

## EXETER HARBOUR BOARD

Date: Thursday 13 July 2023

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting.

Entry to the Civic Centre can be gained through the rear entrance, located at the rear of the Customer Services Centre, Paris Street.

If you have an enquiry regarding any items on this agenda, please contact Sharon Sissons, Democratic Services Officer (Committees) on 01392 265115.

### *Membership -*

Councillor Williams (Chair), Ellis-Jones, Leadbetter, Pearce, Read and Snow  
Messrs Adams, Garratt, May, and Michaelson (two vacancies TBC)

## Agenda

1 **Apologies**

2 **Minutes**

(Pages 5 -  
10)

To approve the minutes of the Exeter Harbour Board meeting held on 17 April 2023.

3 **Local Government (Access to Information Act 1985) - Exclusion of Press and Public**

It is considered that the Board would be unlikely to exclude the press and public during consideration of the items on this agenda, but if it should wish do so, then the following resolution should be passed:

**RECOMMENDED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the particular item(s) of business on the grounds that it (they) involve the likely disclosure of exempt information as defined in the relevant paragraphs(s) of Part 1, of Schedule 12A of the Act".

4 **Declarations of Interest**

Members are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included

in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

## 5 **Public Questions**

A period of up to 15 minutes is available to deal with questions relating to the business of the Harbour Board from the public.

Details of questions should be notified to the Democratic Services Manager via the [committee.services@exeter.gov.uk](mailto:committee.services@exeter.gov.uk) email by 10.00am at least three working days prior to the meeting. For this meeting any questions must be submitted by 10.00am on Monday 10<sup>th</sup> July 2023.

## 6 **Appointment of New Members of the Board**

The Board to confirm the appointment of two External members to the Board.

## 7 **Exeter Port Users Group Update**

To receive a verbal update from a representative of the Exeter Port Users Group (EPUG)

## 8 **Harbour Master's Report**

(Pages 11  
- 14)

To receive a quarterly report from the Harbour Master. (Grahame Forshaw)

## 9 **Harbour Revision Order Update**

To receive an update from the Harbour Master. (Grahame Forshaw)

## **Date of Next Meeting**

The next scheduled meeting of the Exeter Harbour Board will be held on **Monday** 25 September 2023 at 5.30 pm in the Civic Centre.

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## EXETER HARBOUR BOARD

Monday 17 April 2023

### Present:-

Councillor Ruth Williams (Chair)

Councillors Ellis-Jones, Pearce, Read, and Messrs Garratt, May and Sitch

### Apologies

Councillor Leadbetter, Snow and Messrs Adams, Eggleton, and Michaelson

### Also Present

Harbour Master Exeter Port Authority (GF), Canal Manager (CA) and Democratic Services Officer (SLS)

Rex Frost - Chair of Exeter Port Users Group

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### MINUTES

The minutes of the meeting held on 15 December 2022 be taken as read and signed by the Chair as a correct record.

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### DECLARATIONS OF INTEREST

No declarations of discloseable pecuniary interest were made.

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### PUBLIC QUESTIONS

No public questions were received.

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### EXETER PORT USERS GROUP UPDATE

The Chair of the Exeter Port Users Group, Rex Frost presented a verbal update on the Group's recent activities, and last meeting on 30 March, attended by the Harbour Master, Grahame Forshaw including:-

- the welcome news that the volunteer patrols in the Estuary were now using the recently acquired rigid inflatable boat (RIB). New legislation would also help manage the use of Estuary, and in particular, those using personal water craft such as Jet Skis.
- the Group looked forward to the opportunity to comment as part of the Harbour Revision Order (HRO) process. They anticipated the Royal Yachting Association (RYA) were also likely to comment through their local legal representative as the River Exe was seen as a major leisure activity river. The issue of any charges levied within the HRO was not any clearer and it was noted that any such change would be set out as part of the public consultation in due course.
- the Harbour Master had suggested that the recent Shoreham HRO would offer a template for the River Exe, but Shoreham was a reasonably sized commercial harbour with a long established charging structure and the River Exe had no such history.
- the EPUG considered, that given there were several thousand leisure users who will be the likely fee payers, there will be a huge public interest in whatever plan is outlined.
- the Harbour Master would reschedule the planned visit to take the Newton Abbot MP, Anne Marie Morris on the River Exe to discuss the Estuary from

the West Bank of her Constituency due to inclement weather conditions.

Mr Frost responded to the following Members' comments and enquiries:-

- he would follow up the suggestion that there were four MP's covering areas leading to the Estuary and Canal, with an invite to the MP for Central Devon to come on the River Exe.
- jet skiers have always been a concern, but the new national legislation has decreed they should be treated the same as boats on the river, and could now be prosecuted under that legislation for anti-social behaviour.

A Board Member stated that the Royal Yachting Association (RYA) offered personal watercraft training, and he welcomed any effort to encourage a sponsored Jet Ski training school for the Estuary. The Harbour Master agreed to contact the Personal Watercraft Partnership, which was an RYA led initiative and report back to the Board.

Members noted the report.

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### **HARBOUR MASTER'S REPORT**

The Harbour Master highlighted and updated a number of aspects of the circulated report.

- The Bascule Bridge was now operational again. The team had been busy using the boat crane, and also liaising with those customers who have had to wait to move their boats.
- the Waterways Team Manager had looked at a weed control boat in operation at Tiverton Canal, and although the boat was not suitable for Exeter's canal there were a number of features including the weed cutting operation with the weed laid on the bank. The Harbour Master anticipated the proposed action to control the weed in the canal by only cutting the middle third of the water to keep the waterway clear for rowers and kayakers would help to manage expectations as well as the navigable aspect of keeping the channel and view clear.
- the ownership of the Turf Hotel has changed along with their business model to include year round opening, which will have an impact on the canal access road, the numbers of people walking along the canal bank and boat use and a different ferry offer has been suggested, but will require more thought by the team on how this is managed.
- a recent pollution incident in the Canal Basin was dealt with quickly and the oil and residue had dissipated. The Waterways Team Manager advised that daily checks had been mounted to monitor the situation. It was unfortunate that the Exe Water Sports Association had held an open event on the following day.
- the new Rigid Inflatable boat (RIB) has replaced the City of Exeter patrol boat, which will be easier for staff and volunteers to respond and be afloat more quickly to any incidents in the river. The RIB will also be more visible with a warning light, harbour master insignia and radar for night use, as well as being more economical to run. An update will be made on its operation at the next Harbour Board meeting.
- it was anticipated that, by the end of the year, all of the vessels used by the team would be Maritime and Coastguard Agency (MCA) coded.
- the Harbour Patrol team would undertake further training before any enforcement on the Estuary commenced, as well as an opportunity to educate personal watercraft operators, reinforcing the message that personal watercraft operators and drivers could be prosecuted if they

endangered lives or property by their actions. There was a conflict of use between the speedboat racing area close to the Imperial Sports Ground and slipway which was also popular with paddle boarders, kayakers and kite surfers which the RIB patrols will help to manage.

- the Light Detection and Ranging (LIDAR) surveying exercise would provide an accurate measurement of the sandbanks and mud banks in the Estuary with just one small section of the river to complete.
- mooring servicing work would be completed soon despite the recent poor weather. Servicing the navigation aids will then commence with particular attention on No 17 and 35 buoys.
- work on the alternative power trains for boats using possibly hydrogen or battery power has continued. Exeter University have submitted a grant application and the outcome will be known by September.
- it is hoped the successful Estuary volunteers programme could be extended to educate people about safe behaviour around the canal.
- the Britannia, a sailing fishing boat was due to come into the Quay to complete restoration in the third week in September. A replica Thames sailing barge called the Snark will come in and stay in the Basin for the 23/24 winter period. The Thames sailing barge, the Lady Daphne was expected to come to Exeter next year.

The Harbour Master responded to the following comments:-

- he would continue to discuss the issues raised by Board members including the potential impact of greater visitor numbers and changes to the access, with the new owners of the Turf Hotel, as well as any opportunity to work together.  
The Waterways Team Manager added that access and car parking was limited and was part of the Council's canal estate.
- the approach to greater enforcement of the Estuary would continue with more training and more equipment such as the provision of bodycams to deal with the potential challenges ahead.
- the recent pollution incident did not involve any heavy fuel and it was likely to be bilge water as the light liquid had mostly evaporated. There were no large amounts of emulsified fuel drifting around. The Waterways Team Manager added that it was often difficult to pinpoint the source of the pollution when investigating any diesel or bilge water spills. He had spoken to a number of boat owners and put out a preventative action message.
- Exmouth Dock was a harbour authority in their own right and would have a pollution response plan. He would speak to the Harbour Master at Exmouth Docks to discuss their arrangements for any such incident.
- an invoice had been raised in respect of the MV Johnny Eager and they hoped to recover the costs from the boat owner. Any non-payment would be referred to the legal team for action.
- a pause in the dredging work was not having any impact on the channel, and the removal of some material using an alternative means was work in progress.

The Waterways Team Manager also responded to a Board Member's comment and referred to the weed clearance and base of the bank effected by regrowth. No trees have been removed and tree planting had taken place near the Trews Weir allotments. The main thrust of the work was to preserve the canal, stopping any breach of the banks and more effort would be made to communicate better with the public about the approach to maintenance.

Members noted the report.

### **HARBOUR BOARD VISIONING EVENT REVIEW**

The Chair referred to the Vision Day which had once again been very successful. An update of the core values and actions had been presented for approval.

Members made the following comments on the Vision Day:-

- the Council had passed a Motion seeking improvements to the water quality of the River Exe and waterways in general, and a reference in relation to the ecological health of the waterways or safeguarding of the wildlife and habitat should be included in the Vision Statement.  
The Chair suggested the Board Member put forward more detail for further discussion.
- the overall statement does include references to the environmental well-being of the place without further detail being required.
- the Exe Estuary Management Partnership and South East Devon Habitat Committee focused on fauna and wildlife.
- the timing and type of public consultation will be key, with a formal consultation for the HRO to allow the public to comment, as buy in and agreement of the overall vision was necessary.
- as well as extensive consultation as part of the HRO application, there should be more engagement from the start to ensure the community understood the process.
- whilst consultation was vital, the Harbour Board meetings also offered an opportunity to remain informed and participate through questions to the Harbour Board or contact with Members to take the public on the journey.

The Chair thanked Members for their comments and feedback on the Vision Day event, which once again, had been very successful. A suggestion in relation to offering a separate space for the break out groups was welcomed. The opportunity for the Board to meet in a more relaxed setting was also appreciated by Members. Following on from that suggestion, it was suggested that an informal session lasting for 30 minutes or so would be held to raise future discussion topics for the Board, to commence from the next meeting.

Members noted the report and approved the Vision Statement for the forthcoming year.

### **HARBOUR REVISION ORDER UPDATE**

The Harbour Master reported that two meetings had now been held with Ashford's Solicitors to discuss how the HRO process will proceed including the initial HRO application to the Marine Management Organisation (MMO). A further meeting would be held in early May to set out what the proposed pre-application public consultation will look like, as well as contact with the Exeter Canal and Quay Trust who manage part of the estate for the Council. It is hoped that the additional consultation will allay some of the concerns relating to charging, but provide some reassurance that it was to control the waters more effectively.

In response to Members' questions, the Harbour Master confirmed they were optimistic that they could submit the application for a HRO before the application price increased in October. It was anticipated that the overall timescale for the application to pass through Parliament could take up to three years. An invitation would be made for representative of Ashford's Solicitors to attend the next meeting

to provide an update to the Harbour Board.

Members noted the report.

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#### **HARBOUR BOARD APPOINTMENT**

The Chair confirmed that two External Member positions on the Harbour Board were due for reappointment. Members commented on the circulated draft advertisement, to ensure that the skills set was relevant. The advert would be posted on the Exeter Port Authority web site and sent to a number of interested organisations to share with their members. Board members made the following comments:-

- that experience in Environmental management along with ecology and conservation should be included;
- the advert be posted on the City Council's newsfeed, and the Exe Estuary Management Partnership's express newsletter;
- a Board Member suggested a younger demographic could be contacted through the members and sailing instructors of sailing clubs particularly as they had a long term stake in the future of the river.

Members noted the report.

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#### **DATE OF NEXT MEETING**

The Chair proposed a change in the date of the next meeting, with Members being canvassed on the 13 or 27 July.

A request had been made if it was possible to hold future Board meeting virtually, to allow some external members who might be called away on business at short notice to join the meeting. The Democratic Services Officer advised that the Harbour Board was a formally constituted meeting and as such could only be held in person. She would however, share the request and report back to the Board.

(The meeting commenced at 5.30 pm and closed at 6.45 pm)

Chair

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## **Harbour Master report to the Harbour Board 13 July 2023**

The month of July is at the height of our summer season, maximum activities on the water and it has been heartening to see so many people out and about enjoying the wonderful warm weather that we have had since the start of May.

Commercial mooring servicing work in the river has been finished and we have many happy customers with their vessels swinging on moorings in the wind and tide.

Our focus now turns to the maintenance work on our navigation aids. In the River Exe there are over 50 lateral marks, each one will need to be lifted, inspected and serviced before putting it back down in the same position.

### **Moorings barge**

The Can Doo that we have been using for our commercial work has now been withdrawn from service and we are in the middle of laying up the vessel until we have decided what to do with her.

The moorings barge (named Port Constructor) that we will be chartering will be available to us from the end of July. The vessel will be fully MCA coded and fit for purpose.

Before we start using Port Constructor for any work in the river, we will be carrying out some staff training. The team have already received training on the vessels' crane and once we take control of the boat we will put her to work straight away.

### **Patrol craft**

In late May we took delivery of the new patrol craft named Exe Harbour Launch and has been out on regular patrols in the river. The boat is popular with both staff and our volunteers and one of the benefits is that we are able to respond quicker to incidents afloat, the down side is that we cannot now stop and have a cup of tea as we did on City of Exeter!

The patrol teams have been actively engaging with water users reminding of the Bye-Laws regarding speed etc. but also the teams have been helping out recover stranded vessels, paddle-boarders getting into trouble and also kitesurfers.

This kind of positive engagement instead of just looking for people either going too fast or ignoring the Bye-Laws is as a result of feedback that our patrollers have had. We want to be seen as a good influence on the river and not just a deterrent or viewed as a negative to users of the waters.

### **Canal**

At the canal the team have been carrying on with both the regular maintenance of the banks, the cutting back of the foliage has finished for the nesting season so the team are concentrating on cutting back the weed in the water. At this time of year the weed in the canal grows at a phenomenal rate and as try as the team might, keeping up with the harrowing of the canal bed is almost impossible. What is needed is a weed control boat but the cost of one is far beyond our means at present. The best that the team can do at present is to run a harrow through the middle of the canal to chop the weed off at the roots just as it grows out of the canal bed.

Preparations are now underway for the arrival of both the replica Thames sailing barge Snark and the historic fishing vessel Britannia that are due to arrive at the canal late September this year.

The Snark will go into the river all being well, and tie up alongside King's Wharf just downstream of the Transit Shed and take part in the Harbour Festival at the end of that month. Britannia will be craned into the canal, move to the Basin under tow and be moored at the west for quay for the restoration work to be completed. The completion work should be done in just over a year all being well.

### **Harbour Revision Order**

Progress towards the application is progressing. The maps showing all council owned property on the canal and riverbanks are now available and from these plans, a start can be made on formulating the Port Premises Plan that needs to be completed before the initial application to the Department for Transport about the revision to the Order.

### **Duty Holder**

The Chief Executive at Exeter City Council has proposed that the Duty Holder for the Port of Exeter will be David Bartram, the Director in the Council responsible for Waterways. David will be attending an on-line training session with the British Ports Association about the role in the autumn of this year.

With the nomination of David Bartram as Duty Holder, he will ultimately be responsible for ensuring compliance with the Port Marine Safety Code. It is proposed that the wording in the role and terms of reference of the Harbour Board be revised. (see separate draft document). It is intended that a report will be submitted on this matter to the Council's Executive.

Grahame Forshaw

Harbour Master

## **EXETER HARBOUR BOARD TERMS OF REFERENCE**

The Harbour Board sits within the existing committee structure of Exeter City Council and consists of six Exeter City Council Members and also six external representatives, who have a broad experience and interest in the workings of a harbour and its operational environment. The Chair is the Portfolio Holder with responsibility for the city's waterways.

*Exeter City Council is the Port Authority for the Exe Estuary, some non-tidal sections of the River Exe and the Exeter Ship Canal. This stretches from Blackaller Weir (in Bonhay Road, Exeter) to a safe water mark a mile off the Exmouth beach. The Board is the **advisor to the Duty Holder** responsible for the management of the Port of Exeter and will meet every quarter. The Board's duties include **working with the Harbour Master to prepare** ~~preparing~~ an annual business plan for the service, monitoring compliance with the Port Marine Safety Code and consulting harbour users and other stakeholders.*

*The Terms of Reference for the Board is as follows:*

- (a) To **have maintain** strategic oversight and direction of all aspects of the Harbour operation, including marine safety;*
- (b) To **take an active role with the Harbour Master in the development** ~~be responsible for the development~~ of policies, plans, systems and procedure for safe navigation;*
- (c) To ensure that all assessments and reviews are undertaken as required to maintain and improve marine safety;*
- (d) To **work with the Duty Holder (the Director responsible for the Council's waterways)** to ensure that the harbour authority sees and adopts appropriate powers for the effective enforcement of their regulations, and for the setting dues at a level which adequately funds the discharge of all their duties;*
- (e) To appoint a Designated Person to provide independent assurance directly to the Duty Holder that the Marine Safety management system is working effectively; and*
- (f) To continue to investigate an application for the potential for applying for a Harbour Revision Order to empower the Council to take enforcement action on issues such as dangerous use of jet skis*

*through Special Directions and to oversee a review of the Bye-Laws covering the Estuary.*

DRAFT