

# 1.0 MARINE SAFETY MANAGEMENT SYSTEM

## Manual and Description



Date 15/01/2024

Maritime Service

## Introduction

The Maritime Service of Cornwall Council meets the guidance of The Port Marine Safety Code through the creation of a Marine Safety Management System. This structured around the hierarchy of Legislation, Regulation, Policies, Safety Management, Standard Operating Procedures (SOP's) covering all functions and activities of the Maritime Service. Furthermore, this Management System supports the principle of Plan, Do, Check, Act.

The purpose of this document is to provide new and extant employees alike with an understanding of the components of this manual, together with guidance for its use. It is also available for Harbour Users through its publication on the Cornwall Harbours Website ensuring transparency in the way the harbours are managed.

The Marine Safety Management System is maintained within the Maritime Drive, in order to provide assurance that it is complete, tamper-proof, and updated regularly. A small number of printed copies will be authorised and controlled individually in order to service those outposts lacking good intranet connectivity.

The system is designed to cover Maritime Service responsibilities, functions, and activities from end-to-end, and covers all supporting documentation, ranging from the enabling (Legislation) to the tactical (SOP's). In a number of cases, this document will identify references, and provide links where possible, in order to avoid unnecessary duplication and corruption of source material.

## **Safety Management System Structure**

### **1.1 - Legislation, Regulation, and Policies.**

- 1.1.1 Legislation
- 1.1.2 Cornwall Harbours Board
- 1.1.3 Policies

### **1.2 – Maritime Management, Duties, Roles & Structure**

- 1.2.1 Maritime Management
- 1.2.2 Duties and Powers: Cornwall Council as a Harbour Authority
- 1.2.3 The Duty Holder
- 1.2.4 The Designated Person
- 1.2.5 Roles & Structure

### **1.3 Training, Competence and Appraisals**

### **1.4 - Risk Assessment**

### **1.5 - Byelaws and Directions**

- 1.5.1 Byelaws
- 1.5.2 General Directions
- 1.5.3 Special Directions

### **1.6 – Standard Operating Procedures & Manuals**

### **1.7 – Conservancy**

- 1.7.1 Surveys
- 1.7.2 Dredging
- 1.7.3 Marine Licenses
- 1.7.4 Tides
- 1.7.5 Aids to Navigation
- 1.7.6 Wrecks
- 1.7.7 Unserviceable Vessels

### **1.8 Licensing & Permits**

- 1.8.1 Works Licensing
- 1.8.2 Dredge Licensing
- 1.8.3 Bunkering
- 1.8.4 Dive Permits
- 1.8.5 Hot Work Permits

### **1.9 Pilotage**

### **1.10 – Publications, Forms, Notices & Website**

- 1.10.1 Publications
- 1.10.2 Forms
- 1.10.3 Notices
- 1.10.4 Website

1.10.5 Adverts

1.10.6 Press

**1.11 – Emergency Response Plans**

**1.12 - Management Plans**

1.12.1 Safety Plan

1.12.2 Business Plan

1.12.3 Port and Harbour Master Plans

1.12.4 Waste Management Plans

**1.13 - Maritime Reporting Procedures**

**1.14 - Management Review & Inspections**

**1.15 – Audit and Improvement Plans**

**1.16 – Stakeholders**

1.16.1 Harbour Stakeholder Groups

1.16.2 Combined Cornwall Harbours User Group

## 1.1 - Legislation, Regulation, and Policies.

### 1.1.1 Legislation

The functions of a Statutory Harbour Authority are governed by Legislation in the first instance. Acts of Parliament, including the Harbours, Docks and Piers, Clauses Act 1847 and the Pilotage Act of 1987 provide the legislative foundation. These are supported by more specific legislation, including Harbour Empowerment and Revision Orders. In 2023 The Cornwall Harbours Revision Order was made updating powers and establishing a single Harbour Authority across 10 harbours (and making Portreath, Portstacho and Portwrinkle Statutory Harbours). Harbour Orders in force at this time are:

- Saint Ives Harbour Order 1886 (articles 21 and 22).
- Truro Harbour Order 1903 (article 10(1)).
- Falmouth Piers Order 1952 (articles 8 and 9).
- The St. Ives Harbour Revision Order 1993 (articles 2, 5, 7 and 8).
- Penzance Albert Pier Extension Act 1990 (sections 2, 3, 5 and 6).
- Penzance South Pier Extension Act 1990 (sections 2, 3, 5 and 6).
- The Penzance Harbour Revision Order 2009 (articles 2, 5, 6, 25 and 26).
- The Cornwall Harbours Harbour Revision Order 2023

### 1.1.2 Cornwall Harbours Board

Cornwall Harbours Board (a Harbour Management Committee) was set up following best practice, identified in the DfT Ports Good Governance Guidance, and it operates as a committee of Cornwall Council. Board role and function is described in the Memorandum of Understanding (MoU) between the Council and the Board, last reviewed in 2023 following The Cornwall Harbours Harbour Revision Order being made.

The DfT Port Marine Safety Guide and Guide to Good Practice establishes the principle of a national standard for every aspect of port marine safety and aims to enhance safety for those who use or work in ports, their ships, passengers and the environment. It applies to port marine operations the well-established principles of risk assessment and safety management systems. It provides a measure by which harbour authorities can be accountable for the legal powers and duties which they have to run their harbours safely and help to discharge their obligations effectively. The supporting “Guide to Good Practice on Port Marine Operations” (the Guide) complements the Code and provides harbour authorities with

generic advice and examples about how they might meet the requirements under the Code.

As a Competent Harbour Authority, for Mounts Bay, St Ives and Truro, Cornwall Council act under powers contained in the Pilotage Act 1987. It can issue Pilotage Directions for its Harbour Areas that fall within the areas listed.

Following the making of The Cornwall Harbours Harbour Revision Order 2023 a Memorandum of Understanding (MoU) has been signed by Cornwall Council and Cornwall Harbours Board (CHB). Subject to the requirements of the Cornwall Council Constitution the purpose of the MoU is to -

- Provide a clear framework for the decision making, accountability, and financial management of the Ports to enable CHB to address the balanced needs of the Ports as a business and an environmental and community asset, which takes full account of the commercial realities of municipal port operations; and
- Assist in clarifying the role of CHB to carry out its functions under its terms of reference which is 'to exercise the Council's functions in respect of the harbours at Bude, Newquay, Portreath, St Ives, Penzance, Prince of Wales Pier, Penryn, Truro, Portscatho & Portwrinkle.

### **1.1.3 Policies**

Cornwall Harbours Board have several policies in support of the management and regulation of maritime operations. These strategic policies are:

- Statement of Policy
- Marine Safety Policy
- Conservancy Policy
- Enforcement and Prosecution
- Environment Policy
- Training Policy

## 1.2 – Maritime Management, Duties, Roles & Structure

### 1.2.1 Maritime Management

The key to effective discharge of the functions described in the Code is the development and proper operation of a MSMS for marine operations. That, in turn, depends upon a clear assignment of relevant executive and operational responsibilities to the organisation's staff.

It is based on these general principles that:

- The duty holder is accountable for safe and efficient operations. The duty holder should make a clear published commitment to comply with the standards laid down in the PMSC
- Executive and operational responsibilities for marine safety must be clearly assigned and those entrusted with these responsibilities must be appropriately trained, qualified and experienced and answerable for their performance.
- A 'designated person' must be appointed to provide independent assurance about the operation of its MSMS. The designated person must have direct access to the duty holder

The PMSC requires all organisations to demonstrate compliance with Code by developing appropriate policies and procedures relevant to the scope and nature of marine operations that take place within the organisations jurisdiction.

An organisation must:

- Record and publish its marine policies and make available supporting documentation if required
- Set standards of performance that it aims to meet
- Regularly review and periodically audit actual performance
- Publicly report on PMSC performance annually (e.g., in the annual report)

### 1.2.2 Duties and Powers: Cornwall Council as a Harbour Authority

Harbour authorities have a range of statutory and non-statutory duties and powers relating to marine operations; these duties 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. Duties to ensure

the safety of marine operations are matched with general and specific powers to enable the authority to discharge these duties.

The PMSC states that organisations must have a “duty holder” who is accountable for their compliance with the Code and their performance in ensuring safe marine operations.

### 1.2.3 The Duty Holder

A Harbour Authority is responsible for ensuring that its duties and powers are discharged to the standard set out in the PMSC. Cornwall Council recognises that it is the Duty Holder who are accountable for compliance with the Code, and while appropriate officers are appointed (see sections below) to assist in the discharge of their duties, the Duty Holder recognises that they may not assign or delegate their responsibilities on the grounds that they do not individually have particular skills.

The duty holder is responsible for ensuring that the organisation complies with the Code. In order to effectively undertake this role they should:

- be aware of the organisation’s powers and duties related to marine safety;
- ensure that a suitable MSMS, which employs formal safety assessment techniques, is in place;
- 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 marine safety plan and reporting performance against the objectives and targets set;
- and report compliance with the Code to the MCA every 3 years.

### 1.2.4 The Designated Person

The Harbour Authority has appointed an appropriately qualified individual as the ‘Designated Person’ to provide assurances that Cornwall Council’s Marine Safety-Management Systems are working effectively at each harbour. The Designated Person has access, and reports directly to, the Duty Holder.



## 1.2.5 Roles & Structure

### Maritime Manager

The Maritime Manager will report to the Head of Transport, Environment & Maritime Infrastructure within the Sustainable Growth and Development Directorate and is accountable for the overall effective and efficient administration, operation and control of the Ports and Harbours, both statutory and non-statutory, under local authority ownership, (including their management, maintenance and improvement) in accordance with national policies, statutory requirements, council policies, commercial considerations and harbour orders.

They will advise Cornwall Council & Cornwall Harbours Board on all matters related to its duties and powers, with appropriate advice from the harbour master and other officers. They will:

- oversee the implementation of policies and decisions.
- have overall executive responsibility for the safety of operations and staff.
- and will oversee the recruitment and training of staff.

### Business & Compliance Manager

The role of the Business and Compliance Manager is to manage and monitor the duties relating to the administration and financial systems supporting the Maritime Section at various maritime bases around Cornwall including the use of Harbour Management Software and maintaining the Harbours Website. Furthermore, the role includes leading Internal and External Audits and Compliance monitoring against the EMS14001 standard, Port Marine Safety Code and various Acts of Parliament.

### Maritime Maintenance & Projects Manager

The role of the Maritime Maintenance & Project Manager is to be responsible for the efficient and effective administration, operation and control of the maritime workshop, maritime craft, plant and equipment in accordance with statutory requirements, Council policies and necessary commercial considerations.

### Harbour Master (x 5 roles)

The Harbour Master has day-to-day responsibility for managing the safe operation of navigation and other marine activities in the

harbour and its approaches. The post holder must be competent and a suitably qualified person with sufficient experience for the role. They must also be competent to undertake other relevant duties particularly in relation to the Health & Safety at Work etc. Act 1974 and Merchant Shipping legislation.

Whilst the specific role of the Harbour Master will vary dependant on the size and type of the harbour, the following are examples of some of the roles they are likely to undertake:

- Regulation of the time and manner of vessel movements
- Responsibility for developing and implementing emergency plans and procedures, for regulating dangerous goods in transit on ships and for counter-pollution and waste disposal plans.
- Responsibility, where appropriate, for the provision and maintenance of any aids to navigation.

In addition, the post holder will be responsible for the supervision, instruction, development and discipline of any Senior Maritime Assistants and Maritime Assistants in accordance with the Council's rules, regulations and procedures for such matters.

#### Senior Maritime Assistant (Moorings)

To be responsible for the allocation, positioning, re-positioning, checking, etc of moorings within the ports and harbours covered by the Maritime Service. This will include all types of moorings i.e., commercial moorings, FM moorings, half tide and full tide, seasonal and all year round, beach berths, dinghy parks, outhauls, visitor moorings and pontoons.

The postholder will be expected to maintain a waiting list for new customers together with maintaining databases with updated boat and owner details.

#### Senior Maritime Assistant (Penzance Moorings & Operations)

The role of the Senior Maritime Assistant (Penzance Moorings & Operations) is to be responsible for the administration, operation and control of Penzance Harbour including moorings, Maritime store/workshop, harbour craft, plant and equipment in accordance with statutory requirements, Council policies and necessary

commercial considerations. The post holder will also deputise for the Harbour Master during periods he is away from the Harbour.

#### Maritime Assistant (x 8 roles)

The role of the Maritime Assistant is to undertake, either individually, or as part of a team, general maritime duties relating to the Section. This will be within any of the Ports and Harbours of Truro, Penryn, Penzance, St Ives, Newquay, Bude, Portscatho, Portreath and the Prince of Wales Pier but may also involve other ports, harbours and other maritime assets within Cornwall if required to do so.

Such duties will involve those associated with a harbour and/or pier authority and will involve working afloat and ashore dealing with conservancy (byelaw enforcement, marking of navigable channels etc.), operation of wet dock gates (Penzance only) provision of maritime services (moorings, laid up shipping berths, commercial cargo vessels etc.) together with the maintenance of boats, plant and structures.

Some of the work will involve tidal working i.e. operation of wet dock gates (Penzance only), mooring and unmooring of commercial vessels (including laid up shipping), laying and recovering moorings.

#### Maritime Assistant (Administration) (x 2 roles)

The purpose of this role is to assist with the administration and finance of the Maritime Section, including filing, licensing, petty cash, income reconciliation, invoice generation - including monthly batch runs, supplier enquiries, updating databases and assisting with debt recovery. In addition, this role provides a first point of contact for Maritime telephone enquiries and visitors to the offices. This role will be predominantly based at our head office in Truro, but there will be a need to visit and occasionally work from other harbours.

#### Seasonal Patrol Officer (x 6 roles)

To undertake, either individually, or as a member of a team, general maritime duties related to the collection of mooring, anchoring, berthing and pontoon fees, minor maintenance, refuse disposal and to enforce local Bye-laws as necessary within the Ports of Truro

and Penryn. Weekend and bank holiday working is necessary as part of this role.

Pier Master, Prince of Wales Pier (1 x full time 1 x part time)

To assist with the day-to-day operations on the Prince of Wales Pier, Falmouth and to be responsible for the strict observance of rules, regulations, undertakings and Byelaws. The duties include responsibility for navigation lights, directing craft to berths, reporting necessary repairs, checking of safety equipment (including Fish Strand Quay) and maintaining the general cleanliness of the Pier and landing steps, together with such other reasonable duties as may be required from time to time in connection with the duties of the post. To act as a focal point for members of the public and to be able to give them any relevant information required.

### **1.3 Training, Competence and Appraisals**

This section details outputs of the training policy, notably the maintenance of training records and competence records for all staff.

Internal and external training requirements are set out in detail for all roles within the Training Matrix (essential, including internal mandatory training, or desirable). Mandatory Training is also monitored by Cornwall Council and reports regularly provided to Managers.

Appraisals are undertaken in accordance with Cornwall Council's policy. Further information is available on the Cornwall Council Intranet and appraisals are recorded on Oracle.

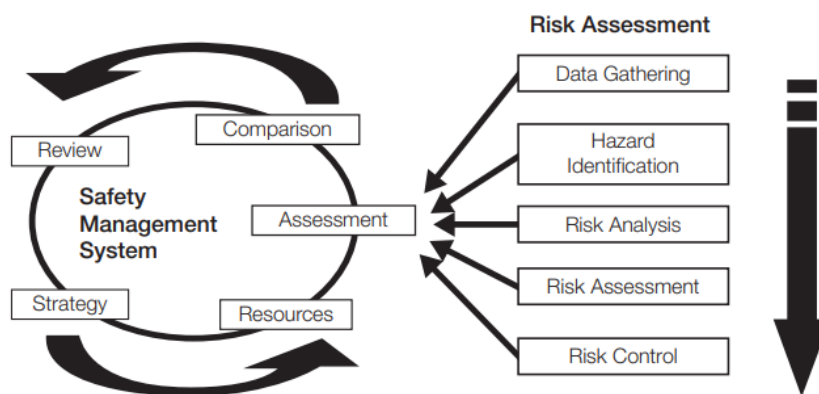
### **1.4 - Risk Assessment**

The aim of a risk assessment is to define and minimise the risks that have to be managed. The risk assessment should aim to identify the hazards that may occur, the events that may cause them and the risk control measures used to mitigate them. In order to further refine the risk assessment it may be appropriate to identify high risk operations and locations (e.g. for collision or grounding) within the harbour area and key vessel types thereby allowing more detailed assessment of the risk associated with the hazard.

A risk Assessment will typically involve five stages:

1. Problem identification, scoping and risk assessment design (information gathering)
2. Hazard Identification
3. Risk Analysis
4. Assessment of Existing Risk Control Measures
5. Identification of new Risk Control Measures

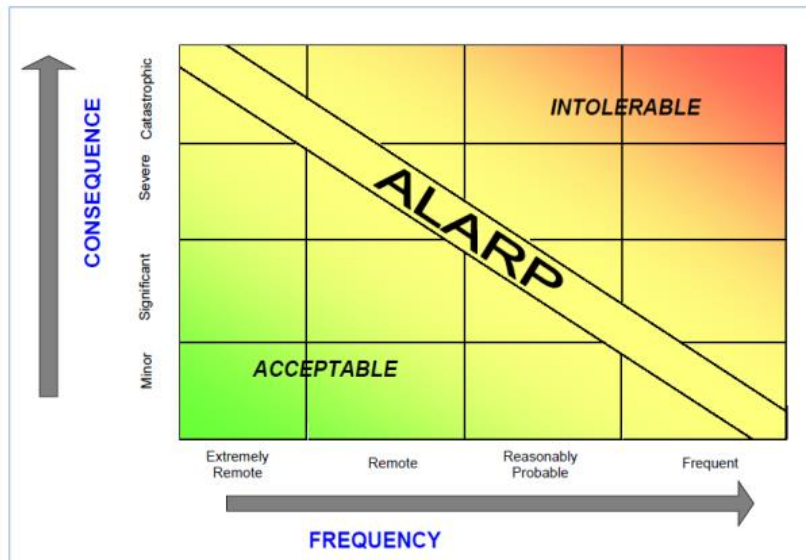
The Risk assessment is fundamental to the Marine Safety Management System as detailed in the below diagram.



The aim of a risk assessment is to define and minimise the risks that have to be Managed. There are two types of risk assessment:

- The planned, formal risk assessment, which is recorded and considers foreseeable risks which are regularly reviewed,
- A dynamic assessment which helps the individual to assess a situation which is constantly changing and not reasonably foreseeable. Such dynamic assessments must be recorded, as a minimum in the log book/diary maintained at each harbour.

Navigation Risks are assessed, and control measures applied in three separate electronic Hazard Management databases (Navigation, Health & Safety and Corporate) utilising the 'HAZMAN' product marketed by Marico. Where risks cannot be eliminated, they will be reduced to ALARP, and controlled accordingly.



At the low end of the scale, frequency is extremely remote and consequence minor, and as such the risk can be said to be 'acceptable', whilst at the high end of the matrix, where hazards are defined as frequent and the consequence catastrophic, then risk is termed 'intolerable'.

Every effort should be made to mitigate all risks such that they lie in the 'acceptable' range. Where this is not possible, they should be reduced to the level where further reduction is not practicable. This region, at the centre of the matrix is described as the ALARP region. It is possible that some risks will lie in the 'intolerable' region, but can be mitigated by measures, which reduce their risk score and move them into the ALARP region, where they can be tolerated, albeit efforts should continue to be made when opportunity presents itself to further reduce their risk score. An Incident Reporting system feeds into the database to provide a live response mechanism.

Health and Safety Risk Assessments are recorded on Assessnet in line with Cornwall Council's Health and Safety Policy.

## 1.5 - Byelaws and Directions

Byelaws are local laws for the regulation and administration of the port or harbour concerned. Since the making of The Cornwall Harbours Harbour Revision Order the power of General Direction across all the Statutory Harbours. The Harbour Revision Order also provided the power of Special Direction.

Article 38 of the HRO confirms that any General Direction, Special Direction or Byelaw made by the Council on or before the date of the Order came into force, shall, notwithstanding the amendments set out in article 67 and the repeals and revocations set out in article 68 and Schedule 4, continue to have effect.

### 1.5.1 Byelaws

Cornwall Council may make such byelaws as it thinks fit for the efficient management and regulation of the harbours under Article 29 of The Cornwall Harbours Harbour Revision Order 2023.

- Byelaws made under this article may:
  - Provide for imposing upon a person offending against them, or against any condition, requirement or direction imposed, made or given thereunder, a fine not exceeding level 4 on the standard scale on summary conviction;
  - Relate to the whole of the harbours or to any part thereof;
  - Make different provisions for different parts of the harbours or in relation to different classes of vessels or vehicles;
  - Otherwise make different provision for different circumstances.

### 1.5.2 General Directions

The Council may, in accordance with the requirements of Article 32 The Cornwall Harbours Harbour Revision Order 2023 make General Directions.

- General Directions made under this article may be for:
  - The ease, convenience or safety of navigation;
  - The safety of persons;
  - The protection of property, flora or fauna;
  - The ease, convenience or safety of harbour operations ashore, within the harbours.
- General Direction made under this article may apply—
  - To all vessels or to a class of vessel;
  - To all vehicles or to a class of vehicle;
  - To persons designated in the direction;

- To the whole of the harbours or to a part;
- At all times or at certain times or at certain states of the tide,

The procedure for giving, amending or revoking General Directions is contained within Article 32 of The Cornwall Harbours Harbour Revision Order 2023.

### 1.5.3 Special Directions

The Harbour Master may give a special direction in respect of a vessel anywhere in the harbours for any of the following purposes—

- Requiring a person to comply with a requirement made in or under a general direction;
- Regulating or requiring the movement, anchorage, berthing, mooring or unmooring of the vessel;
- Regulating the loading, discharging, storing and safeguarding of its cargo, fuel, water or stores, and the dispatch of its business at the harbour premises;
- Specifying the precautions to be taken in respect of apparatus, machinery and equipment;
- Prohibiting, extinguishing, or restricting the use of fires or lights;
- Regulating the use of ballast;
- Requiring the removal from any part of the harbours if the vessel—
  - is on fire,
  - is in such condition as to be liable to become immobilised or waterlogged, to sink or to constitute a danger to life or property,
  - is making an unlawful use of the harbours or interfering with the reasonable use or enjoyment of the harbours by other vessels or persons or the dispatch of business in the harbours,
  - needs to be removed to enable maintenance or repair work to be carried out to the harbours,
- Requiring the vessel to be removed to a place outside the harbours if such removal is considered by the harbour master to be necessary in order to avoid danger to life (including wildlife) or to property.



Maritime Facilities provided outside of the Statutory Harbour Authority Duties are regulated via Byelaws made under the Public Health Act where appropriate.

## 1.6 – Standard Operating Procedures & Manuals

Standard Operating Procedures for the harbour are designed to act as a standalone guide to the completion of a tasks, specific to a harbour or harbours. These procedures necessarily take the form of a set of guiding principles in order to provide personnel with sufficient information to make correct decisions yet allow adequate room for the deployment of judgement to take account of the infinite range of environments and circumstances which characterises maritime business.

Operating Manuals are instructional documents created for specific activities or equipment types. Examples include the Penzance Dock Gate Manual, Specific Harbour Craft Operating Manuals and External Equipment Manuals.

## 1.7 – Conservancy

A harbour authority has a duty to conserve the harbour so that it is reasonably fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it. The PMSC says that the conservancy duty covers several points:

- to survey as regularly as necessary and find the best navigable channels for vessels to navigate;
- to place and maintain navigation marks where they will be of the best use to navigation (marked appropriately by day and night);
- to keep a ‘vigilant watch’ for any changes in the sea or river bed affecting the channel or channels and move or renew navigation marks as appropriate;
- to keep proper hydrographical and hydrological records; and
- to publish as conspicuously as possible such further information that will supplement the guidance given by navigation marks.

### 1.7.1 Surveys

A database of surveys is being developed and all surveys uploaded and saved digitally. Surveys are undertaken at the following intervals at this time:

- Bude – Inner Harbour surveyed 3 yearly
- Truro – Malpas to Lighterage Quay Annually
- Penzance – all areas Annually

At those harbours not regularly surveyed a vigilant watch is maintained by the Harbour Master and any exceptions noted and when required a Notice to Mariners Issued.

### 1.7.2 Dredging

Where identified dredging is undertaken to maintain depths for safe navigation. In undertaking dredging programmes consideration will be given to the cost benefit of the proposed scheme. The current situation with regards to dredging at our harbours is detailed below:

#### **Bude**

There is a need to remove sand that has accumulated in the sea lock in order to be able to continue to operate the lock gates. This amounts to approximately 500m<sup>3</sup> annually.

There is also an occasional need to clear rock and other debris which has been washed down the River Neet or has entered the harbour following a cliff fall. This work is undertaken with mobile plant.

#### **Newquay**

There is no requirement to dredge in Newquay Harbour at this time.

#### **Portreath**

The harbour is occasionally dredged in order to remove rotting seaweed and to improve the gradient of the Inner Harbour to help it flow back out on the ebb tide. This work is undertaken with mobile plant and dredged material is used for agricultural purposes locally.

**St Ives**

There is an occasional need to move sand from Landing areas and slipways. Any work is done with mobile plant and material redistributed within the harbour.

**Penzance**

In 2014 there was a significant capital dredge in Penzance as part of the overall improvements to the Penzance-Scillies lifeline link. Approximately 40,000 m<sup>3</sup> was dredged and disposed of at the nearby Disposal site.

There is requirement to undertake maintenance dredging and in 2022 the annual volume for disposal at sea was increased from 500m<sup>3</sup> to 3000m<sup>3</sup>.

**Prince of Wales Pier**

There is no requirement to dredge alongside Prince of Wales Pier.

**Penryn**

Capital and maintenance dredging has, and continues to take place, at a number of sites within Penryn notably, Falmouth Yacht Marina, Challenger Marine and the approaches to the Park and Float site amounting to approximately 107,000 m<sup>3</sup> with the majority of this (100,000 m<sup>3</sup>) taking place in the last 20 years. Dredging was undertaken using a single grab dredger, excavator and floating bulldozer. Some of the material was disposed of at the offshore disposal site and other more contaminated materials used ashore in land restoration work. The harbour authority last dredged around Exchequer Quay in 1991.

**Truro**

There is a requirement to undertake some maintenance dredging alongside Lighterage Quay and the Turning Circle in order to ensure that there is an adequate depth of water for commercial shipping using the quay.

Some of the Upper quays have also had dredging projects undertaken in the past and renewed interest in this activity is being promoted by the Town Deal Board in 2023. The last large commercial ships used the upper quays in 1961.

Some dredged spoil has been dumped at the Disposal site but owing to high levels of contamination it is used for land restoration which is significantly more expensive to deal with.

Other capital/maintenance dredging that takes place within the Port of Truro includes that at Mylor Yacht Harbour,

**Portscatho**

There is no requirement to dredge in Portscatho at this time.

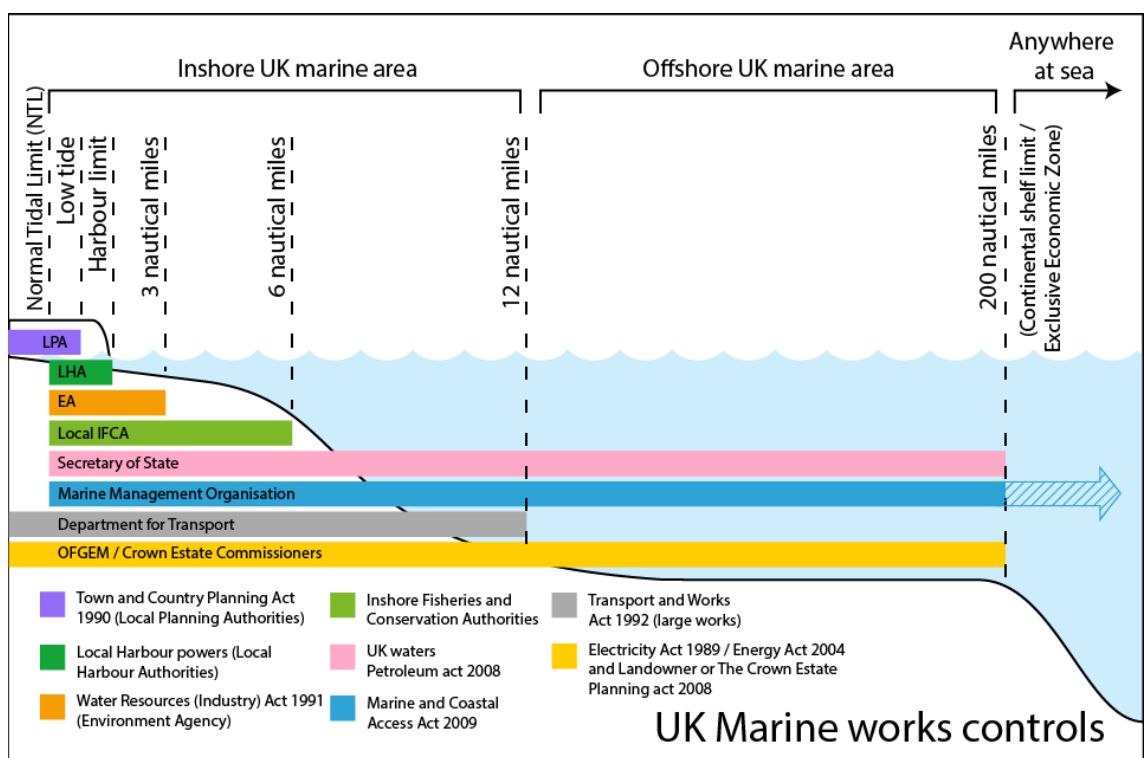
**Portwrinkle**

There is an occasional need to move stones and also sand that has accumulated in the harbour entrance following winter storms, in order to maintain water depth for mooring areas at Portwrinkle.

Further information is contained in the Dredging Policy.

**1.7.3 Marine Licenses**

Where required Marine Licenses are obtained for works as required (including disposal of dredged material at sea). The MMO is responsible for marine licensing in English waters and for Northern Ireland offshore waters.



### **1.7.4 Tides**

Tidal data is obtained when required. A bilateral agreement is in place with the United Kingdom Hydrographic Office.

### **1.7.5 Aids to Navigation**

Cornwall Council has duties and powers as a local lighthouse authority (LLA) and specific powers in relation to wrecks. A LLA has responsibility for providing and maintaining buoys and lights within its limits, and in some cases close to their limits where AtoN have been specifically requested by the LLA, but the establishment of a light or mark, or any alteration to existing lights and marks, may only be done with the approval of Trinity House (the General Lighthouse Authority).

Inspections of AtoN's is managed via Harbour Assist and audited by Trinity House. Any defects are logged on LARS as required.

### **1.7.6 Wrecks**

In the event of a vessel becoming a wreck in or near the approaches to harbour limits, the process of removing the wreck by the Harbour Authority is laid down in Section 252 of the Merchant Shipping Act 1995. Article 60 of The Cornwall Harbours Harbour Revision Order Process details the process of removal.

When informed of a wreck, or a wreck is found, in, or near, the approaches to a harbour a risk assessment is to be undertaken. Powers to raise, remove, destroy and mark a wreck which is, or is likely to become, a danger to navigation should be exercised having regard to that assessment, with the aim of reducing the risk to as low as reasonably practicable.

### **1.7.7 Unserviceable Vessels**

In addition to the powers conferred on the Harbour Master by section 57 of the Act of 1847 (unserviceable vessels to be altogether removed from the harbour) and on the Council by section 252 of the Act of 1995 (powers of harbour and conservancy authorities in relation to wrecks) the Council may sell, break up or otherwise dispose of any vessel which is

unserviceable and has been laid by or neglected in the harbours or on land immediately adjoining the harbours. Article 61 of The Cornwall Harbours Harbour Revision Order Process details the process of removal.

## **1.8 Licensing & Permits**

Article 21 of the Cornwall Harbours Harbour Revision Order details powers with regards to works and dredge licensing on, under, in or over tidal waters or land below the level of high water in the harbours.

### **1.8.1 Works Licensing**

See Article 23

### **1.8.2 Dredge Licensing**

See Article 24

### **1.8.3 Bunkering**

Article 59 of The Cornwall Harbours Harbour Revision Order 2023 confirms that the Council may from time to time grant to a person with or without conditions a licence to carry out commercial refuelling activities related to vessels in the harbours.

Any licence shall be valid only for a period of one year commencing with the date on which it is granted. The charge of a license is detailed in the Dues, Fees and Charges Publication.

### **1.8.4 Dive Permits**

Applications for Permission to Dive are to be completed by the applicant who should then forward it to the appropriate Harbour Master for approval at least 2 working days in advance.

The Diving Supervisor is required to confirm full compliance with the Diving at Work Regulations 1997, any subsequent amendments and the

appropriate Approved Code of Practice (Commercial diving projects inland/inshore - L104).

### **1.8.5 Hot Work Permits**

A hot work permit must be opened for all hot work carried out in the harbour area. The permit is authorised by the Harbour Master to ensure that all hot work is carried out in a safe manner.

Hot work is usually taken to apply to operations involving the application of heat to tanks, vessels, pipelines etc, which may contain flammable vapour or where adjacent tanks or containers may hold flammable substances producing vapours. Hot work permits are often more generally applied to any type of work which involves actual or potential sources of ignition and which is done in an area where there may be a risk of fire or explosion, or sparking portable electrical equipment which is likely to cause ignition.

They should be used for any welding or flame cutting, the use of any tools which may produce sparks and the use of electrical equipment which is not intrinsically safe or of a suitably protected type. Some installations distinguish between high energy sources of ignition such as a naked flame, welding and spark producing grinding wheels, which are likely to ignite flammable atmospheres, and materials, along with low energy sources like hand tools and non-sparking portable electrical equipment which are likely to cause ignition only if there is a fault.

## **1.9 Pilotage**

As a Competent Harbour Authority, for Mounts Bay, St Ives and Truro, Cornwall Council act under powers contained in the Pilotage Act 1987. It can issue Pilotage Directions for its Harbour Areas that fall within the areas listed. The relevant Legislation is:

- The St Ives (Pilotage) Harbour Revision Order 1988
- The Penzance and Newlyn (Pilotage) Harbour Revision Order 1988

## 1.10 – Publications, Forms, Notices & Website

Regularly updated information such as tariffs and Notices to Mariners, and Navigational Guidance, are available in leaflets, handbooks, and online in order to meet the demands of all customers.

### 1.10.1 Publications

A number of documents are produced and available in PDF (via website) or in hard copy from Harbour Offices. These include:

- Cornwall Harbours Board & Maritime Dues, Fees and Charges
- Environmental Code of Conduct Leaflet
- Tide Books (Bude and Truro, Falmouth & Penryn only)

### 1.10.2 Forms

A controlled list of forms is maintained.

### 1.10.3 Notices

- Notices to Mariners are issued by the Harbour Master on a regular basis to inform mariners of any operations or works taking place in the harbour which may affect the safety of navigation. Examples are:
  - Navigation Light unserviceable
  - New wreck being identified
  - Events taking place within the harbour area
  - Change in charted depths
  - Marine Licensed works taking place
- Harbour Master Notices are issued by the Harbour Master when there is any other operation or works taking place that do not directly affect the safety of navigation. Examples are:
  - Car park closure
  - Crane lifting operations
  - Construction projects ashore



#### **1.10.4 Website**

Much information is available on the Cornwall Harbours website ([www.cornwallharbours.co.uk](http://www.cornwallharbours.co.uk) ) including relevant publications, notices. News posts are regularly updated which include items such as vessels for sale (via Unserviceable Boat Process).

The website is maintained by the Maritime Manager and Business Compliance Manager at this time.

#### **1.10.5 Adverts**

Such as vessels/items for sale

#### **1.10.6 Press**

Notices publishes in the press or press releases/scans

### **1.11 – Emergency Response Plans**

Cornwall Council, as a Statutory Harbour Authority, is required to have a range of Response Plans in order to cover the actions required in the event of an incident or accident.

The primary document is Cornwall Council's Emergency Response Framework which is supported by the following plans:

- a. Truro Oil Spill Contingency Plan
- b. Penzance Oil Spill Contingency Plan
- c. Cornwall Council Shoreline Response Plan

### **1.12 - Management Plans**

#### **1.12.1 Safety Plan**

As required by the PMSC a Safety Plan has been developed. This was last reviewed in 2023 and is valid for a period of 3 years.

### 1.12.2 Business Plan

The Business Plan describes the objectives, strategies, activities and financial forecasts for all of the Ports and Harbours managed by the Harbours Board. The Memorandum of Understanding (MoU) between Cornwall Council and the Harbours Board considers that Plans should promote the ports and harbours to be financially self-sustainable bodies in the long term, reducing the risk of the need to call upon the Councils General Fund. The Business Plan was last updated in January 2022.

### 1.12.3 Port and Harbour Master Plans

A Port Master Plan has been adopted for Truro, Penryn and Penzance which reflect the physical but flexible expression of the future vision for the harbours. The goal has been to develop a vision that is consistent with the Sustainable Strategy and permit the harbours to be managed in a financially self-sustainable way in the long term.

At Penzance the Master Plan has been updated and funding secured from Town Deals Fund which will enable a number of projects to be progressed.

### 1.12.4 Waste Management Plans

Waste Management Plans are produced in response to the requirements set out in the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (amendment) Regulations 2016, and Merchant Shipping (Prevention of Pollution by Sewage & Garbage from Ships (SI 3257 of 2008). These Regulations are explained in guidance offered by the MCA – MGN 563.

This plan ensures that St Ives Harbour complies with all legislation and guidelines, namely the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (amendment) Regulations 2016.

In the preparation of the Plans, due consideration has been given to the requirements of the specific legislation and the need for clear guidelines for those in the waste chain. The Plan identifies the constituent and ancillary parts of that chain, providing information to assist in the handling and disposal of all categories of waste in the prescribed manner.

## 1.13 - Maritime Reporting Procedures

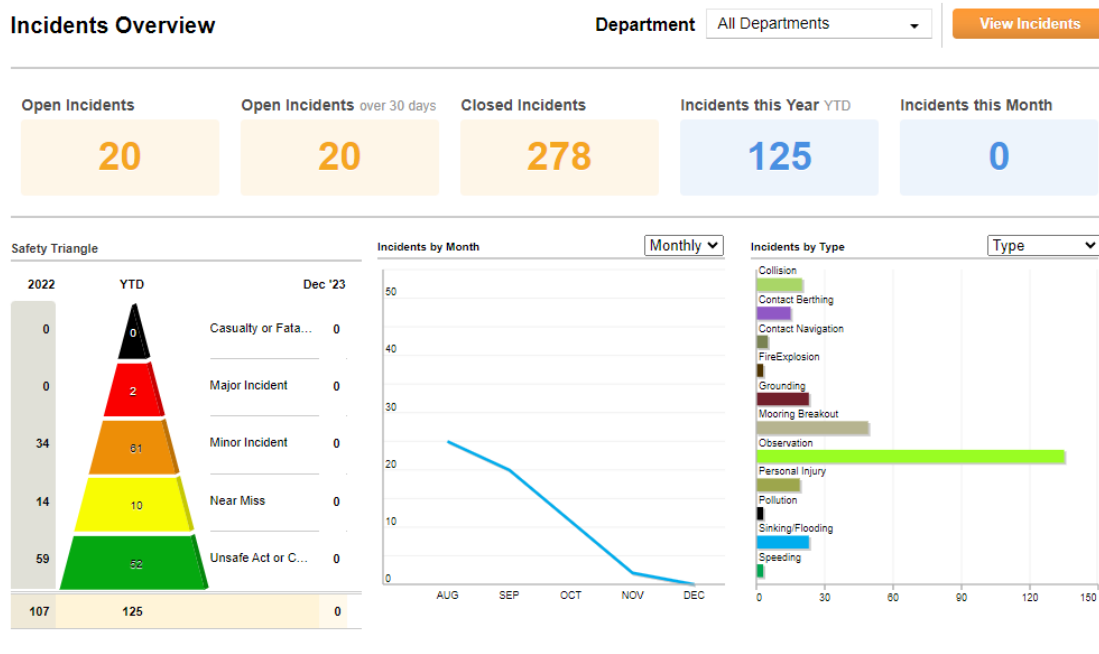
The Maritime Reporting Procedures detail the vehicle for reporting including incidents, accidents, defects and any events from which a safety

lesson can be derived. These reports can be completed by any member of staff or Harbour User and are managed through the online report database Hazman. All actions in response to the initial report are recorded, and the closed only when all relevant response actions have been completed.

Incidents relating to Health and Safety or Injury must be recorded on Cornwall Council’s database Assessnet.

## 1.14 - Management Review & Inspections

Regular meetings are held as detailed in the Management Review Table. The outputs of the MSMS are reviewed as detailed to ensure compliance and assist Harbour Staff with its implementation. These meetings include a review of Hazman and Incident Actions.



An annual report is published in accordance with the MOU and required by the PMSC. This report includes measures against the Safety Plan and information on financial performance.

Regular site inspections of Harbours and Maritime Facilities are undertaken and recorded on Harbour Assist as detailed below. These include:

- PRE Inspections
- Safety Tours

- Compliance Inspections (against HSE Safety in Docks)

Cornwall

Bude Harbour Safety and Compliance Inspections						
Inspection Type	Open				Completed	
	Overdue	Next 7 Days	Next 30 Days	Next 365 Days	Last 30 Days	All Time
Monthly Safety Tour	0	0	1	0	1	17

Bude Harbour Sea Lock Inspection						
Inspection Type	Open				Completed	
	Overdue	Next 7 Days	Next 30 Days	Next 365 Days	Last 30 Days	All Time
Bude Harbour Sea Lock Inspection	0	0	1	0	1	13

Bude PRE						
Inspection Type	Open				Completed	
	Overdue	Next 7 Days	Next 30 Days	Next 365 Days	Last 30 Days	All Time
Weekly PRE Check	1	0	0	0	3	54

Newquay Fridge/ Freezer						
Inspection Type	Open				Completed	
	Overdue	Next 7 Days	Next 30 Days	Next 365 Days	Last 30 Days	All Time
Temperature Check	1	0	0	0	8	16

## 1.15 – Audit and Improvement Plans

With the appointment of a Designated Person in 2023 a 3 year audit programme has been established to include all harbours and marine facilities managed by the Maritime Service.

Internal audits are completed annually and detailed in the ‘Internal Audit Records and Schedule’ spreadsheet.

A Non-Compliance Report Register details findings identified during internal or external audits. Corrective and Preventative Action sets out the system for reporting and planning resolution of non-conformance. The non-conformance system requires, action to mitigate the problem, formal investigation, planning of corrective actions to prevent reoccurrence, checking the effectiveness of the actions, and re-planning new actions where needed.

## 1.16 – Stakeholders

The Cornwall Harbours Harbour Revision Order 2023 requires that Cornwall Council establishes one or more advisory bodies which the Council must (except in an emergency) consult on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of the harbours and their navigation. It must make arrangements for every such advisory body to meet not less than twice a year.

### **1.16.1 Harbour Stakeholder Groups**

Each harbour is encouraged to form a Stakeholder/User Group and Written Terms of Reference. These groups should not meet less than twice per year.

### **1.16.2 Combined Cornwall Harbours User Group**

A combined Stakeholder Group provides an opportunity for all Stakeholder Group Chairs to meet twice annually with the Maritime Management Team. Up to 5 members of this group can hold a non-voting position on Cornwall Harbours Board.

Prepared by:

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Maritime Service

15 January 2024

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