



# **EAST SUFFOLK COUNCIL - SOUTHWOLD HARBOUR**

## **Marine Safety Management System (MSMS)**



## Version Control

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## Executive Summary

The Port Marine Safety Code ('the Code') sets out a national standard for every aspect of port marine safety. Its aim is to enhance safety for everyone who uses, or works in, the UK port marine environment. It is authored by the UK Government, and representatives from across the maritime sector and, whilst the Code is not mandatory, these bodies have a strong expectation that all organisations will comply. The Code is applicable both to Statutory Harbour Authorities and to organisations that own and operate marine facilities.

This '**Marine Safety Management System**' (**MSMS**) has been produced to detail how East Suffolk Council, operating Southwold Harbour, meets the requirements of the Code for its Statutory Harbour Authority area of operation and its approaches. Within this MSMS the harbour is identified as '**Southwold Harbour**'.

This MSMS has been created with reference to the latest version of the Code and its accompanying 'Guide to Good Practice' (GtGP) on Port Marine Operations.

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## Section 1: Accountability

### 1.1 Harbour Authority

#### 1.1.1 Harbour Description

**Southwold Harbour:** Situated in North Suffolk, Southwold Harbour was originally a thriving fishing port and now provides moorings and facilities to fishing vessels and pleasure yachts. Moorings for visitors are available from the Harbour Authority. A ferry operates within the Harbour, transiting the River Blyth between Blackshore on the north bank of the River and Walberswick on the south bank. Leisure trips are also operated from the Harbour.

The Harbour provides permanent, long stay and visitor moorings and hosts annual maritime events. The Harbour is situated in an area that is designated as an area of outstanding natural beauty and is about half a mile from the town of Southwold.

It is primarily a fishing harbour, with visitors' berths at the west end of the harbour approximately half a mile from the entrance, on the north side. The harbour provides permanent and long stay moorings for the local community and visitors to the district. It is ideally situated for anyone coastal cruising or travelling from Europe. There are local facilities available for diesel, Liquefied Petroleum Gas (LPG) and repairs. Southwold's historic town centre is within easy walking distance and is home of the famous Adnams Brewery, as well as having two award winning beaches and the famous 'Southwold Beach Huts'.

- **Moorings:** There is a 186' fixed stage and 283' pontoon berths for visitor's available at Southwold Harbour.
- **Cranage and lifting facilities:** Facilities are available within the harbour and can be arranged via the Harbour Master's office.
- **Oil disposal:** Oil disposal can be arranged via the Harbour Master's office.

#### 1.1.2 Harbour Limits

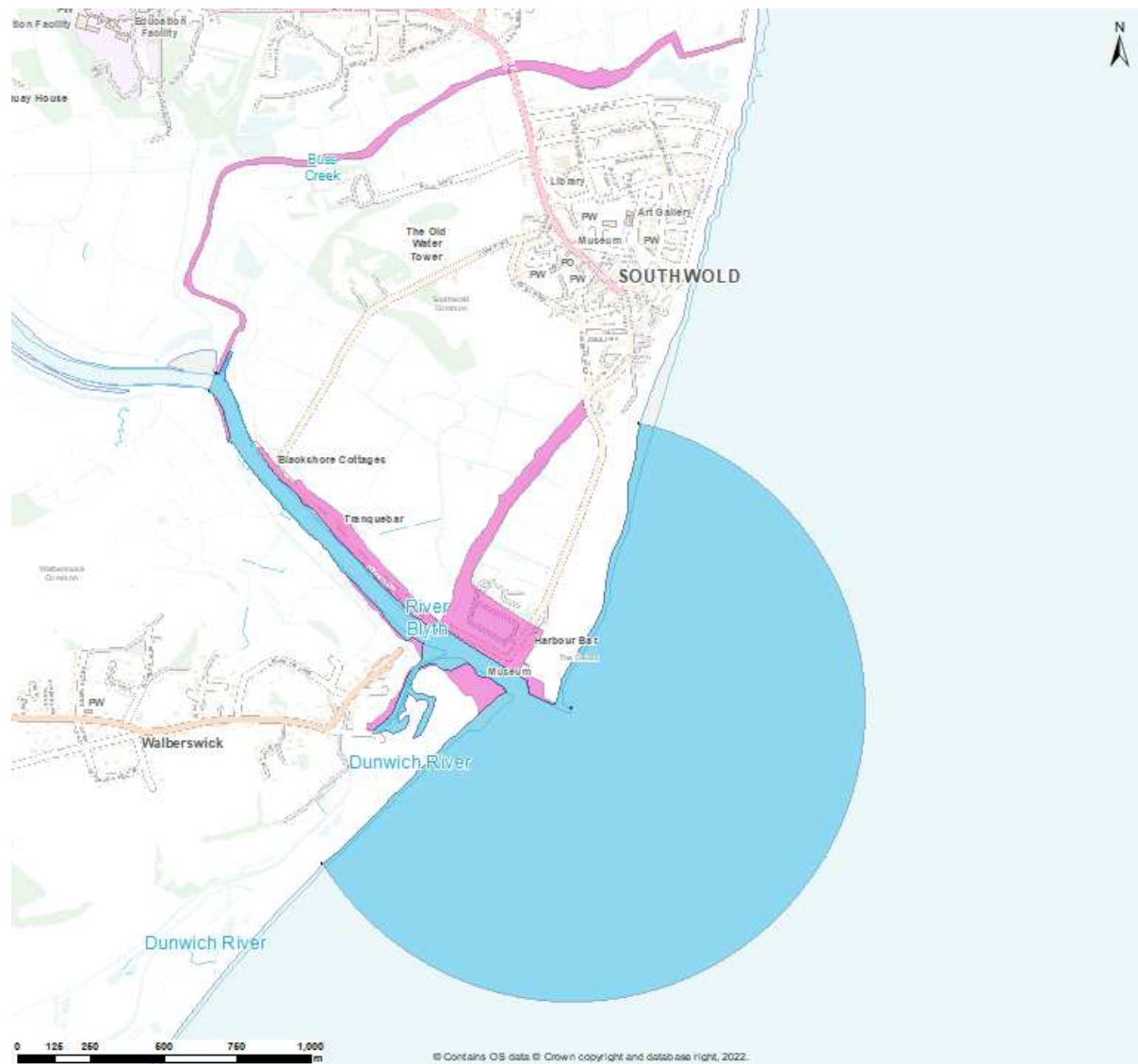
The Harbour Authority's jurisdiction extends from 1,000 yards (914 metres) from the north harbour entrance pier in a semi-circulate (approximately half a nautical mile) outside the entrance to the Harbour, up the River Blyth to the Bailey Bridge which is about 0.7 nautical miles. See Figure 1 for original 1933 Harbour Boundary and Figure 2 for the current mapping of this boundary onto both land and sea areas.





**Figure 1** Harbour Limits – 1933 Plan





**Figure 2** Harbour Limits – Current wet (blue) and dry boundary (pink)

### 1.1.3 Harbour Authority Status

East Suffolk Council is the Statutory Harbour Authority (SHA) for Southwold Harbour by virtue of the Elgin & Lossiemouth & Southwold Confirmation Act 1933 and the Southwold Harbour Order 1933 (The Order). This made the Mayor, Aldermen and Burgesses of the Borough of Southwold the undertakers responsible for carrying out the obligations of the Harbour Authority. Since the making of the Order, Waveney District Council acquired the responsibilities of the Harbour and was therefore the "duty holder" under the Port Marine Safety Code.

Due to a further reorganization of Local Authority responsibilities East Suffolk Council became statutory harbour authority, setting up the **Southwold Harbour Management Committee** to manage **Southwold Harbour** and **advise East Suffolk Council**.

#### **Southwold Harbour Management Committee**

Southwold Harbour Management Committee (HMC) was established in July 2021, following agreement and previous reports to the Southwold Harbour Lands Joint Committee and East Suffolk Council's Cabinet. The HMC acts in the best interests of the harbour and Southwold Caravan Site, to ensure their long-term sustainability and success.

The HMC consists of 9 Members, and they meet on a bi-monthly basis. HMC meetings are held in public, and the majority take place at a venue in Southwold. In exceptional circumstances, the HMC may, by law, exclude members of the public from all or part of a decision-making meeting. There are various reasons that the HMC, on occasions, must do this and examples are because a report contains information relating to an individual, information relating to the financial or business affairs of a particular person or information relating to any consultations or negotiations.

The HMC meeting papers are shared with the Southwold Harbour Stakeholder Advisory Group (SAG) for its feedback and recommendations. The Chair of the SAG is invited to attend all HMC meetings and is invited to contribute to items of business on the agenda that are open to the public, which ensures that the HMC is aware of the viewpoints of all interested parties.

The HMC consists of 9 members, 5 are East Suffolk Council Cabinet members and 4 are co-opted members. The 5 Cabinet members were appointed following a skills matrix exercise. The co-opted members were appointed following a selection process to assess the skills and expertise that they could bring to the HMC.

#### **East Suffolk Council cabinet is the duty holder for Southwold Harbour**

**East Suffolk Council is also the** Local Lighthouse Authority (LLA) with respect to aids to navigation by virtue of Section 193 of the Merchant Shipping Act 1995. The harbour is a

Municipal Harbour Authority, being owned and operated by the Council. East Suffolk Council is not a Competent Harbour Authority (CHA) with respect to Pilotage.

## 1.2 Duties and Powers

East Suffolk Council's duties and powers are provided in local legislation, as contained in the Elgin & Lossiemouth & Southwold Confirmation Act 1933 and the Southwold Harbour Order 1933 (The Order), plus obligations drawn from the inclusion of the Harbours, Docks and Piers Clauses Act 1847 into Southwold Harbour acts and orders. As an SHA, East Suffolk Council recognises its statutory duties in relation to safe and efficient port marine operations. This includes the Council's duty of care to those using the harbour which is recognised as an obligation to conserve and facilitate the safe use of the harbour.

## 1.3 The Duty Holder

East Suffolk Council, as the owner and operator of Southwold Harbour, acknowledges its responsibilities for marine safety, including adherence to the standard set out in the Code.

The Code requires all organisations to confirm who the **Duty Holder is**. Southwold Harbour confirms that the **East Suffolk Council (ESC) Cabinet is the Duty Holder** for the marine aspects of Southwold Harbour and is therefore accountable for compliance with the Code. See East Suffolk Council Organogram in Appendix 1.

**To comply** with the Code, the Duty Holder on behalf of Southwold Council will:

- Comply with the duties and powers under existing legislation, as appropriate.
- Attend as regularly as necessary, PMSC awareness training to understand the organisation's powers and duties related to marine safety.
- Ensure that a suitable MSMS, which employs formal safety assessment techniques, is in place.
- Ensure adequate resources and support is available for the discharge of duties and responsibilities relating to marine safety.
- Appoint a suitable Designated Person to monitor and report the effectiveness of the MSMS and provide independent advice on matters of marine safety.
- Appoint competent people to manage marine safety.
- Ensure that the management of marine safety continuously improves by publishing a '**Safety plan for marine operations**' and report performance against the plan's objectives.
- Report compliance with the Code to the Maritime and Coastguard Agency every three years.

## 1.4 The Designated Person

The PMSC requires that organisations appoint a Designated Person to oversee the organisations obligations with respect to the provision of an effective MSMS. The function of **the Designated Person** is to provide independent assurance directly to the **Duty Holder** that the MSMS is working effectively. To fulfil this requirement, the **Designated Person** needs to have direct access to the **Duty Holder**.

To comply with the Code, the Designated Person for East Suffolk Council will:

- Determine through assessment and audit that Southwold Harbour has an effective and appropriate Marine Safety Management System. This will be conducted as an annual audit, with the output provide as a written report to the **Duty Holder**.
- Monitoring the thoroughness of the marine risk assessment process and the validity of the assessment conclusions.
- Monitoring the thoroughness of the incident reporting and any subsequent investigation to confirm the validity of the investigation conclusions.

## 1.5 Chief Executive

The Chief Executive is accountable for the operational and financial control of the Council.

The Chief Executive will advise the Council on all matters related to its duties and powers, with appropriate advice from other officers.

The Chief Executive will:

- Oversee the implementation of its policies and decisions.
- Have overall executive responsibility for the safety of operations and staff.
- Have overall executive control on financial decisions.

## 1.6 Harbour Master

**The Harbour Master** is accountable to the **Duty Holder** for the discharge of the role in accordance with the standard of the Code. The appointee is responsible for delivering the Marine Safety Policy.

The Harbour Master's (HM) duties in respect of marine safety include:

- Monitoring all matters related to marine safety.
- Managing and update the Marine Safety Management System (MSMS).

- Bringing to the attention of the Duty Holder any resources and support required to maintain standards of marine safety. Subsequently, identify areas where extra resourced are required and bid for funding.
- Ensuring marine risk assessments are in-date and reviewed in line with industry best practice.
- The recording and proportionate investigation of marine incidents/accidents.
- Ensuring reviews and audits of the MSMS are conducted and report on this to the Duty Holder.
- Ensuring that all staff with marine safety responsibilities and duties are trained in accordance with the safety training and familiarisation procedures, using accredited competence standards where appropriate.
- Complying with the directions from the General Lighthouse Authorities (Trinity House) and supply information and returns as required.
- Undertaking Harbour safety inspections, including the checking of Aids to Navigation.
- Programming hydrographic surveys and dredging (if required) in consultation with the operational requirements.
- Carrying out formal and informal liaison with harbour stakeholder groups as required by the Council.

## 1.7 Deputy Harbour Master

Responsibilities of the Deputy Harbour Master (DHM) include:

- Identifying and proposing solutions to any hazards to safe berthing and safety in the workplace.
- The reporting of any harbour or marine incidents/accidents.
- Participation in Oil Spill Response & Emergency Response (including exercises).
- Contribute towards maintaining harbour user marine safety awareness.

## Section 2: Key Measures

### 2.1 Review Existing Powers

#### 2.1.1 National Legislation

General legislation provides a range of duties and powers that as a SHA, East Suffolk Council understands and applies within its approach to managing the harbour undertaking, this includes (but is not limited to) the following:

- Harbours, Docks and Piers Clauses Act 1847
- Harbours Act 1964
- Health and Safety at Work etc. Act 1974
- Wildlife & Countryside Act 1981
- Dangerous Vessels Act 1985
- Merchant Shipping Act 1995
- Railways and Transport Safety Act 2003
- Civil Contingencies Act 2004
- Environment Act 2021

#### 2.1.2 Local Legislation

There are two items of local legislation:

- Elgin and Lossiemouth and Southwold Confirmation Act 1933 Southwold Harbour Order 1933.
- Southwold Harbour Byelaws 2009 (confirmed by Secretary of State 23 June 2012)

#### 2.1.3 Harbours, Docks and Piers Clauses Act 1847

The Harbours, Docks and Piers Clauses Act 1847 is included within the 'Elgin and Lossiemouth and Southwold Confirmation Act 1933 Southwold Harbour Order 1933'.

#### 2.1.4 Formal Risk Assessment

**East Suffolk Council** applies **Formal Risk Assessment** (FRA) methods to its harbour operations at Southwold Harbour. This entails carrying out Risk Assessments (RA) for any marine operation that harbour staff must carry out and are supplemented by corresponding Safe Systems of Work (SSoW). Responsibility for the maintenance of up-to-date Risk

Assessments is assigned to the **Harbour Master**, who ensures that all necessary competent staff and stakeholders are involved at all stages of assessment and review.

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

ALARP is an industry wide concept applying to both health and safety and port marine safety. The core concept is that of 'reasonably practicable', which involves weighing up the risk against the effort, time and money needed to control it.

East Suffolk Council has applied the ALARP principle in the FRA process with respect to each individual assessment. The purpose being, to consider if the summary risk for each hazard scenario can be reduced to a point which is both 'reasonable' and 'practicable'. ALARP is not defined as a threshold or benchmark target.

All marine risk assessments are reviewed on an annual basis. Assessments are also considered following a marine incident, which may prompt a revision to the assessment risk outcome or risk control measures.

### 2.1.5 Dynamic Risk Assessment

Activities undertaken at Southwold Harbour by East Suffolk Council employees are conducted with an ethos of continual dynamic risk assessment (DRA). Before the commencement of an activity, a **DRA** should be conducted (a toolbox talk if more than one person involved) to tie the risks identified in the **FRA** with any additional risk perceived due to the current conditions and external influences. The fundamental understanding of dynamic risk assessments is that any activity may be stopped at any time if a hazard is perceived as:

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

The experience gathered from conducting dynamic risk assessments is utilised in the review process of FRAs and the refinement of the SSoW.



## 2.2 Marine Safety Management System

The Code requires all organisations, including harbour authorities, to establish and maintain a MSMS. The information and structure contained in this system, together with supporting documents, such as, marine policies, procedures and working documents produced by Angus Council provides this requirement. The system components include:

- The MSMS (this document) inclusive of Appendices.
- The Marine Risk Assessments and Accident-Incident records.
- Personnel training records.
- Waste Management Plan.
- Infrastructure inspection records.
- Safe Systems of Work (SSoW).

## 2.3 Competence

Under the Code, all persons involved in the management and execution of marine operations should be qualified and trained to the requirements of the position.

- East Suffolk Council has in place a Southwold Harbour Marine Training Policy.
- Appropriately trained and competent members of staff are key elements of many risk control measures and are essential in determining risks and appropriate controls from the outset. Competence assurance begins at the recruitment stage and is maintained thereafter. To assure initial competence staff should satisfy the following:
- Prior to Job Commencement: no staff member will be permitted to undertake work until the entry level criteria (as defined in the job description / vacancy advertisement) have been met.
- Induction Training: All new staff (including temporary) will receive appropriate induction training and specific job related operational and procedural training, which will be overseen and recorded by appropriate line managers.
- Competence: When all the above stages have been satisfactorily completed, the person may be considered competent.

Where possible, those with the required qualifications and experience will be employed to perform marine roles. If a suitable applicant does not hold all the relevant qualifications, a training plan will be required once employment commences.

- East Suffolk Council maintains a training matrix for harbour staff. This ensures that harbour staff are suitably trained for their roles and responsibilities, allows for tracking of training received and expiry dates, and planning for refresher training as required.

## 2.4 Incident Reporting and Investigation

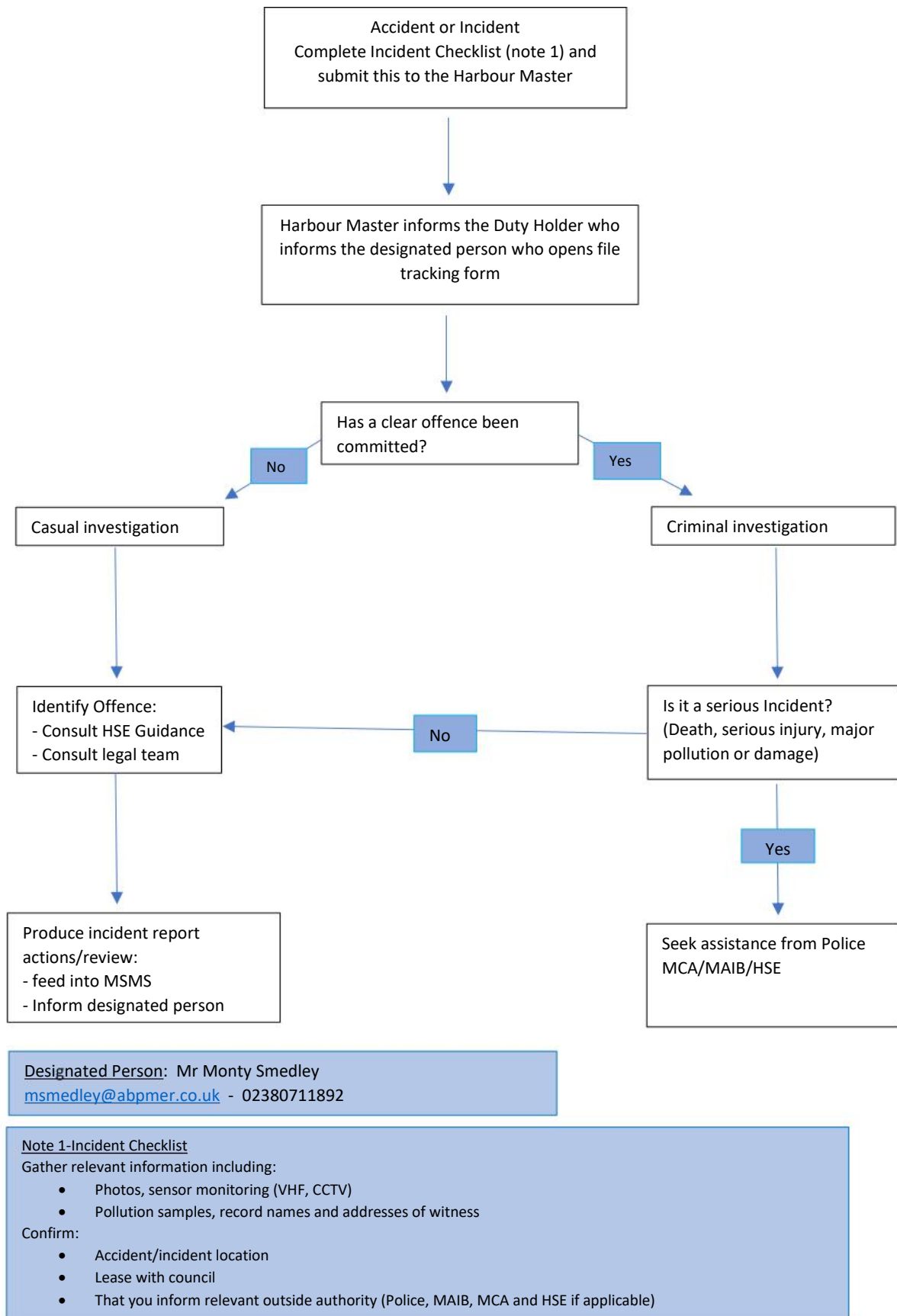
Following a marine accident, incident or near-miss in the harbour or its approaches, an entry is made to the Accident/Incident record.

- For incidents involving collision (vessel-to-vessel contact), harbour contact (impact), grounding or pollution (from a vessel), the vessel's Master must contact the Harbour Master and provide a statement, supporting evidence and allow access for any subsequent investigation the Harbour Master may conduct.

Investigations of marine incidents have two essential purposes, these are:

- To determine the cause of the incident, with a view to preventing a recurrence of that incident (or similar).
- To determine if an offence has been committed: if so, there may be the need, on the part of the organisation, to initiate enforcement action that may lead to prosecution or through an agency of another authority such as the Police or the MCA.

The flow diagram in Figure 3 is used by East Suffolk Council harbour staff to determine the course of action:



**Figure 3**      **Accident/Incident Decision Tree**

### 2.4.1 Reporting

Any Accident/Incident matching the reporting criteria from 'The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012' are reported to the Marine Accident Investigation Branch (MAIB) within 24 hours.

Any quayside Accident/Incident matching the 'Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013' are reported to East Suffolk Council's Health and Safety team.

### 2.4.2 Investigation

Regarding marine incident investigation, the Code states: 'by ensuring that a robust, rigorous, independent investigation has been carried out, the board and the duty holder can be assured that their obligations for compliance have been addressed'.

Investigations will be conducted in accordance with standard marine incident methodology to provide a:

- Accident/Incident synopsis.
- Narrative surrounding casualty events and accident events.
- Human factors analysis.
- A root cause analysis.
- Conclusions.
- Actions taken.
- Recommendations.

In the suspicion of an offence having been committed evidence will be collected in accordance with **the Police and Criminal Evidence Act 1984 (PACE)** and the investigation conducted in the interests of enforcement by the relevant authorities.

### 2.4.3 Incidents Involving Drugs or Alcohol

Harbour users (vessel masters and crew) accused of being under the influence of alcohol and/or drugs may be committing an offence under Part 4 of the Railways and Transport Safety Act 2003. The Harbour Master has the power to detain a vessel if he suspects that a mariner (master or crew member) has committed a drink or drugs related offence when on duty. The power can be exercised only if the Harbour Master summons a police officer before, or immediately after the vessel is detained. The power of detention lapses after the police officer has decided whether to administer a preliminary test and has notified the Harbour Master of that decision.

## 2.5 Enforcement

East Suffolk Council, as SHA for Southwold Harbour, is responsible for the enforcement of regulations which are in place to manage safe and efficient port marine operations. Principally, this means enforcement of Byelaws and Directions issued by the Harbour Master and officers of the Authority with delegated powers.

East Suffolk Council has in place a Southwold Harbour Enforcement Policy.

The principal techniques for enforcement at Southwold Harbour are:

- **Education:** education by Harbour Staff that a contravention or omission has occurred.
- **Warning:** warning by Harbour Staff that a breach of direction, byelaws or criminal act has occurred.
- **Formal Caution:** written warning from the Harbour Master or Council Official setting out the way the Direction or Byelaw has been breached and the implications should the recipient re-offend.
- **Prosecution:** in the local Magistrates Court.

## 2.6 Monitoring and Reporting

### 2.6.1 Audits

Audits will be carried out by the Designated Person or delegated officer at regular intervals. Audits conducted at Southwold Harbour aim to meet the following objectives:

- To monitor the overall effectiveness of the system.
- To identify and implement ways of improving overall performance.
- To confirm that relevant procedures are understood and being actioned by those involved.

**The Designated Person** will use the results of the internal audits to monitor and report the effectiveness of **the MSMS** and compliance with the Code to the **Duty Holder**. **The Duty Holder** is responsible for publishing an assessment (every three years) of East Suffolk Council's performance at Southwold Harbour against the Marine Safety Plan. This report will draw heavily on the results of the audit process.

### 2.6.2 Safety Plan for Marine Operations

The Code provides detail on the way in which marine facility operators should show commitment to maritime safety and to ensuring the involvement of users. The Code

requires a 'safety plan for marine operations' which should be published at least once every three years. East Suffolk Council has in place a Southwold Harbour Marine Safety Plan.

### 2.6.3 MCA Compliance Statement

Every three years, the Duty Holder should write to the MCA to confirm compliance with the requirements of the code.

## 2.7 Consultation and Consensus

The Code requires facilities to maintain consensus with users and stakeholder regarding marine operations. To fulfil this requirement, East Suffolk Council by way of the **Southwold Harbour Management Committee** conduct consultation with **the Southwold Harbour Stakeholders Advisory Group (SAG)**

**Southwold Harbour Stakeholder Advisory Group:** The Stakeholder Advisory Group (SAG) was established in late 2021 as part of the Southwold Harbour Management Committee (HMC) commitment to improving relations with local stakeholders and to ensure that all user groups are given an equal platform in which to voice their views for the betterment of the harbour and caravan site.

The SAG consists of up to 18 appointed representatives and aims to meet just before each HMC meeting (but must meet a minimum of twice a year).

The SAG meetings are not open to the public and they are held both virtually and in person.

## Section 3: Safe and Efficient Port Marine Operations

### 3.1 Open Port Duty

**East Suffolk Council** has an **Open Port Duty** through the inclusion of Section 33 of the 'Harbours, Docks and Piers Clauses Act 1847' into the Elgin & Lossiemouth & Southwold Confirmation Act 1933 and the **Southwold Harbour Order 1933** (The Order) . This means that the harbour, dock, or pier must be open to anyone for the shipping and unshipping of goods and the embarking and landing of passengers, on payment of the rates and other conditions set in local legislation (i.e., the Southwold Harbour Order 1933).

### 3.2 Collection of Dues

East Suffolk Council as the SHA for Southwold Harbour has the powers to collect harbour dues. The Authority's powers to levy dues is drawn from Section 26 of the Harbour Act 1964. The rate and dues leviable on vessels are published by the Council. Other services offered by the Council are subject to sundry charges.

### 3.3 Conservancy

East Suffolk Council as the SHA for Southwold Harbour has a duty to conserve the harbour. This means that the Council will ensure it is fit for use as a harbour and a duty of reasonable care is in place to see that the harbour is in a fit condition for a vessel to utilise it safely. East Suffolk Council has in place a **Southwold Harbour Marine Safety Plan** and conservancy policy.

Marine and Coastal Access Act 2009 gave the MMO powers to licence all construction activities in waters beyond MHWS including Normal Tidal Limits of rivers and estuaries. (Except for small works such as pontoons under 30 M2 area.).

The Marine Management Organisation (MMO) is responsible for marine licensing in English inshore and offshore waters and for Northern Ireland offshore waters.

Council liaises with MMO and the UK Hydrographic Office on conservancy and environmental matters where necessary.

**MMO Jurisdiction:** 'English waters' is the area of sea within the limits of territorial waters (12 nautical miles) adjacent to the English coastline (the 'inshore' area). This also includes any area of sea beyond the territorial limit (the 'offshore' area), that is within the exclusive economic zone (EEZ) and the UK sector of the continental shelf (up to 200 nautical miles).



### 3.3.1 Hydrographic Survey

**East Suffolk Council** has the authority to contract hydrographic survey services to chart the depths in the harbour and its approaches when required. Due to the limited degree of accretion and variance in depths, hydrographic surveys are conducted on an ad hoc basis. If any surveys are required, they will be conducted to the standard required by the International Hydrographic Office (IHO) SP44. In accordance with the Code, hydrographic records are maintained and passed to the UK Hydrographic Office (UKHO) to update their records.

### 3.3.2 Dredging

Where hydrographic surveys show a reduction in navigable depths or obstructions that may be a danger to navigation, maintenance dredging or seabed clearance work **may** be undertaken to provide a minimum safe depth for vessel navigation.

### 3.3.3 Aids to Navigation

Southwold Harbour is located within the Trinity House area of jurisdiction (the General Lighthouse Authority). East Suffolk Council is a Local Lighthouse Authority.

### 3.3.4 Wrecks, Derelict and Abandoned Vessels

The harbour has no identified wrecks, but should a new wreck occur, it will be marked and removed. The process of removing a wreck is defined in Section 252 of the Merchant Shipping Act.

## 3.4 Environmental Duty

East Suffolk Council as the SHA for Southwold Harbour has environmental duties and recognises its duty to exercise its functions relating to nature conservation and encouragement of biodiversity. East Suffolk Council has in place an Environmental Policy. In meeting this policy, it will:

1. Remain cognisant of the Natural Environment and Rural Communities Act 2006 and its duty under section 40 to conserve biodiversity and its additional duty under Section 48A of the Harbour Act 1964 to wherever practicable maintain public access to places of natural beauty or archaeological, architectural, or historic interest Habitats Directive under the Conservation (Natural Habitats) Regulations 1994, having
2. Due regard to protected species.

## 3.5 Civil Contingencies Duty

The Civil Contingencies Act 2004 provides a framework for civil protection in the event of an emergency that threatens serious damage to human welfare, the environment or security.

East Suffolk Council as the SHA for Southwold harbour is classified as a category 2 'co-operating body' in respect of its Statutory Harbour undertaking. This requires the cooperating and sharing relevant information with Category 1 (emergency services and local authorities) and other Category 2 responders and organisations including **Southwold and Reydon Community Emergency Planning Group**.

## Section 4: Harbour and Vessel Traffic Management

### 4.1 Appointment of a Harbour Master

Through the inclusion of Section 51 of the 'Harbours, Docks and Piers Clauses Act 1847' into the Southwold Harbour Order 1933, East Suffolk Council as Harbour Authority.

has the power to appoint a Harbour Master. This appointment is a statutory role, the Harbour Master is accountable to the Authority for the safety of marine operations in the harbour.

### 4.2 Byelaws

East Suffolk Council in exercise of the powers conferred upon it by Section 83 of the 'Harbours, Docks and Piers Clauses Act 1847' and the Southwold Harbour Order 1933 and of all other powers enabling it has issued a set of Byelaws reference as the Southwold Harbour Byelaws 2009 (confirmed by Secretary of State 23 June 2012). The Byelaws revoked all previously issued Southwold Harbour Byelaws.

### 4.3 Powers of Direction

#### 4.3.1 Special Directions

The Harbour Master (and any duly appointed deputy or assistant) has powers of direction to regulate the time and manner of vessels' entry to, departure from and movement within Southwold Harbour, and related purposes. These powers are given for the purpose of giving specific directions to specific vessels for specific movements. The Harbour Master's directions are referred to as 'Special Directions'. Special directions are not for setting general rules but relate to specific vessels - or in an emergency, to a class of vessels - on occasions.

#### 4.3.2 General/Harbour Directions

Powers of General Direction are not available to East Suffolk Council at Southwold Harbour. Harbour. Directions have been applied for under a Harbour Revision Order application.

#### 4.3.3 Dangerous Vessels

Under the **Dangerous Vessels Act 1985**, the Harbour Master (duly appointed deputy) may: "give directions prohibiting the entry into, or requiring the removal from, the harbour for which he [or she] is Harbour Master, of any vessel if in his [or her] opinion the condition of that vessel or the nature or condition of anything it contains is such that its presence in the harbour might involve:

- a) Grave and imminent danger to the safety of any person or property, or
- b) Grave and imminent risk that the vessel may, by sinking or foundering in the harbour, prevent or seriously prejudice the use of the harbour by other vessels.

**The Dangerous Vessels Act 1985** does not apply to any vessel belonging to Her Majesty (or employed in the service of the Crown) or any vessel which is a pleasure boat of 24 metres or less in length.

These directions can be given to the vessel owner, the master or any Salver or their Agent.

The Harbour Authority may have limited liability for any loss or damage occurring outside the Harbour because of any such direction. Direction of the Harbour Master/Deputy may be overruled by the Secretary of State's representative (SOSREP). In these cases, the vessel must be permitted to enter or stay in the Harbour and the Government assumes liability for the vessel.

#### 4.3.4 Dangerous Substances

The '**Dangerous Goods in Harbour Area Regulations' (DGHAR) 2016** defines the meaning of a dangerous substance. The Harbour Master has powers to prohibit the entry into a harbour of any vessel carrying dangerous goods, if the condition of those goods, or their packaging, or the vessel carrying them is such as to create a risk to health and safety, and to control similarly the entry on to dock estates of dangerous substances brought from inland (as prescribed in the DGHAR).

**East Suffolk Council** requires that prior notice is given to bring dangerous substances into the Southwold Harbour from sea or inland. The period of notice is 24 hours. Dangerous goods and marine pollutants in packaged form are administered through the provisions of **the International Maritime Dangerous Goods (IMDG) Code**.

#### 4.3.5 Pollution Prevention

**Under Section 144 of the Merchant Shipping Act 1995**, the Harbour Master may detain a vessel if there is reason to believe that it has committed an offence by discharging oil, or a mixture containing oil, into the waters of a harbour.

Under Section 135 of the Merchant Shipping Act 1995, Notice must be given to a Harbour Master before oil is transferred at night to or from a ship in any harbour.

In addition, under **Sections 136/259(6) of the Merchant Shipping Act 1995**, all oil spills into harbour waters are to be reported and harbour masters have powers to board ships to investigate possible offences.

East Suffolk Council, as Harbour Authority for Southwold, under the requirements of the Merchant Shipping (Oil Pollution Preparedness Response and Co-operation Convention)

Regulations 1998 (OPRC), **is exempt from producing an oil spill response plan but will review risk and decide on appropriate measures.**

The OPRC Regulations apply to:

- a) any harbour for which there is a statutory harbour authority having an annual turnover, as defined in the Schedule hereto, of more than £1 million.
- b) any other harbour, and any oil handling facility, offering berths alongside, on buoys or at anchor, to ships of over 400 Gross Tonnes (GT) or oil tankers of over 150 GT;
- c) any other harbour, and any oil handling facility, in respect of which the Secretary of State has served the harbour authority or operator (as the case may be) with a notice stating that he is of the opinion that maritime activities are undertaken at that harbour or facility which involve a significant risk of discharge of over 10 tonnes of oil; and
- d) any other harbour or oil handling facility in respect of which the Secretary of State has served the harbour authority or operator (as the case may be) a notice stating that he is of the opinion that it is in an area of significant environmental sensitivity, or in an area where a discharge of oil or other substances could cause significant economic damage.

## 4.4 Traffic Management

Traffic management principal methods include the Harbour Master's powers of Special Direction and published Byelaws.

### 4.4.1 Harbour office

Several different methods are used to monitor the movement of traffic within Southwold Harbour, these include:

- Line of sight visual observation from the harbour office or shore/quayside.
- Very High Frequency (VHF) radio monitoring on Channels 14.
- Closed Circuit Television (CCTV).
- The HM or DHM may go afloat in exceptional circumstances to manage traffic.

The harbour office is open from 0730 to 1730 hrs every day (1st April to 31st October) and 0800 to 1630 hrs every day (1st October to 31st March). Harbour users may communicate with the harbour office using VHF radio, the telephone, email or in person.

### 4.4.2 Navigational Advice and Guidance

Navigational information or assistance is mostly provided as advice. Details of the navigation at Southwold Harbour and its approaches including lights, marks and sources of communication are published annually in appropriate marine publications.

In managing navigation, in the interests of safety it may be necessary to require vessels to alter their navigation in some way. Such requirements may be expressed in **the form of a request**, but it should be made clear that the Harbour Master or an assigned deputy has the power to issue Special Directions, and should consider doing so, if a vessel ignores or declines to comply with a Direction, an enforcement action may be taken.

## 4.5 Harbour Management

### 4.5.1 Diving

All commercial diving in Southwold Harbour must be carried out according to the 'Diving at Work Regulations 1997' Statutory Instrument 1997 No. 2776. The general definition of commercial diving is 'all diving carried out for hire or reward'. Any commercial diving operations in the harbour must be subject to a **'Diving Permit' issued by the Harbour Master** on behalf of **East Suffolk Council**.

Before permission to dive is granted, the contracting party (client) whether it is **East Suffolk Council** or another body, must be satisfied that all legislative requirements have been met.

**East Suffolk Council** has a responsibility to ensure the marine safety of the facility. Sports diving in the harbour is **therefore prohibited** within the boundaries of the harbour.

### 4.5.2 Towage

Southwold Harbour does not provide towage facilities for visiting vessels. Activities requiring towage are to be arranged by vessel operators and communicated to the Harbour Master. In the event of a towage operation a specific risk assessment is to be conducted and a security broadcast made on VHF channel 14 and 16 if deemed appropriate.

### 4.5.3 Hot Works

Major planned repair work, including hot works is permitted in the harbour and within HMS Boatbuilders yard. Planned repair work, including hot works is also permitted while the vessel is alongside.

Whilst working on a vessel in HMS yard or berthed in the harbour an application to carry out hot work must be submitted to the Harbour Master and no hot work can commence until the application is granted and **a permit has been issued by the Harbour Master**.

Emergency repairs, namely essential repairs needed to rectify malfunctioning equipment and prevent hazardous or unsafe conditions, will be permitted on a case-by-case basis following approval by the Harbour Master.

#### 4.5.4 Bunkering

Southwold Council is a Registered Dealer in Controlled Oils (RDCO) and can purchase “red” diesel to sell to commercial and pleasure boats. There are two 10,000-litre storage tanks situated in the fisherman’s compound in the harbour from where all bunkering operations are carried out. All bunkering procedures are carried out by the harbour staff only. No harbour users have access to the fuelling facilities. A SSoW **will be put in place** to assist the harbour staff with the bunkering procedure.

#### 4.5.5 Control of Harbour Craft

East Suffolk Council operates a work boat within the Harbour, crewed only by the Harbour Master and Deputy Harbour Master.



## Section 5: References and Abbreviations

### 5.1 References

Dangerous Goods in Harbour Areas Regulations 2016 (DGHAR).

<https://www.legislation.gov.uk/ukxi/2016/721/contents/made>

Harbours, Docks and Piers Clauses Act 1847

<https://www.legislation.gov.uk/ukpga/Vict/10-11/27>

Local Aids to Navigation Reporting Portal

<https://nlbhq.nlb.org.uk/latonsonline>

Merchant Shipping Act 1995 - Section 252:

<http://www.legislation.gov.uk/ukpga/1995/21/section/252>

Port marine Safety Code, 2016.

<https://www.gov.uk/government/publications/port-marine-safety-code>

A Guide to Good Practice on Port Marine Operations: Port marine Safety Code, 2018.

<https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations>

Railways and Transport Safety Act 2003

<http://www.legislation.gov.uk/ukpga/2003/20/contents>

### 5.2 Abbreviations

ALARP	As Low as Reasonably Practicable
CCTV	Close Circuit Television
DGHAR	Dangerous Goods in Harbour Area Regulations
DHM	Deputy Harbour Master
DRA	Dynamic Risk Assessment
EEZ	Exclusive Economic Zone
ESC	East Suffolk Council
FRA	Formal Risk Assessment
GT	Gross Tonnes
GtGP	Guide to good practice
HM	Harbour Master
HSE	Health & Safety Executive

IHO	International Hydrographic Office
IMDG	International Maritime Dangerous Goods
LLA	Local Lighthouse Authority
MAIB	Marine Accident Investigation Branch
MCA	Maritime Coastguard Agency
MHWS	Mean High Water Springs
MSMS	Marine Safety Management System
MMO	Marine Management Organisation
PACE	Police and Criminal Evidence Act
PMSC	Port Marine Safety Code
RDCO	Registered Dealer in Controlled Oils
RYA	Royal Yachting Association
SAG	Southwold Harbour Stakeholder Advisory Group
SHA	Statutory Harbour Authority
HMC	Southwold Harbour Management Committee
SOSREP	Secretary of State Representative
SSoW	Safe System of Work
UK	United Kingdom
UKHO	UK Hydrographic Office
VHF	Very High Frequency

Appendix 1: East Suffolk Council Organogram

