

Agenda Item

REPORT OF Waste and Recycling Manager
To: Community and Resources Committee
Subject: Moorings and Facilities Policy and General Directions
Date: 19th October 2020 **Reference:**

PURPOSE OF REPORT:

To present to Members of the Community and Resources Committee, the Operational moorings and facilities policy, for consideration and approval and which has been recommended for approval by the Bideford Harbour Board.

Further a Strategic decision to be made by the Committee on implementing General Directions for the safe and efficient management of the Harbour in compliance with the Port Marine Safety Code which has also been recommended by the Harbour Board

1. INTRODUCTION

Bideford Harbour Authority, the owning Authority being Torridge District Council currently offers a very limited number of quayside mooring for commercial vessels and leisure craft. The harbour Board has identified that there is a need to generate increased income through the possibility of providing stakeholders with increased facilities at the port.

2. REPORT

To facilitate this there is a need for a formal moorings and facilities policy to provide Harbour Users with clear and equitable policy for the allocation of moorings and facilities and to give support and guidance to the Harbour Authority staff in providing such.

This policy will allow the Harbour Authority to expand the range of the facilities it could provide in the future and therefore generate more income. Harbour Authorities are responsible for managing and running safe and efficient harbours. They have particular responsibilities in relation to the safety of vessels and people within the harbour, efficient navigation and the protection of the environment.

In line with the port marine safety code the harbour authority reviewed its existing legislation in 2018, using the marine lawyers Ashford's and concluded that its current bylaws dated 1896 are not fit for purpose. Further to this the review highlighted that Bideford Port does not have powers to make general directions.

General Directions are used by a harbour authorities in order to regulate ships entering their ports, mooring and unmooring of vessels, use of the navigation channel, equipment and manning of ships, etc.

Through risk assessment the harbour master has concluded that the harbour needs powers of direction to replace the existing Bylaws in order to safely and efficiently manage the port going forward

In order to achieve this the harbour needs to be designated by the Secretary for State of the Department for Transport, using powers under the Marine Navigation Act 2013.



In order to apply to the Department for Transport of such powers the harbour needs to demonstrate that it will comply with the code of conduct produced by the National Directions Panel and that it has consulted fully with the port's immediate stakeholders.

3. IMPLICATIONS

Legal Implications

The process of seeking a designation order and the ongoing consultation required to implement General Directions for the Harbour Authority will be done using external marine Lawyers as having consulted with our Torrridge District Council's Legal team they have advised that specialist Marine Lawyers would be needed to take this process forward. We are currently awaiting a reply from the Department for Transport to advise on the status of the designation application process. Harbour Directions, however, would only apply to ships and not Personal Watercraft. An alternative to this process would be for the Harbour Authority to apply for powers of General Direction through The Harbour Revision Process which can apply to land as well as water and include Personal Watercraft, but takes significantly longer than the general direction making process, up to 18 months

Financial Implications

The harbour authority is seeking to improve income stream by the provision of further facilities for stakeholders on the River Torrridge. Legal costs for the designation process are circa £5000 plus similar costs for making any harbour directions, although there is no application fee.

Human Resources Implications

N/A

Sustainability Implications

The Harbour Authority is committed to working with colleagues and Partner organisations in supporting all relevant environmental protection legislation.

Equality/Diversity

The Harbour Authority seeks to comply with all Equality and Diversity Legislation.

Risk Management

The Harbour Authority has a Maritime Safety Management System based on risk assessment in compliance with the Port Marine Safety Code

Compliance with Policies and Strategies

Bideford Harbour Authority seeks to comply with all Torrridge District council policies and Strategies.



Lead/ Ward Member Views

At the Harbour Board Committee held on the 17th September 2020, members agreed that the Moorings and Facilities Policy be presented to this Committee and be implemented following ratification. That Officers proceed to gaining Designated Status for the Harbour and to commence consultation on a new set of General Directions for the Port.

4. CONCLUSION

Bideford Harbour authority continue to work towards maintaining full compliance with all statutory legislation and government Policy on the Port Marine safety Code and in order to do so needs a moorings and facilities policy and designated powers to make General Directions in order to safely and efficiently manage the Port of Bideford.

5. RECOMMENDATIONS

That Members consider the recommendation of Harbour Board that: The Moorings and Facilities Policy be implemented following ratification by the Community & Resources Committee and that Officers proceed to gaining Designated Status for the Board and to commence consultation on a new set of General Directions for the Port.

That a budget to be provided to enable the Waste and Recycling Manager and Harbour Master to proceed with the implementation.

SUPPORTING INFORMATION

Consultations: Steve Hearse, Staci Dorey, David Heyes, Sean Kearney
Contact Paul Labistour, Harbour Master
Officer:
Background
Papers:

