



CABINET

Tuesday, 11 July 2023

Subject	Quarterly Southwold Harbour Update
Report by	Councillor Kay Yule, Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer	Andrew Jarvis Strategic Director Andrew.jarvis@eastsoffolk.gov.uk Kerry Blair Head of Operations Kerry.blair@eastsoffolk.gov.uk Alastair MacFarlane General Manager Southwold Harbour and Lands alastair.macfarlane@eastsoffolk.gov.uk

Is the report Open or Exempt?	Open
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Wards Affected:	Southwold
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Purpose and high-level overview

Purpose of Report:

To provide Cabinet members with an update of activity and work relating to the management of Southwold Harbour.

Options:

ESC Cabinet are the Duty Holder for Southwold Harbour and are required to receive regular updates on the Harbour, as such there are no alternative options.

Recommendations:

That Cabinet read and note the content of the report at appendix A.

Corporate Impact Assessment

Governance: Cabinet is the nominated 'Duty Holder' for the harbour and there is a requirement under the Port Marine Safety Code for a report on the harbour to be presented at least annually to the Duty Holder.

ESC policies and strategies that directly apply to the proposal:

Strategic Plan

Environmental:

There are no impacts.

Equalities and Diversity:

There are no impacts.

Financial:

There are no financial impacts.

Human Resources:

There are no HR impacts.

ICT:

There are no ICT impacts.

Legal:

There are no legal impacts.

Risk:

Compliance with the Port Marine Safety Code acknowledges that ESC is following UK Government Guidance and adopting industry best practice.

External Consultees:

ABP Mer are Southwold Harbour's Designated Person as required by the Port Marine Safety Code .

	Ashfords LLP are Southwold Harbour's legal representative in relation to the drafting and application of a Harbour Revision Order.
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			
Quarterly updates ensures that the Cabinet is kept apprised of developments and ensures they are able to undertake their governance role.			
East Suffolk Council is the Statutory Harbour Authority for Southwold Harbour.			

There is a requirement for Southwold Harbour/ESC as a Statutory Harbour Authority to comply with the Port Marine Safety Code and a Guide to Good Practice on Port Marine Operations

Background and Justification for Recommendation

1 Background facts	
1.1	Priority has been given to matters of marine compliance and the application of a Harbour Revision Order.
1.2	This report sets out the actions that have been taken to ensure that the harbour operation is compliant with the Port Marine Safety Code and other regulations.

2 Current position	
2.1	Significant progress has been made – as set out in the attached report – on compliance within the harbour.
2.2	This work has been carried out by the Harbour Manager since his appointment in 2022.
2.3	The Harbour Manager is leaving his post in June 2023. Because of difficulties recruiting a Harbour Manager with a background in port logistics (two recruitment processes were run unsuccessfully before the current manager was appointed directly via the HMC) – the decision has been taken to add capacity to the asset management team through the appointment of a new Estate Manager with responsibility for Southwold Harbour assets.

3 How to address current situation	
3.1	Cabinet should read and note the contents of this report and point 2.3 above on future management of the harbour.

4 Reason/s for recommendation	
4.1	To ensure compliance with the Port Marine Safety Code.

Appendices

Appendices:	
Appendix A	Harbour Operations Quarterly Report

Background reference papers:		
Date	Type	Available From
	Port Marine Safety Code	Port Marine Safety Code (publishing.service.gov.uk)

	A Guide to Good Practice On Port Marine Operations	Port marine operations: good practice guide - GOV.UK (www.gov.uk)
	Ports Good Governance Guidance	Good governance guidance for ports - GOV.UK (www.gov.uk)



HARBOUR OPERATIONS QUARTERLY REPORT

SOUTHWOLD HARBOUR JULY 11 2023

1.BACKGROUND

A) Ports Good Governance Guidance (Municipal Ports Review)

The Department for Transport (DfT) published the Ports Good Governance Guidance in March 2018 which focuses on corporate governance for all statutory harbour authorities in England. It includes sections relevant to all types of ports with specific detailed guidance on trust and local authority owned ports. This guidance is for all ports and harbours irrespective of whether they are managed as a trust, municipal or private port.

Section 4: Guidance for Local Authority Owned Ports (Part C) is of specific interest.

ESC set up the Southwold Harbour Management Committee (HMC) in July 2021, following agreement between 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, 5 Councillors and 4 Co-opted members.
HMC meetings are held in public.

The Stakeholder Advisory Group (SAG) was established in late 2021 as part of the Southwold Harbour Committee 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.
- The SAG meetings are not open to the public.

B) Port Marine Safety Code

East Suffolk Council, as the Statutory Harbour Authority, is implementing the requirements of the PMSC which offers a national standard for port safety in the UK with the aim to

"improve safety for those who use or work in ports, their ships, passengers and cargoes, and the environment".

The PMSC is not mandatory and does not create any new legal duties. Failure to comply is not an offence, however, the Code represents good practice as recognised by a wide range of industry stakeholders and a failure to adhere to good practice may be indicative of a harbour authority being in breach of certain legal duties.

The accompanying **Guide to Good Practice on Port Marine Operations** was updated in April 2018. This guide is intended to support and supplement the Port Marine Safety Code and contains useful information and more detailed guidance on several issues relevant to the management of port facilities.

C) Duty holder:

The East Suffolk Council Cabinet is the duty Holder for Southwold Harbour. Members are individually and collectively accountable for compliance with the Code, and performance in ensuring safe marine operations in the harbour and its approaches.

D) Designated Person:

A 'designated person' must be appointed to provide independent assurance about the operation of a marine safety management system. The designated person must have direct access to the duty holder. ABP Mer are the Designated person for Southwold Harbour

E) Duties

The Duty Holder must review and be aware of their existing powers based on local and national legislation, seeking additional powers if required to promote safe navigation.

Duties and Powers: Comply with the duties and powers under existing legislation, as appropriate.

Risk Assessment: Ensure that marine risks are formally assessed and are eliminated or reduced to the lowest possible level, so far as is reasonably practicable, in accordance with good practice.

Marine Safety Management System (MSMS): Operate an effective **MSMS** which has been developed after consultation, is based on formal risk assessment, and refers to an appropriate approach to incident investigation.

Review and Audit: Monitor, review and audit the risk assessment and MSMS on a regular basis – the independent designated person has a key role in providing assurance for the duty holder.

Competence: Use competent people (who are trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.

Plan: Publish a safety plan showing how the standards in the Code will be met and produce a report assessing performance against that plan at least every 3 years.

Aids to Navigation: Comply with directions from the General Lighthouse Authorities and supply information & returns as required.

All the officers involved in marine safety have familiarised themselves with the updated PMSC and have reviewed implications for marine operations.

It is **strongly recommended** that members of the Cabinet, acting as the ‘**duty holder**’, should also become familiar with the updated Code.

A letter of compliance with the code, is required every three years.

2. Action taken to improve compliance – September 2022 to June 2023

Cabinet is the nominated ‘Duty Holder’ for the harbour and there is a requirement under the Port Marine Safety Code for a report on the harbour to be presented at least annually to the Duty Holder. The Code also requires a Designated Person to inspect the harbour operation and to report on this at least annually to the Duty Holder.

A) In September 2022 ABP Mer carried out a gap analysis as part of their appointment as Designated person.

The gap analysis identified 33 items that required action or updating. Nearly all of these related to missing information or the absence of Standard Operating Procedures (SOPs).

B) In September 2022 Southwold Harbour appointed a **General Manager** whose primary function was to assist Harbour staff and ESC officers in reaching compliance with The Port Marine Safety Code.

C) A **Harbour Revision Order** was applied for to modernise Harbour powers. The application was Submitted on 15 Sept 2022 and contains a wide range of provisions reflective of other HRO’s.

D) A **landside hazard workshop** was undertaken in Autumn of 2022.

E) An East Suffolk Council, Southwold **Harbour Aids to Navigation and Passage Plan** Review was undertaken with discussion and feedback from harbour users in November 2022 and February 2023.

F) **Duty holder training** for cabinet was carried out in December 2022 and June 2023.

G) With the assistance of ABP Mer, research relating to documentation adopted by other harbours within the UK, and Consultation with Harbour staff, a new Marine Safety Management System and associated policies has been produced, comprising the following documents which were adopted and approved by cabinet in February 2023.

- Marine Safety Management System (MSMS)
- Marine Safety Plan 2023 – 2025
- Safety of Navigation Policy
- Conservancy Policy
- Training Policy

In addition to these documents, the Port Marine Safety Code also requires a policy on Enforcement and Prosecution in the Harbour and an Environment Policy, which is encompassed in the Council's existing Compliance and Enforcement and Environment Policies.

- H) In February 2023 the Deputy Harbour Master attended an IDG three-day **Harbour master's course** in Southampton.
- I) All harbour risk assessments were reviewed with staff and ESC Health and Safety involvement in 2023.
- J) A draft **Southwold Harbour Study** was carried out during the period by Royal Haskoning.
- K) A full coverage multibeam **bathymetry survey** was carried out in Southwold harbour in March 2023 resulting in updated harbour charts being produced. Information has been sent to the UKHO and Local Notice to Mariners promulgated.
- L) A bilateral agreement regarding navigational information with the UK Hydrographic Office is being set up.
- M) Standard Operating Procedures.

In March 2023 the following standard operating procedures were published after consultation with harbour users:

1. Entry/Departure of Vessels - Standard Operation Procedures - Southwold Harbour
2. Fuelling/Bunkering - Standard Operation Procedures - Southwold Harbour
To be read in conjunction with Vessel Fuelling Guidance - Southwold Harbour
3. Diving - Standard Operation Procedures - Southwold Harbour
4. Hot Work - Standard Operation Procedures - Southwold Harbour
5. Managing Abandoned Unserviceable or Wrecked Vessels - Standard Operation Procedures
6. Towage - Standard Operation Procedures - Southwold Harbour
7. Oil Spill Response - Standard Operating Procedure - Southwold Harbour

In addition, an Oil Spill Contingency plan was produced, and a small oil boom purchased.

- N) The following documents are to be submitted to the July meeting of the HMC.

Draft Southwold Harbour Emergency Plan.

Although the responsibility for the Emergency Plan sits with appointed officers, it will be recommended at the July Harbour Management Committee that the HMC note the draft

document prior to publication and distribution to allow HMC members with expertise in these areas to comment.

To reach compliance with the Port Marine Safety Code the Southwold Harbour management Committee will be asked to note **Standard Operating Procedure for Harbour Craft and approve draft Harbour KPI's** prior to publication and distribution.

KPI's listed below:

- Number of fuel sales including quantity
- Number of risk assessments (list number overdue for review)
- Number of reports of collision/grounding
- Number of near miss reports
- Navigation light failure days per quarter
- Diving permits issued
- Environmental incidents
- Hot work permits issued
- Number of arrivals/departures
- Visitor nights
- Number of arrivals departures without vhf comms.
- Number of slipway launches
- Number of boat lifts

O) A suite of reporting forms has been written and forwarded to harbour staff in May 2023.

- Incident Report Form Southwold Harbour
- Oil Spill Report Form Southwold Harbour
- Accident Report Form Southwold Harbour
- Potential risk Report Form Southwold Harbour
- Defect Report Form Southwold

FIRE AT HARBOUR

A separate report on the fire will be submitted to the HMC in July.