

EAST SUFFOLK COUNCIL

Southwold Harbour Marine Policy

- i. In considering the role of the Harbour Master, The Harbours, Docks and Piers Clauses Act 1847 states "The expression 'The harbour master' shall mean, with reference to any such harbour, the harbour master and with reference to any such dock the dock master and with reference to any such pier, the pier master, respectively appointed by virtue of this or the special Act, and with respect to all Acts authorised or required to be done by such harbour master, dock master or pier master."
- ii. Section 52 of the Harbours, Docks and Piers Clauses Act 1847 details the Harbour Masters statutory powers, namely:

"The harbour master may give directions for all or any of the following purposes: (that is to say,)

For regulating the time at which and the manner in which any vessel shall enter into, or go out of, or lie in or at the harbour, dock or pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein

For regulating the positioning in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take or deliver ballast within or on the harbour, dock or pier

For regulating the manner in which any vessel entering the harbour or dock or coming to the pier shall be dismantled, as well for the safety of such vessel as for preventing injury to other vessels, and to the harbour, dock, or pier, and the moorings thereof

For removing unserviceable vessels and other obstructions from the harbour, dock, or pier, and keeping the same clear

For regulating the quantity of ballast or dead weight in the hold which each vessel in or at the harbour, dock, or pier shall have during the delivery of her cargo, or after having discharged the same.

Provided always, that nothing in this or the special Act contained shall authorize the harbour master to do or cause to be done any act in any way repugnant to or inconsistent with any law relating to the Customs, or any regulation of the Commissioners of her Majesty's Customs and Excise."

- iii. With specific reference to the aforementioned statutory powers, the following organisation chart illustrates the lines of responsibility between East Suffolk Council (ESC) in its capacity as Harbour Authority and its Harbour Masters.

Profile of Southwold Harbour Responsibilities

Chief Executive {Southwold Harbour}
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Duty Holder {Southwold Harbour}
HMC

Marine Advisor
Montgomery Smedley

Harbour Masters
Peter Simmons/Jerry Hilder

ESC as Harbour Authority

The main functions of the Harbour Authority may generally be classified as follows:

- The provision and maintenance of harbour facilities.
- Navigational safety functions, including lighting and buoying the harbour, the removal of wrecks and other obstructions and maintenance dredging of navigational channels.
- Regulating the activities of other persons at the harbour including, in particular the movement and berthing of ships in the harbour, by means of directions and byelaws, and licensing dredging in the harbour by other persons.
- The prevention of pollution and nature conservation.

Published Policies and Plans

The Harbour Authority has developed policies and plans in accordance with the standards set out in the Port Marine Safety Code. This document details the policies adopted to achieve the codes required standard. The policies and plans are based upon a full assessment of the hazards that have to be managed to ensure the safety of the Authority's Harbours and their users.

Harbour Authority Powers

The Harbour Authority will keep its powers, and the extent of its jurisdiction, under review to ensure that they are appropriate for maintaining the overall safety of its harbour promoting changes where necessary.

Environmental Duty

The Harbour Authority acknowledges that it has a general duty to exercise its functions with regard to nature conservation and related environmental considerations, in particular with regard to the requirements of the EU Habitats Directive. If considered necessary, the Harbour Authority will seek additional powers for these purposes.

Good Practice

The Harbour Authority will ensure that plans of its harbour is prepared and updated with reference to Good Practice of Marine Operations in Ports, written in support of the Port Marine Safety Code.

Consultations

The Harbour Authority will seek to consult with harbour users and relevant interested parties when considering applicable port / marine safety related matters.

Resources

The Harbour Authority will ensure that adequate resources are provided to its officers to operate policies, plans and systems effectively, recognising the proper discharge of the authority's duties will otherwise be compromised.

Safety Policy

The Harbour Authority has statutory duties in respect of:

- The regulation of traffic and the safety of navigation within the limits of the Authority's harbours.
- The conservancy of The Authority's Harbour.

In order to effect the above statutory duties, the Harbour Authority will ensure the plans are in place to:

- Monitor the safe arrival, departure and movement of vessels within the Authority's harbour.
- Protect the general public from the dangers arising from maritime activities within the Authority's Harbour.
- Prevent acts or omissions that may cause personal injury to The Authority's employees or others.

The Duty Holder

The Harbour Authority accepts responsibility for ensuring that its duties and powers are discharged to the standard set out in the Port Marine Safety Code.

The Designated Person

The Harbour Authority has appointed the Marine Advisor as the 'Designated Person' to provide assurances that the Authority's marine safety management systems are working effectively.

Harbour Master

The Harbour Authority will, where necessary, exercise its power to appoint Harbour Masters for its harbour. The Harbour Master is as defined in Section 2 of the Harbour Docks and Piers Clauses Act 1847 so as to include, in addition to the Harbour Master himself, his assistants. The expression includes any person authorized by the Harbour Authority to act in the capacity of Harbour Master.

Competence Standards

The Harbour Authority will assess, using the most appropriate means available, the competence of all persons appointed to positions with responsibility for safety of navigation.

Health & Safety at Work

The Harbour Authority will conduct its undertakings in such a way as to ensure, so far as reasonably practicable, that persons not in its employment who may be affected by the authority's undertakings are not exposed to risks to their health and safety.

Safety Management Systems

The Harbour Authority policies are fully supported by Procedures to:

- Monitor the safe arrival, departure and movement of vessels within the Authority's harbour.
- Protect the general public from dangers arising from marine activities within the Authority's harbour.
- Carry out Harbour Authority functions with special regard to their possible environmental impact.
- Prevent acts or omissions that may cause personal injury to The Authority's employees or others, or damage to the environment.

Safety Assessment and Management

The Harbour Authority approach to safety assessment and management is aimed at enhancing marine safety within the jurisdiction of its Harbour, including protection of life, health, the marine environment and property.

Risk Assessment

The Harbour Authority has undertaken a formal, documented marine risk assessment of its Harbour, and established systems designed to periodically review the findings of the assessments.

Continuous Assessment and Review

The Harbour Authority acknowledges that the process of port marine safety assessment is continuous, so that new hazards and changing risks are properly identified and addressed. The Harbour Authority will supplement the continuous review process with formal reviews at suitable intervals.

“The ‘ALARP’ principle (as low as reasonably practicable)”.

The Harbour Authority will, so far as is practicable, take measures to eliminate any risks identified, through the assessment and review process.

Risk Control

All final decisions about risk control methods will take into account relevant legislation, minimum standards and human factors.

Measuring Performance

The Harbour Authority will monitor its performance in relation to port marine safety.

Link to Safety Management System

The Harbour Authority will endeavour to ensure its marine safety management systems make proper use of all available powers and, in doing so demonstrate the connection between powers adopted and the formal risk assessments.

Hydrography

The Harbour Authority will use all appropriate means to find, mark and monitor the best navigable channel or channels in its harbour. It will promulgate, as appropriate relevant hydro graphic information associated with its harbour, including information relating to navigational hazards.

Local Lighthouse Duties

The Harbour Authority, in its role as a local lighthouse authority, will seek to maintain applicable aids to navigation in accordance with the availability criteria laid down by the General Lighthouse Authorities.

Admiralty Charts

The Harbour Authority will seek to work closely with the Hydrographic Office to ensure the relevant information required for inclusion within Admiralty Charts and publications is made widely available.

Excepted Vessels

The Harbour Authority will ensure that the risks to which the requirements of pilotage directions may not apply are adequately managed.

Limits of Jurisdiction

In the event that the Harbour Authority considers that pilotage should be compulsory for ships navigating in the area outside of its harbour, it will, if appropriate, apply for a harbour revision order to be made to extend its limits for the purposes of pilotage to include that area.

Training

The Harbour Authority will ensure that all those employed by the Harbour Authority, will be allocated the training standards that will be appropriate with the competence in parallel with the Port Marine Safety Code.

Workboats

The Harbour Authority will ensure that workboats used in The Authority's harbours comply with work regulations and Codes of Practice.

Prevailing Conditions

The Harbour Authority will ensure, so far as practicable, that information is made available regarding prevailing and forecast meteorological conditions and, where necessary, their effect on the operation of its Harbours.

Enforcement

The Harbour Authority will monitor and where appropriate, actively enforce compliance with its harbour byelaws and directions. It is noted that any apparent contravention of such byelaws or directions may result in the prosecution of the offender.

Collision Regulations

The Harbour Authority will, where necessary, seek to ensure that its harbour byelaws provide for circumstances that the Collision Regulations do not consider.

Dangerous Vessels

The Harbour Authority will ensure that due notice is provided to the directions that may need to be given in relation to a dangerous vessel that may wish to enter its harbour.

Emergency Planning

The Harbour Authority will ensure that appropriately detailed emergency plans are published and periodically exercised.

Prevention of Pollution

The Harbour Authority will ensure that plans are published to deal with oil spills.

Works in Harbours

The Harbour Authority will ensure that's its marine safety management systems has appropriate provision for works undertaken in harbours, in particular for the regulation of dredgers and other craft associated with such works.

Wrecks

The Harbour Authority will ensure that's its marine safety management systems require a risk assessment to be undertaken of any wreck in, or on the approaches to, the Authority's harbours which may cause a danger to navigation.