
- Arranging emergency procedures to be exercised where practical
- Ensuring that the potential for incidents is reviewed annually.

8.5 Incident and emergency response

8.5.1 Procedure

All Harbour users and staff, visitors and contractors should report all matters of safety – including accidents, incidents and near misses – promptly to the attention of the Harbour Master. Reports will be used to help in assessment of the effectiveness of the SMS.

In the event of an incident occurring it will be graded according to the nature of the incident, number of casualties, environmental impact and the likely disruption to harbour activities:

Minor incidents are those that can be managed and resolved using the Harbour's organic capacity, resources and available staff, augmented as necessary by the Emergency Services eg ambulance.

Major incidents are those that are beyond the Harbour Staff's and Emergency Services ordinary capacity to manage without extensive mobilisation of additional equipment or personnel. Examples include:

- Death or serious injury;
- Extensive damage or contamination to the environment;
- Extensive damage to vessels or harbour infrastructure; and
- Serious disruption to the routine operating of the Harbour.

SHA is a designated Category 2 responder under the Civil Contingencies Act 2004 and has a duty to share information with Category 1 responders and with other Category 2 responders as appropriate. It also has a duty to prepare and exercise emergency preparedness and response plans for the Harbour; and example being The Oil Spill Contingency Plan. SHDC, as a Category 1 responder, also has a number of emergency plans, which the SHA has a duty to support where appropriate.

Related Documentation:

Emergency File

SHDC Major Emergency Response Guide

Oil Spill Contingency Plan

Coastal Oil Pollution Plan

8.5.2 Command and Control (C2)

Minor incidents will be controlled at the scene under the command of the senior person present in the Harbour Office. For major incidents, Initial C2 will be effected from the Harbour Office and routine administrative functions will cease. If the situation is unlikely to be resolved within one working day then a decision regarding the re-location of command and control functions will be taken to allow Harbour Office functions to resume. The pre-identified secondary C2 site is the offices within the Harbour Workshop and the tertiary C2 site is at the Fish Quay, although this will require hosting facilities to be erected. Movement to either the secondary or tertiary site will be the subject of a dynamic risk assessment and will only be made at an appropriate time within the incident management lifecycle.

8.5.3 Salvage and Towing

Salcombe Harbour Authority does not undertake salvage operations, however the harbour may be requested to accommodate vessels salvaged by others eg RNLI, or if directed to do so by the Secretary of States' Representative for Marine Salvage and Intervention (SOSREP). All requests to accommodate Salvaged vessels will only be considered after a dynamic risk assessment has been completed by the Harbour Master or his nominated deputy.

8.5.4 Incident/Accident Investigation and Reporting Procedures

It is a statutory requirement that accidents involving or occurring on board any UK ship must be reported to the MAIB by the quickest possible means. However, accidents involving or occurring on board the following are exempt unless the accident involves explosion, fire, death, serious injury, capsise or serious pollution:

- a pleasure vessel
- a recreational craft hired on a bareboat basis
- any other craft (other than one carrying passengers) in commercial use in a harbour <8m in length

The quickest reporting method is via the accident reporting line 02380 232 527 and an Accident Report Form completed.

| | |
|-------------------------------|-----------------------------|
| <u>Related Documentation:</u> | Incident Log |
| | Emergency File |
| | Accident Report Form |

All accidents and incidents should be investigated by the Harbour Master or delegated to a member of the Harbour Staff to learn lessons to avoid future repetitions. The purpose of this investigation is not to apportion blame. For this reason, none of this evidence can be used in subsequent legal proceedings and this fact should be made clear to all witnesses so that they are not discouraged from coming forward.

If it appears that an offence has been committed then an entirely separate investigation will be conducted, under caution if required, but cannot refer to any of the evidence gathered in the former investigation. Evidence gathered during such an investigation must be collected, processed and preserved in accordance with the Police and Criminal Evidence Act 1984 (PACE) in order that it can be admissible in criminal court proceedings.

The Police will take primacy in any investigation involving death or crime. If someone dies in a work-related incident, a number of different organisations will require to work with the Police to ensure that the reasons for the death are understood. Different organisations have different but important roles in this process and good co-ordination is vital.

The legal framework for incident investigation is summarised in the *Memorandum of Understanding between the MCA, MAIB and HSE for health and safety enforcement activities at the water margin and off-shore*:

- The MCA is responsible for implementing the Government's maritime safety policy;
- The MAIB investigates accidents related to ships and crew;
- The HSE investigates land-based accidents,

9. Records and Monitoring

9.1 Procedure

The Harbour Master is responsible for monitoring and reporting on:

- Compliance with SEMS documentation
- Compliance with statutory and other requirements including the PMSC
- Performance against our Objectives and Targets, and
- Any Harbour activities likely to adversely impact upon the environment.

Performance is reviewed regularly and remedial actions implemented where appropriate.

Related Documentation:

Incident Log

SEMS Spreadsheet

Harbour Master's Reports to the Harbour Board

9.2 Monitoring

A number of methods are employed to monitor performance. These include:

- Putting this and other documentation into the public domain so that our performance is subject to public scrutiny;
- Reporting against established Performance Indicators (PIs) at Harbour Board meetings, to which the public are invited. Those pertinent to Safety and Environment include:
 - Accidents (both public and staff)
 - Incidents (speeding, crime, collisions, mooring failures, groundings)
 - Pollution incidents
- Being subject to external assessment and report by:
 - The Designated Person (for Safety Management)
 - The MCA (for compliance with the PMSC, our oil spill contingency readiness and waste facility management)
 - Trinity House (as a General Lighthouse Authority)
 - The Environment Agency (for water quality and pollution incidents)
 - Natural England (for Blue Flag and Seaside Award status)
 - South West Water (for water quality during the bathing season)
 - The European Sea Ports Organisation (for EcoPort status)
 - Exeter University (water temperature monitoring)
 - Kingsbridge Natural History Society (who conduct monthly wetland bird surveys)
- Publishing accident and incident statistics in the Annual Report
- Proactive line management and oversight of activities

Related Documentation:

Harbour website

Reports to the Harbour Board

Annual Report

Reports from external agencies and organisations

University reports

10. Corrective Action

10.1 Evaluation of compliance

The Harbour Master 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 Master.

10.2 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:

- a. The Harbour Master/appropriate AHM will initiate corrective and/or preventive action which may include cessation of the activity.
- b. If the activity results in a possible problem for a neighbouring authority/business then that authority/business shall be contacted by the person in (a) above to advise them of the situation and to inform them of the corrective action being undertaken.
- c. Where an activity requires corrective action the person in (1) above shall determine the cause, restore compliance and ensure no reoccurrence of the detrimental activity.
- d. Once the corrective action has been undertaken the Harbour Master will be required to assess any damage to equipment or the environment, calling upon specialist agencies if required.

If required, method statements will be reviewed to ensure the incident does not reoccur.

11. Audit and review

11.1 Procedure

The audit of the SEMS is based on an annual cycle and is initiated by the Harbour Master, with additional staff as required. Performance of the system will be assessed against internal performance indicators and, where appropriate, by benchmarking against other ports that have adopted good practice. The review will be undertaken as follows:

- Weekly spot checks by staff, reviewed by the Harbour Master.
- Quarterly internal checks by the Harbour Master, the results of which are formally reported to the Harbour Board.

- Annual external audit by the Designated Person, normally as part of the harbour inspection.
- Tri-annually the Duty Holder will report the harbour's compliance against the PMSC to the MCA.

The method used to collect the required information for the audit and review would be interview, consultation and SEMS records.

A synopsis of the audit results will be published in the Harbour's annual report.

11.2 Audit programme

11.2.1 There is a weekly spot check of safety related documentation eg the incident log to ensure that safety concerns are being correctly identified and managed in a timely manner. The spot check should also highlight outstanding issues are addressed.

11.2.2 The quarterly check by the Harbour Master ensures that policies and procedures are being correctly followed and compares the outcomes against standing performance indicators which have been set by the Duty Holder. The results are formally reported to the Harbour Board quarterly.

11.2.3 The annual external inspection by the Designated Person. The results of which are also reported formally to the Harbour Board, provide reassurance to the Duty Holder that a comprehensive and effective SEMS is in place and being followed sufficient to meet our obligations under the Port Marine Safety Code.

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Agenda Item 12

Report to: **Salcombe Harbour Board**

Date: **10 July 2017**

Title: **Harbour Master's Report**

Portfolio Area:

Wards Affected: **All**

Relevant Scrutiny Committee:

Overview and Scrutiny Panel

Urgent Decision: **N** Approval and clearance obtained: **N**

Date next steps can be taken: **N/A**
(e.g. referral or recommendation or implementation of substantive decision)

Author: **A Parnell** Role: **Harbour Master**

Contact: **01548 843791**

Recommendations:

That the Board RESOLVES to note the Harbour Master's report.

1. Executive summary

1.1 There are a number of topical issues affecting the Harbour. These include the Egremont future plans, the Kingsbridge-Salcombe ferry and the Annual Report.

2. Egremont future plans

2.1 The forecast for the return of MV Egremont has slipped to Dec 17. Given the difficulties in obtaining a suitable weather window in winter, this may slip into spring 18.

3. Kingsbridge-Salcombe ferry options

3.1 MV Rivermaid recommenced ferry operations 26 June. This is later than hoped but nevertheless its return is welcomed.

4. Annual report

4.1 The Annual Report will be published in September; this is later than is normally the case, due to the volume of work undertaken by the Design department, who are unable to complete the pre-printing layout and design work. However, the aspiration is to circulate the completed document to Board members for endorsement prior to publication on the website as soon as it is completed.

5. Kingsbridge pontoon gates

5.1 The locks on the northern gate has again been broken by pontoon users, and were witnessed taking it to pieces by a former member of the Harbour's staff. These locks are expensive (£250) so KEBC has been requested to see if they can assist in identifying the persons involved with a view to cost recovery. In the interim, Walcon have been asked to provide a cost to erect a gated fence at the top of the access gangway in lieu of the gates to each pontoon 'arm'.

6. Implications

| Implications | Relevant to proposals Y/N | Details and proposed measures to address |
|--|---------------------------|--|
| Legal/Governance | N | Where appropriate, reference to legal implications is referenced in the report |
| Financial | N | |
| Risk | N | |
| Comprehensive Impact Assessment Implications | | |
| Equality and Diversity | N | None |
| Safeguarding | N | None |
| Community Safety, Crime and Disorder | N | |
| Health, Safety and Wellbeing | | |
| Other implications | N | |

Supporting Information

Appendices: None.

Background Papers: None.